

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

Resolution Number 23-

Record Number PLN-10989-CUP

Assessor's Parcel Numbers: 210-250-008

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves Denali Farm LLC Conditional Use Permit and Special Permit

WHEREAS, Denali Farm LLC provided an application and evidence in support of approving 7,713 square feet of existing mixed light and 15,348 square feet of existing outdoor commercial cannabis cultivation supported by a 512 square foot ancillary nursery

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

1. FINDING

Project Description: Conditional Use Permit for 7,713 square feet of existing mixed light and 15,348 square feet of existing outdoor commercial cannabis cultivation supported by a 512 square foot ancillary nursery. The 255,000-gallon annual irrigation water budget is sourced exclusively from rainwater catchment and supported by 264,700 gallons of storage. Power is provided by a generator supplemented by a solar array. Drying will occur onsite and any additional processing will occur offsite. The project includes restoration and relocation of approximately 10,000 square feet of outdoor cultivation and includes a Special Permit for restoration within the streamside management area.

EVIDENCE a) Project File: PLN-10989-CUP

2. FINDING

CEQA: The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance as well as the Addendum to the Mitigated Negative Declaration that was prepared for the Denali Farms 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 assessment found that new sensitive species or natural communities will be impacted by the project.
- d) The parcel takes access from a private road that is equivalent to Category 4 standard.
- e) A Cultural Resources Survey was completed by Archaeological Research and Supply Company which found no sensitive cultural resources.
- f) A Fire Risk Assessment found that the project as proposed will not increase fire risk and may reduce risk.
- g) 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 CONDITIONAL USE PERMIT AND 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) and Timberland (T). The proposed project is covered by the Open Space Action Program because the project site is within listed zoning districts and 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 Agricultural Exclusive (AE) and Timber Production Zone (TPZ) in which the site is located.

EVIDENCE a) General agricultural uses are principally permitted in the AE and TPZ zone.
 b) The location of all project elements meets the setback requirements for the AE and TPZ zones.

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 and TPZ (HCC 314-55.4.8.2.2).
 b) The parcel was created in compliance with all applicable state and local subdivision regulations, as described as Lot 11 in the Larabee Valley Estates Subdivision 17RM120.

- c) The project will obtain water from rainwater catchment, an eligible water source.
- d) The parcel is accessed from a private road developed to an equivalent Category 4 standard.
- e) No new grading is proposed and no timber conversion will occur.
- f) The project is conditioned such that an alternative renewable energy plan that will be fully implemented by January 1, 2026, such that generator use may be reserved for emergency use only.
- g) The location of the cultivation complies with the setbacks required in Section 314-55.4.6.4.4.
- h) The onsite relocation complies with Department Policy Statement 16-002.

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 of 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 Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 120 permits and the total approved acres would be 49.97 acres of cultivation.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

Conditionally approves the Conditional Use Permit and Special Permit for **Denali Farm LLC** subject to the conditions of approval attached hereto as Attachment 1A and the Cultivation Operations Plan attached hereto as Attachment 1B and Site Plan attached hereto as Attachment 1C.

Adopted after review and consideration of all the evidence on January 5, 2023

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

- AYES: COMMISSIONERS:
- NOES: COMMISSIONERS:
- ABSENT: COMMISSIONERS:
- ABSTAIN: COMMISSIONERS:
- DECISION:

I, John H. Ford, Secretary to the Planning Commission 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