

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-

**Record Number PLN-2021-17447
Assessor's Parcel Numbers: 401-112-030**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the North Wind Management, LLC Conditional Use Permit and Coastal Development Permit.

WHEREAS, North Wind Management, LLC, submitted an application and evidence in support of approving a Conditional Use Permit and Coastal Development Permit for 1-acre of indoor cultivation with ancillary drying and propagation, off-site commercial processing, distribution, manufacturing activities involving volatile & non-volatile manufacturing, and infusion to make pre-rolls; and

WHEREAS, the County as lead agency, prepared an Addendum to the Environmental Impact Report (EIR) prepared for the Coastal Commercial Cannabis Land Use Ordinance (CCCLUO) certified by the Humboldt County Board of Supervisors on July 23, 2019. The proposed project does not present substantial changes that would require major revisions to the Environmental Impact Report. 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 Planning Commission held a duly-noticed public hearing on **March 2, 2023** and reviewed, considered, and discussed the application for a Conditional Use Permit and Coastal Development Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

FINDING:

Project Description: A Conditional Use Permit and Coastal Development Permit to authorize a new interim cannabis project located in the Humboldt Bay Area Plan. The project is proposing a 50,875 sf warehouse building that will consist of 1-acre of indoor cannabis cultivation with 4,350 square feet (sf) of ancillary propagation, as well as ancillary drying and trimming activities. Indoor cultivation will occur year-round with up to five (5) harvests per year. Hydroponic cultivation techniques will be utilized with very little use of imported soils and minimal use of water. The project will also utilize two (2) existing structures for off-site commercial processing, infusion and distribution activities, and will potentially rent out existing office spaces. Non-volatile and volatile manufacturing activities are proposed to occur within two (2) 480 sf new modular structures. Water will be sourced by the Humboldt Bay Municipal Water District

through an existing water connection. A total of 384,000 gallons of water is anticipated to be used annually at the site. 360,000 gallons of that water is anticipated for cultivation activities (7.5gal/sf/yr), and 24,000 gallons is anticipated to be used for manufacturing and processing activities. 100% renewable power will be sourced from PG&E's REPower+ plan through an existing service/substation, and a PG&E service upgrade is proposed. Up to forty (40) employees will be used during peak operations on-site. The project will conform to all Adaptive Reuse Standards for Industrial Sites and will meet all Performance Standards for interim use projects within the Industrial/Coastal-Dependent (MC) zone.

- EVIDENCE** a) Project File: PLN-2021-17447
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2. **FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Environmental Impact Report (EIR) prepared for the Coastal Commercial Cannabis Land Use Ordinance (CCCLUO) certified by the Humboldt County Board of Supervisors on July 23, 2019 and the Addendum prepared for the North Wind project.

- EVIDENCE** a) Addendum prepared for the proposed project.
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b) The proposed project 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) Water will be sourced by the Humboldt Bay Municipal Water District (HBMWD). A total of 384,000 gallons of water is anticipated to be used annually at the site; 360,000 gallons of that water is anticipated for cultivation activities (7.5gal/sf/yr), and 24,000 gallons is anticipated to be used for manufacturing and processing activities. The applicant has received an intent for a Will-Serve letter from the HBMWD, dated December 21, 2022, which states that the agency can provide assurance that the water district is able to supply the annual water needs for the project, of 384,000 gallons annually, through the domestic water transmission lines to the Harbor District's domestic water six-inch meter.
d) The applicant is conditioned to obtain proof of Conditional Exemption from the State Water Resources Quality Control Board prior to commencing cultivation activities on-site.
e) The project is required to ensure that mitigation measures are in place where necessary to ensure that noise generated by operations does not exceed 70 decibels anywhere off the site. The applicant has submitted

a Noise Report prepared by Northpoint Consulting Group, dated September 2021. The Noise Report states that ambient noise levels were taken for twenty-four hours at three locations on the property lines. Results showed that ambient noise levels ranged between 45 decibels and 88 decibels. The average for the ambient noise levels resulting from the three (3) measurements taken at the property lines is 64 decibels, and the project shall not result in noise levels above 70 decibels anywhere off the site.

