



# COUNTY OF HUMBOLDT

For the meeting of: 4/18/2023

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File #: 23-416

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**To:** Board of Supervisors  
**From:** Planning and Building Department  
**Agenda Section:** Departmental

**SUBJECT:**  
Evergreen Exotics Zoning Code Amendment Petition  
APN: County Wide  
Case No.: PLN-2022-18016

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Adopt the attached resolution (Attachment 1) to find the petition meets the criteria specified in the Zoning Ordinance and accept the petition; and
2. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

**SOURCE OF FUNDING:**

Applicant fees.

**DISCUSSION:**

The Board of Supervisors is asked to accept for processing and analysis a zoning code amendment to change the Commercial Cannabis Land Use Ordinance (CCLUO) to allow indoor cultivation in Business Park (MB) zones in the inland area of the county. (Humboldt County Code section 312-50.4.) A property owner initially made the request, and the request is valid, so the Planning & Building Department is bringing this forward as a proposed amendment. The property owner brought this up because a zoning reclassification of a single parcel would not be appropriate within an established business park.

In the inland area, there are 32 parcels zoned MB with an approximate total of 55.26 acres. The proposed amendment would affect all MB zoned parcels located in the inland area.

Distribution, offsite processing, enclosed nurseries, community propagation centers, and manufacturing are currently allowed in MB zones under the CCLUO. Cultivation in MB zones was previously authorized by the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) however it was not authorized in the MB zone under the CCLUO. There is no clear legislative history

regarding why MB zones were not included as eligible cultivation sites in the transition from the CMMLUO to the CCLUO. Anecdotal evidence suggests that concerns about odor impacts for adjacent tenants in business parks may have been a factor in the decision to not include MB zones as eligible for cultivation under the CCLUO. If your Board decides to grant the petition, it could consider whether additional performance standards regarding odor control should be included as part of the review of the text amendment application.

To grant the petition to process the application for the text amendment, the following findings must be made:

1. The proposed amendment is in the public interest; and
2. The proposed amendment is consistent with the General Plan; and
3. The proposed amendment does not reduce the residential density for any parcel below the inventory adopted in the housing element.

### **Public Interest**

It is arguably in the public interest to reconsider allowing cultivation in MB zones based on the availability of existing transportation and energy facilities. Access to business parks is located from paved roads meeting category 4 standards. Business parks are also typically already served with adequate PG&E power connections. Adequate road capacity and energy availability are factors that constrain the sustainability of the local cannabis industry. Allowing cultivation in MB zones would not result in a substantive change to the number of potential vehicles trips occurring because cultivation is similar to other allowed cannabis and non-cannabis uses regarding the number of employees. Enabling additional location options for cannabis cultivation would likely help cultivators adapt to evolving market conditions. If adopted, this text amendment would benefit all inland MB zoned parcels, not just the applicant.

### **Consistent with the General Plan**

Of the 32 MB zoned parcel in the inland area, 24 have a Commercial Services (CS) land use designation. The remaining 8 MB zoned parcels have both a CS and Industrial General (IG) land use designation. For the CS use type, indoor cultivation would fall under a similar compatible use (Land Us Element Table 4-C, pg. 4-3). Indoor cultivation could be considered a similar compatible use because it has fewer impacts and could operate adjacent to other heavy commercial uses, which is an allowed use under the CS designation. Heavy commercial uses include activities such as transfer, storage, or processing of used, scrap or waste materials, including automobile wrecking, the sales, storage of building materials, construction and agricultural equipment, kennels, and animal hospitals. Indoor cultivation would not impact nor be impacted by adjacent heavy commercial uses. Additionally, other cannabis uses such as nurseries are considered compatible with the CS designation. Indoor cultivation operations would be very similar to nurseries with exception to taking the plant all the way through its flowering life cycle.

For the IG use type, indoor cultivation would fall under a similar compatible use (Land Use Element Table 4-E, pg. 4-6). Like the CS designation, the IG designation allows heavy commercial uses and for the reasons discussed above, indoor cultivation could operate without impacting or being impacted by

adjacent allowable use types. Also, like CS, other cannabis uses such as nurseries are considered compatible with the IG designation.

**Residential Density**

Allowing indoor cultivation in MB zones would not affect any current housing inventories nor would change eligibility criteria for housing development currently allowed in MB zones.

**Conclusion**

The decision to be made at this time is whether your Board will accept the proposed application for processing, review, and consideration. If accepted for review and consideration, more in-depth analysis will be performed assessing whether the proposed text amendment is both in the public interest and consistent with the General Plan.

A petition to accept an application for a text amendment is not a project as defined in Section 21065 of the Public Resources Code and is not subject to CEQA.

FINANCIAL IMPACT:

There will be no impact on the General Fund. The applicant is responsible for paying all actual costs involved in the processing of the application.

STRATEGIC FRAMEWORK:

This action supports your Board’s Strategic Framework by enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

Should the petition be accepted, responsible and trustee state and local agencies will be involved in the referral process of the Reclassification, including Native American Consultation pursuant to SB 18 and AB 52, and as part of the environmental review for the project.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could reject the petition if it believes the required findings cannot be made. Staff believes the necessary findings for accepting the petition may be made, so staff does not recommend further consideration of this alternative.

ATTACHMENTS:

- Attachment 1: Resolution No. \_\_\_\_\_
- Attachment 2: Copy of Application
- Attachment 3: Location Map

PREVIOUS ACTION/REFERRAL:

- Board Order No.: N/A
- Meeting of: N/A
- File No.: N/A

