

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

Resolution Number 23-

Record Number PLN-2019-16109

Assessor's Parcel Numbers: 220-091-011

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

WHEREAS, Briceland Farm LLC provided an application and evidence in support of approving 6,000 square feet of existing mixed light commercial cannabis cultivation supported by a 600 square foot ancillary nursery

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

1. FINDING

Project Description: A Special Permit for 6,000 square feet of existing mixed light commercial cannabis cultivation supported by a 600 square foot ancillary nursery. Water is sourced exclusively from rainwater catchment. The annual estimated water budget is 51,300 gallons is supported by 40,000 gallons of tank storage. Processing will occur onsite once the existing 1,178 square foot barn is upgraded to commercial occupancy. Power is provided by solar panels with a 25kW generator utilized for backup. The applicant also proposes reconnection to PGE power.

EVIDENCE a) Project File: PLN-2019-16109

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 Briceland Farm LLC 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 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 biological and botanical assessment concluded there would not be a significant impact.
 - d) The parcel takes access from a private driveway from a county maintained road which is equivalent to Category 4 standard.

- e) A Timber Conversion Evaluation Report concluded that the tree removal prior to 2016 was done in compliance with the Forest Practice Rules.
- f) A rainwater collection analysis found that adequate rainwater can be collected for irrigation even in low rainfall years so no diversionary or groundwater source is needed.

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) The parcel has a designation of Residential Agriculture (RA). The proposed project is covered by the Open Space Action Program because the project site includes streamside management areas. 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. 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 Unclassified (U) zone in which the site is located.
- EVIDENCE**
- a) General agricultural uses are principally permitted in U zone.
 - b) The location of all project elements meets the setback requirements for the U.
- 5. FINDING** The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.
- EVIDENCE**
- a) The CCLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.6.1.1).
 - b) The subject parcel qualifies for Certificate of Compliance pursuant to section 66499.35 of the Subdivision Map Act due to approval of building permit 08-0266 GD3.
 - c) The project will obtain water from rainwater catchment, an eligible water source.
 - d) The parcel is accessed from a private driveway from a county maintained road developed to an equivalent Category 4 standard.
 - e) No new grading is proposed and no additional timber conversion will occur.
 - f) The location of the cultivation complies with the setbacks required in Section 314-55.4.6.4.4.

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 equivalent category 4 standard.
- 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.

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 South Fork Eel Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 303 permits and the total approved acres would be 91.95 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 approve the Special Permit for Briceland Farm 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 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 Commission at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department