- f) The proposed project is located within a tsunami evacuation area, and the applicant has provided a Tsunami Hazard Assessment (THA) prepared by Northpoint Consulting Group, dated July 7, 2022. The THA states that the proposed building will be a Risk Category II/Tsunami Risk Category II structure per ASCE 7-16 design standards. These structures are not required to be designed for tsunami loads unless required by state or locally adopted building code, and the applicant is required to permit the proposed warehouse structure with the local Building Division. The exception to tsunami design does not mitigate the requirement for a Tsunami Evacuation Plan for the employees at the site. The THA does incorporate a Tsunami Evacuation Plan, and all employees shall undergo training and be made aware of the Tsunami Evacuation Plan.
- g) The project site is located within the Peninsula Community Services District for local fire response.
- h) The project site and all proposed development is within a pre-disturbed area with no existing vegetation. There are mapped wetlands from the National Wetland Inventory that are located across from Vance Avenue on the subject parcel. The applicant obtained a Biological Assessment Report (BAR) prepared by Wildlife Biologists Jack Henry and Nicole Bogle, with Timberland Resources Consultants, dated July 13, 2021. The BAR mentions that there are areas on the site that are considered Urban habitat which include two (2) areas containing vegetation, and are considered to be non-ESHA (Environmentally Sensitive Habitat Areas). These two areas are considered to be degraded dune that are surrounded by paved roads and surfaces, and lack value from potential restoration. This determination is in line with other assessments of the area for other Coastal-Dependent Permits, and with the overall assessment and Master Plan for the Samoa Peninsula. The closest mapped potential wetland feature is over 250 feet from the Project Area, and no potential wetland indicators were observed within 200 feet of the project area. The BAR states that the project area meets all applicable setbacks and recommends the following: that the project prevent any light escaping lit structures during dark hours, that the applicant obtain a Floristic Survey for the proposed development, and that the applicant educate and remain vigilant for encroachment of invasive species. The project was referred to the California

Department of Fish & Wildlife (CDFW) on September 28, 2021, and no comments were received.

- i) The applicant has obtained a Floristic Survey Report (FSR) to assess the proposed development area, which was prepared by Wildlife Biologist Jack Henry with Timberland Resource Consultants, dated January 2022. The purpose of the floristic survey was to identify any special status plants and ESHA within the project area that could be impacted by proposed development. The survey found no special status plants, and the FSR does identify ESHAs within the Project Parcel, but none occur within 100 feet of the project area. The small vegetated area between Vance Avenue and the project area contains a combination of non-native ruderal species, ornamental species, and native wax myrtle. From review of aerial imagery, the area is shown to be devoid of vegetation during initial development of the mill site, and was planted with ornamental shrubs. At some point after initial development this areas was populated by wax myrtle and other non-native grasses that are now present. As the area is dominated by non-natives, is relatively small in size, and provides low ecological value, the FSR found this area not to qualify as an ESHA.
- j) The project was referred to the California Coastal Commission on September 28, 2021, and comments from the agency referenced findings within the BAR, which mention the potential habitat for bats within existing structures, and the potential for northern red-legged frog. The Coastal Commission requested that conditions be applied to the project for the protection of nesting bats pursuant to IP policy 55.4.12.1.10 (j) special status bats, and for the protection of northern red-legged frog pursuant to IP Policy 55.4.12.1.10 (b) special status amphibians. Before commencing any new development related to cannabis activities, a qualified biologist shall conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts. If no evidence of roosts is found, then no further study will be required. If bats are found in the surveys, a mitigation plan addressing mitigation for the specific occurrence shall be submitted to the Planning Director and CDFW by a qualified biologist subject to the review and approval of the Planning Director in consultation with CDFW. At a minimum, the mitigation plan shall establish a 400-foot buffer area around the nest during hibernation or while females in maternity colonies are nursing young.

As well, the applicant shall have a qualified biologist conduct a preconstruction survey of new development activities no more than 48 hours prior to such development activities, for northern red-legged frogs. Preconstruction surveys shall be conducted throughout the proposed construction area and a 400-foot buffer around the proposed development area, and shall be conducted within the appropriate

season to maximize potential for observation of the species. If no special-status species are detected, then no further mitigation is required.

