

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

Resolution Number 22-

Record Number PLN-2021-17253

Assessor's Parcel Numbers: 201-322-006

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves Jess Bareilles Conditional Use Permit

WHEREAS, Jess Bareilles provided an application and evidence in support of approving a Conditional Use Permit located in the Fortuna Community Planning Area for one acre of new mixed-light commercial cannabis cultivation supported by a 4,360 square foot ancillary nursery. Also proposed is a 2,400 square foot support facility for both offsite processing and distribution.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** A Conditional Use Permit located in the Fortuna Community Planning Area for one acre of new mixed-light commercial cannabis cultivation supported by a 4,360 square foot ancillary nursery. Also proposed is a 2,400 square foot support facility for both offsite processing and distribution. The estimated 535,000 gallons annual irrigation water budget is sourced from rainwater catchment and is supported by 500,000 gallons of water storage tanks. Power is provided by PGE.

EVIDENCE: a) Project File: PLN-2021-17253

- 2. FINDING:** **CEQA:** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Addendum to the Environmental Impact Report 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 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) Phase I and Phase II studies of the site were conducted which concluded no further study or action was needed.

d) The parcel takes access from a state highway which meets Category 4 standard.

e) A Cultural Resources Survey was completed by Archaeological Research and Supply Company which found no sensitive cultural resources.

FINDINGS FOR CONDITION USE 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 Industrial, General (IG). Agricultural products processing is a use type permitted in the IG land use designation. The proposed cannabis cultivation, processing, and distribution of an agricultural product is within land planned and zoned for industrial purposes, consistent with the use of Open Space land for managed production of resources. The proposed project is not located within an Open Space Action Program because the project site is not planned or zoned as open space, does not have a combining zone that would be considered open space, and there are no other open space general plan or zoning code overlays affecting this project.

4. FINDING The proposed development is consistent with the purposes of the existing Heavy Industrial (MH) - Qualified (Q) zone in which the site is located.

EVIDENCE a) Cultivation, distribution and offsite processing uses are principally permitted in the MH zone. Uses not enumerated are allowed with a Conditional Use Permit in the Q zone.

b) The location of all project elements meets the setback requirements for the MH Zone with exception to a 90x46 building in the southeast corner. This building is legally non-conforming through the issuance of building permit 89-1055-A4.

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

EVIDENCE a) Humboldt County Code section 314-55.4.6.2 allows cultivation activities on parcels two acres or larger zoned MH when accompanied by an Industrial General land use designation. Section 55.4.5.1.4 allows commercial cannabis activity within the Fortuna Community Planning area with a Conditional Use Permit. Early notification in accordance with section 55.4.5.1.4.2 was conducted through a Notice of Application published on June 11, 2021.

b) The parcel was created in compliance with all applicable state and local subdivision regulations, as created prior to 1964.

c) The project will obtain water from rainwater catchment, an eligible water source.

d) The parcel is accessed from Highway 36. Which is developed to a Category 4 standard.

- e) The slope of the land where cannabis will be cultivated is less than 15%
- f) Power will be provided by a PGE through an eligible renewable energy program.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11(d). It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park, or Tribal Cultural Resource.
- h) The project complies with the performance standards in section 55.4.9 regarding adaptive reuse of industrial sites.

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 state highway meeting category 4 standard.
- b) 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. The is located in an area historically used for industrial purposes containing several current cannabis related uses. Approving 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.

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 Lower Eel Planning Watershed, which under Resolution 18-43 is limited to 336 permits and 116 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 78 permits and the total approved acres would be 37.04 acres of cultivation.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

Conditionally approves the Conditional Use Permit for **Jess Bareilles** subject to the conditions of approval attached hereto as EXHIBIT A and the Cultivation Operations Plan attached hereto as EXHIBIT B and Site Plan attached hereto as Exhibit C.

Adopted after review and consideration of all the evidence on November 17, 2022

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
DECISION:

I, John H. Ford, Secretary to the Planning Commission 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