

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

Resolution Number 23-

Record Number PLN-13137-SP

Assessor's Parcel Numbers: 216-107-007

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves John Mahony Special Permit.

WHEREAS, John Mahony submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 6,300 square foot (SF) outdoor cannabis cultivation operation with appurtenant propagation and drying activities;

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

- 1. FINDING:** **Project Description:** A Special Permit for 6,300 square feet (SF) of existing outdoor cannabis cultivation grown in raised beds with ancillary support and processing activities on the 76-acre parcel. Water for irrigation is sourced from an existing onsite, off stream rain catchment pond and stored in hard-sided tanks. Total water storage equals 60,000 gallons in twenty (20) 3,000-gallon hard plastic tanks. Estimated annual water usage is 57,881-gallons (9.2 gallons/SF/year) during an 8-month-long growing season. Drying and curing occurs onsite in the attached garage of an existing 3,220-SF. All other processing, such as trimming and packaging, will occur offsite at a licensed facility. Electricity is provided by Pacific Gas and Electric Company and emergency use generators are stored in an enclosed shed.

EVIDENCE: a) Project File: PLN-13137-SP

- 2. FINDING:** **CEQA.** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Zoning Administrator has considered the Mitigated Negative Declaration 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 prepared for the John Mahoney 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 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 Site Management Plan was prepared by Timberland Resource Consultants to show compliance with the North Coast Regional Water Quality Control Board Order No. 2019-0001.
- d) Road Evaluation Reports were prepared by a licensed engineer for Island Mountain Road, Road C, and Lauffer Road, which indicate that each road is maintained to the equivalent of a road Category 4 standard. Public Works' recommendations to ensure all fences and gates be relocated out of the County right-of-way and if the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet, and is made a condition of approval.
- e) A Cultural Resources Survey was completed by Archaeological Research and Supply Company which identified an area on the subject parcel containing sensitive cultural resources. The survey recommends placing a 100-foot buffer around the area containing sensitive cultural resources, which has been made a condition of the project's approval. Planning staff determined it is necessary for the applicant to record a Notice of Development on the parcel to identify the area containing sensitive cultural resources and limit development within a 100-foot buffer of the identified resource. Further, the project is required to adhere to the approved plans, including site plan, that show existing and proposed development outside the 100-foot buffer of the sensitive resource.

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.

- b) General Plan 2017, Section 10.6.4 discusses methods to identify and protect sensitive cultural resources and archaeological artifacts, and methods to address development with the potential of losing or destroying those resources. An archaeological survey was conducted and identified an area containing sensitive cultural resources. Avoidance of the area was recommended by the qualified archaeologist, as proposed development lies outside the area identified as containing these aforementioned resources. Further, the applicant will be required to record on the parcel a Notice of Development Plan to limit development within a 100-foot buffer around the identified resource. By avoiding the area identified by the archaeologist and incorporating inadvertent discovery protocol for any ground disturbing activities the project aligns with the General Plan requirements for identifying and protecting sensitive cultural resources.

4. FINDING

The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE-Zone) in which the site is located.

EVIDENCE

- a) The AE-Zone is applied to areas of the county in which general agriculture uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the AE-Zone.
- c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 10,000 SF of existing outdoor cannabis and up to 10,000 SF of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 6,300 SF outdoor cultivation on a 76-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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 AE (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed recorded June 2008. See Lot 2 of Tract Map 623 in Book 24 of Subdivision Maps, Pages 120 – 123 inclusive, Humboldt County Records.
- c) The project will obtain water from a rain catchment pond, and stored in a series of hard sided tanks totaling approximately 87,000-gallons.

- d) Road Evaluation Reports were completed by a licensed engineer in April 2018. The Evaluations addressed Island Mountain Road, Road C, and Lauffer Road, which indicate that each road is maintained to the equivalent of a road Category 4 standard and were found to be functionally appropriate for the expected traffic. Public Works' recommendations to ensure all fences and gates be relocated out of the County right-of-way and if the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet. This is made a condition of approval.
- e) The slope of the land where cannabis will be cultivated is less than 15%
- f) Power will be provided by PG&E.
- g) The cultivation of cannabis will not result in the net conversion of timberland.
- h) 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.

6. FINDING

The cultivation of 6,300 SF 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 located on a road that has been determined by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- 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 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 site is located adjacent to and behind the Humboldt County Public Works maintenance yard. Approving cultivation on this site will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet

from the nearest off-site residence, and more than 270 feet from any adjacent undeveloped separately owned parcel.

- d) Irrigation water will come solely from a rain catchment pond and stored in tanks and pond totaling approximately 120,000-gallons.
- e) Provisions have been made in the applicant's Site Management Plan 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.

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 John Mahony 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 June 1, 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 Commission at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department