- k) The project site is located adjacent and east of New Navy Base Road in Fairhaven. As the coastal scenic view area is directed west from New Navy Base Road, the project is not located within the Coastal Scenic View Area. The site is already developed with three (3) existing structures that were associated with the former pulp mill site. One of the existing structures is the chip silo, which is not a part of the proposed uses for the project, and has an existing height of approximately 80 feet. The other two (2) existing structures, which are a part of the proposed project, have heights of approximately 33.5 feet and 18.25 feet. The proposed modular structures will have an approximate height of 9.5 feet, and the warehouse structure will have a maximum height of 48 feet, which is lower than the allowed building height of 50 feet to a maximum of 75 feet in the MC zone. All other proposed structures would be lower in elevation, and would not likely obstruct any view from New Navy Base Road looking east. As the site is already developed with structures over 75 feet in height, the addition of the proposed warehouse and other structures would not change the overall character of the site. As well, the project is not located near any residences or residentially zoned areas.
- l) The site is accessed off of County maintained Vance Avenue, from County maintained New Navy Base Road. The project was referred to the Department of Public Works, and comments from Public Works included a recommendation of approval for the project. The site will utilize up to 40 employees during full operations. There will also be occasional deliveries from the site, and there are no traffic restrictions for the MC zoned parcel.
- m) The project site is located within the Bear River Band Tribe, the Wiyot Tribe, and the Blue Lake Rancheria tribal aboriginal territories. The applicant has obtained a Cultural Resource Study (CRS) for the proposed project area, which was prepared by William Rich, M.A., RPA, with William Rich and Associates, dated September 2021. The CRS found that no significant archaeological or historic-period cultural resources were identified in the limits of the project area, and no additional archaeological studies were recommended. However, the CRS included the recommendation of Inadvertent Discovery Protocols for the project.

FINDINGS FOR THE CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT

3. FINDING

The proposed development is in conformance with the Open Space Plan, and the Open Space Action Program and is in conformance with all applicable policies and standards of the Humboldt Bay Area Plan (HBAP).

EVIDENCE

a) The proposed project is not located within an Open Space Action Program because the project site is not planned or zoned as open space, does not have a combining zone that would be considered open space, and there are no other open space general plan or zoning code overlays affecting this project.

b) The Applicant is proposing to permit a new indoor commercial cannabis cultivation operation consisting of 1-acre of indoor cannabis cultivation with ancillary nursery and drying activities on lands designated as Industrial/Coastal-Dependent. The site will also be used for off-site commercial processing, distribution, manufacturing activities involving volatile & non-volatile manufacturing, and infusion processing activities to make pre-rolls. General agriculture is an allowable use type for this land use designation.

The project is located in the MC land use designation which is used to protect and reserve parcels on, or near the sea for industrial uses dependent on, or related to the harbor. The project is being approved for a five-year interim permit as an Interim Conditionally Permitted Use, and will be given the option to come back in five years with the potential to get a five-year extension.

The project site is consistent with the HBAP because it is in close proximity to existing developed areas able to accommodate it, and the proposed development is not sited in a wetland. The project will be permitted as an interim conditional use, there is no immediate need for coastal-dependent uses at the site, and approval of the project will allow for greater use of the underutilized MC zoned lands. The proposed project will not have an impact to coastal-dependent industrial uses and other priority uses, as the recommended interim permit timeframe is in line with the potential timeframe for development of the Harbor District's offshore wind Master Plan. Approval of the project will allow necessary improvements to be made to the site, which could enhance or increase the utility of the site for future coastal-dependent industrial uses and other priority uses.

c) The project site exhibits wetlands as shown by the 2017 National Wetland Inventory (NWI) mapping. A review of the County GIS shows that the project parcel contains a freshwater emergent wetland, which is approximately 250 feet away from the proposed project activities. There are no watercourses located on the subject property. A review of the California Natural Diversity Database (CDDNB) indicates that the property has potential habitat for western snowy

plover, yellow rail and beach layia.

The applicant obtained a Biological Assessment Report (BAR) prepared by Wildlife Biologists Jack Henry and Nicole Bogle, with Timberland Resources Consultants, dated July 13, 2021. The BAR mentions that there are areas on the site that are considered Urban habitat which include two (2) areas containing vegetation, and are considered to be non-ESHA. These two areas are considered to be degraded dune that are surrounded by paved roads and surfaces, and lack value from potential restoration. This determination is in line with other assessments of the area for other Coastal-Dependent Permits, and with the overall assessment and Master Plan for the Samoa Peninsula.

