

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

Resolution Number 22-

Record Number: PLN-2021-17095

Assessor's Parcel Number: 211-384-013

Makes the required findings for certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves the Avenue of the Giants Farm, LLC Modification for an approved Special Permit request.

WHEREAS, the applicant seeks a Modification to an approved Special Permit (Case No. SP 16-525 Application No. 12447) for an existing 8,235 square feet (SF) of cannabis cultivation consisting of one cultivation area consisting of 5,610 SF outdoor and 2,625 SF mixed-light cultivation. The modification would relocate the cultivation and propagation areas due to property buffer and church setbacks. The cultivation and propagation area will be in four greenhouses, three approximately 26 feet by 97 feet, and one approximately 20 feet by 100 feet. The modification will decrease total cultivation area by 10 SF, from 8,245 SF to 8,235 SF; and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) 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 Environmental Impact Report (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 December 1, 2022 and reviewed, considered, and discussed the application for a Special Permit Modification and reviewed and considered all evidence and testimony presented at the hearing; and

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

- 1. FINDING:** **Project Description:** the applicant seeks a modification to an approved Special Permit (Case No. SP 16-525 Application No. 12447) for an existing 8,235 square feet of outdoor and mixed-light cultivation. The modification includes the relocation and reconfiguration of greenhouses to accommodate parcel boundary and community church boundaries. The modification would decrease cultivation square footage by 10 SF. Appurtenant nursery space will be limited to 10% of the cultivation amount.

EVIDENCE: a) Project File: PLN-2021-17095

- 2. FINDING:** The requirements of CEQA have been complied with. The Humboldt County Zoning Administrator has considered the EIR prepared for

the CCLUO adopted by the Humboldt County Board of Supervisors on May 8, 2018.

- EVIDENCE:**
- a) Addendum prepared for the proposed modification to the approved project.
 - b) The proposed modification 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.
 - c) A *Site Management Plan* was prepared by ETA Humboldt, dated July 2019, which demonstrates compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
 - d) The project was referred to the Northwest Information Center, who indicated that they have no record of a cultural resource study for the project area. The project was referred to the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. The Bear River Band responded indicating an archaeologic survey is not required at this time. The Bear River Band Tribal Historic Preservation Officer recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.

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 proposed project is located within the County's local open space plan because the project site is planned Timberland and is zoned Unclassified. The project can be found consistent with the Open Space Action Program because the proposed project is consistent with the allowable uses of the land use designations. The proposed cannabis cultivation operation—an agricultural production—is within land planned for agricultural purposes, consistent with the use of open space land for management and production of resources.

- 4. FINDING** The proposed development is consistent with the purposes of the existing U zone in which the site is located.

- a) Humboldt County Code Section 314-55.4.6-6.5 allows cultivation of up to 43,560 SF of cultivation area with a Special Permit on a parcel over 5 acres. As set forth in the following subsections, pre-existing

cultivation sites that meet all other eligibility and siting criteria and performance standards may be permitted within AE, AG, RA, FR, FP, TPZ, and U zoning districts, where accompanied by a resource production, general plan land use designation or residential land use designation requiring parcel sizes on more than 5 acres. The application is a modification to an already approved Special Permit (SP 16-525) for 8,235 SF of preexisting outdoor and mixed-light cannabis cultivation on an 18-acre parcel.

5. FINDING

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

EVIDENCE

- a) The energy source for the project is Pacific Gas and Electric Company.
- b) The subject parcel has been determined to be one legal parcel as described in Creation Deed recorded on August 7, 1951.
- c) The project will obtain irrigation water from a 350,000-gallon rainwater catchment pond. A headwater spring diversion will provide domestic water.
- d) The applicant has submitted Road Evaluation Reports for all portions of Cathey Road certifying that it is developed to the equivalent of a Type 4 standard, appropriate for the proposed use.
- e) This Modification will not result in the net conversion of timberland. The California Department of Forestry and Fire Protection has confirmed via project-specific referral that no mitigation measures are required or warranted for the subject property and that current site conditions are acceptable.
- f) The relocation and reconfiguration of the cultivation area included within the modification will continue to comply with setbacks required in CCLUO Section 314-55.4.6.4.4(a.-f.). It is more than 300 feet from any offsite residence, more than 270 feet from any adjacent undeveloped separately owned parcel, and more than 600 feet from any school, church, public park, or tribal cultural resource. The area where the cannabis will be relocated is within the 30-foot setback of the northern parcel line. The applicant has obtained consent from the neighbor for the reduction of the setback. The Special Permit would allow for a reduction of the 600-foot setback from lands managed by California State Parks to the west.

6. FINDING

EVIDENCE The modification to the Special Permit for 8,235 SF of outdoor and mixed-light 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 is developed to the equivalent of a Type 4 standard 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 10-to-20 acres. 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. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) Irrigation water will continue to be sourced from a 350,000-gallon rainwater catchment pond. A headwater spring diversion will continue to provide domestic water.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water so 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 Modification for Avenue of the Giants Farm, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached here to as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on December 1, 2022.

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 Ford, Zoning Administrator,
Planning and Building Department