

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

Resolution Number 23-

Record Number PLN-12995-SP

Assessor's Parcel Number: 211-331-005

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the David Coffey Special Permit.

WHEREAS, David Coffey submitted an application and evidence in support of approving a Special Permit for 9,080 square feet of existing outdoor full-sun cannabis cultivation with appurtenant nursery and processing activities; and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical 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 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; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on June 1, 2023, 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:

FINDING:

Project Description: A Special Permit for 9,080 square feet of existing outdoor full-sun cannabis cultivation with 900 sf of outdoor full-sun ancillary propagation. There is one cultivation cycle per year. Water for irrigation will be sourced from rain catchment from roof tops. Annual water use for irrigation is 64,000 gallons and was historically sourced from a well on site that will now be used for domestic purposes only. Current water storage on site consists of three tanks totaling 6,500 gallons and one 20,000-gallon water bladder that is to be removed. The applicant is proposing to add 12 water tanks, bringing the storage capacity on site to 64,500 gallons. The project will be done in two phases as additional water storage is installed. By limiting the initial square footage in phase one to 3,360 square feet, the site can rely on rain catchment and existing water storage. Phase two of the project will occur after the applicant has added the necessary water storage to the parcel. The site will then increase operations to the full 9,080 square feet of cultivation. The site is owner-operated, and no employees are utilized. Processing occurs onsite in an existing 160 square-foot storage container. Electricity is sourced from PG&E with a generator onsite for emergencies.

EVIDENCE: Project File: PLN-12995-SP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered 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, and the addendum to the MND prepared for the project.

- 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) The applicant will source water from rain catchment.
 - d) The applicant has enrolled in the State Water Resources Control Board's (SWRCB) General Order for Water Quality No. WQ 2019-001-DWQ, and a Water Resources Protection Plan was prepared that shows that remedial actions are not required to meet the Order's standard conditions.
 - e) According to the California Natural Diversity Database (CNDDDB), there is mapped potential habitat for seacoast ragwort on the subject parcel, but no development is proposed beyond the placement of additional water storage tanks that will coincide with the removal of a water bladder. The project is located approximately 0.65 miles to the nearest Northern Spotted Owl (NSO) activity center. The project is for existing outdoor full-sun cannabis cultivation without the use of lights, water will be sourced by rain catchment, and a generator would only be used in the event of a PG&E power outage. The project is conditioned that noise from the generator does not exceed 50 decibels at 100 feet from the generator or at the nearest tree line, whichever is closer. There are no streams on the parcel. The project was referred to CDFW on January 25, 2019 and May 9, 2023, and no comments were received.
 - f) The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkyone Wilderness Council. The NWIC replied recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Bear River Band replied recommending that a cultural resources survey be conducted on the property. The applicant retained Roscoe and Associates to complete a comprehensive field survey and prepare a Cultural Resource Investigation Report, which was completed in April of 2023. The report states that no historical or tribal cultural resources were identified within the parcel and no specific project recommendations are needed

at this time. The report also states that due to the intensive nature of the investigation, it is unlikely that significant historical resources will be discovered during project implementation; however, the report recommends that inadvertent discovery protocol be followed if concentrations of archaeological materials, or human remains are encountered. A condition of project approval has been incorporated regarding the inadvertent discovery protocol to protect cultural resources.

- g) Access to the project site is directly off of a paved county-maintained road with a centerline stripe. The project was referred to the Department of Public Works and comments were received recommending conditional approval for the project. The project is conditioned that the applicant adheres to the driveway encroachment improvement recommendations from the Department of Public Works. The project is owner-operated with no use of employees, and no increase in traffic is anticipated as part of the project.

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 and intensive agriculture are allowed uses in lands designated Residential Agriculture (RA).
 - b) 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 U zone in which the site is located.

- EVIDENCE**
- a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture uses is a desirable use.
 - b) All general agricultural uses are principally permitted in the U zone.
 - c) The project meets the minimum yard setbacks, minimum distances between major buildings, and maximum ground coverage requirements of the zone.
 - d) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis cultivation on a parcel zoned U over 1 acre subject to approval of a Special Permit. The application is for 9,080 square feet of pre-existing outdoor cultivation on a 7.4-acre parcel.

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

- EVIDENCE**
- a) The CMMLUO allows existing outdoor cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).
 - b) The subject parcel was known to be in existence prior to 1964 evidenced by Deed in Book 300 of Deeds Page 289, recorded July 19, 1954.
 - c) The applicant will source water from rain catchment.
 - d) Access to the project site is directly off of a paved county-maintained road with a centerline stripe. The project was referred to the Department of Public Works and comments were received recommending conditional approval for the project. The project is conditioned that the applicant adheres to the driveway encroachment improvement recommendations from the Department of Public Works.
 - e) The location of the cultivation complies with all 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, school bus stop, church or other place of religious worship, or Tribal Cultural Resource.
 - f) Electricity is sourced from PG&E with a generator onsite for emergencies. The project is conditioned that noise from the generator does not exceed 50 decibels at 100 feet from the generator or at the nearest tree line, whichever is closer.

6. FINDING The cultivation of 9,080 square feet of 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 not 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 will not change the existing character of the area due to the numerous other permitted cultivation operations nearby.
 - b) The applicant will source water from rain catchment.
 - c) The project is in an area designated to have High Fire Hazard Severity. The project is located within the State Responsibility Area for fire protection and the Fruitland Ridge Volunteer Fire Protection District (FRVFPD). FRVFPD responds to structural fires and medical emergencies. The project was referred to CALFIRE and FRVFPD and no responses were received. The project is conditioned that the applicant installs a designated fire suppression tank with a minimum storage capacity of 2,500 gallons that is fitted with the appropriate fire hose

connection that meets CalFire SRA requirements.

- d) Access to the project site is directly off of a paved county-maintained road with a centerline stripe. The project was referred to the Department of Public Works and comments were received recommending conditional approval for the project. The project is conditioned that the applicant adheres to the driveway encroachment improvement recommendations from the Department of Public Works. The project is owner-operated with no use of employees, and no increase in traffic is anticipated as part of the project.

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 site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 cultivation permits and 251 acres of cultivation. With the approval of this project the total approved cultivation permits in this Planning Watershed would be 302 permits and the total approved acres would be 91.7 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 David Coffey subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on June 1, 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 Zoning Administrator at a meeting held on the date noted above.

John H. Ford, Zoning Administrator,
Planning and Building Department