The applicant obtained a Floristic Survey Report (FSR) to assess the proposed development area, which was prepared by Wildlife Biologist Jack Henry with Timberland Resource Consultants, dated January 2022. The purpose of the floristic survey was to identify any special status plants and ESHA within the project area that could be impacted by proposed development. The survey found no special status plants, and the FSR does identify ESHAs within the Project Parcel, but none occur within 100 feet of the project area. The small vegetated area between Vance Avenue and the project area contains a combination of non-native ruderal species, ornamental species, and native wax myrtle. From review of aerial imagery, the area is shown to be devoid of vegetation during initial development of the mill site, and was planted with ornamental shrubs. At some point after initial development this areas was populated by wax myrtle and other non-native grasses that are now present. As the area is dominated by non-natives, is relatively small in size, and provides low ecological value, the FSR found this area not to qualify as an ESHA.

- d) The parcel is not in a Coastal View area, nor in a Coastal Scenic area. New Navy Base Road has designated coastal scenic views from the road to the ocean, however the project site is located bayside of New Navy Base Road and will not be within the designated viewshed.

The site is already developed with three (3) existing structures that were associated with the former pulp mill. One of the existing structures is the chip silo, which is not a part of the proposed uses for the project, and has an existing height of approximately 80 feet. The other two (2) existing structures, which are a part of the proposed project, have heights of approximately 33.5 feet and 18.25 feet. The proposed modular structures will have an approximate height of 9.5 feet, and the warehouse structure will have a maximum height of 48 feet. All other proposed structures would be lower in elevation, and would not likely obstruct any view from New Navy Base Road looking east. As the site is already developed with structures over 75 feet in

height, the addition of the proposed warehouse and other structures would not change the overall character of the site. As well, the project is not located near any residences or residentially zoned areas.

- e) The site is accessed off of County maintained Vance Avenue, from County maintained New Navy Base Road. The project was referred to the Department of Public Works, and comments from Public Works included a recommendation of approval for the project. The site will utilize up to 40 employees during full operations. There will also be occasional deliveries from the site, and there are no traffic restrictions for the MC zoned parcel.
- f) The proposed project is located within a tsunami evacuation area, and the applicant has provided a Tsunami Hazard Assessment (THA) prepared by Northpoint Consulting Group, dated July 7, 2022. The THA states that the proposed building will be a Risk Category II/Tsunami Risk Category II structure per ASCE 7-16 design standards. These structures are not required to be designed for tsunami loads unless required by state or locally adopted building code, and the applicant is required to permit the proposed warehouse structure with the local Building Division. The exception to tsunami design does not mitigate the requirement for a Tsunami Evacuation Plan for the employees at the site. The THA does incorporate a Tsunami Evacuation Plan.

The project site is located outside of a Flood-Zone, an Area of Potential Liquefaction, or the Sea Level Rise area of 1.0 meter according to the Humboldt County Web GIS. The site is designated to have a Moderate Instability rating. As well, the project site is located within the Peninsula Community Services District for local fire response.

- g) The project site does not include any coastal access points or accessways.. The project will not have an impact on coastal access.

4. FINDING

The proposed development is consistent with the purposes of the existing MC zone in which the site is located.

EVIDENCE

- a) The Industrial/Coastal-Dependent zone or MC zone is intended to be applied to areas of the County in which coastal-dependent industrial uses are the desirable predominant uses. General agriculture as an allowable Interim Conditionally Permitted Use of the site.
- b) Until such time as there is a higher demand for the use of MC zoned land for its designated purpose of supporting coastal-dependent industrial uses, it is desirable and beneficial to generate revenues that can be used to maintain and improve infrastructure for future coastal-dependent industrial uses, by increasing the variety of conditionally permitted uses in the MC zone district by allowing noncoastal-dependent interim uses.

- c) Humboldt County Code section 314-55.4.6.2 of the Coastal Commercial Cannabis Land Use Ordinance (CCCLUO) allows cultivation of up to 1-acre subject to approval of a Special Permit and Coastal Development Permit, on parcels zoned MC as an Interim Use per section 313-104.1, on parcels over two (2) acres. This permit would authorize 1-acre of new indoor commercial cannabis cultivation on a 19-acre parcel zoned MC.
- d) As the site is within the MC zone for Industrial/Coastal-Dependent uses, and the project is not coastal-dependent, the project is required to meet the Performance Standard requirements for Interim Uses in the Industrial/Coastal-Dependent Zone (Section 313-104.1 of the Humboldt County Code [HCC]). The project has shown that it will not be detrimental to other coastal-dependent uses as there are no approved coastal-dependent uses existing on the subject property, the project will utilize and enhance the existing structures on-site were feasible, the project will incorporate the use of shipping containers and modular units which are removable, and the project is proposing a new warehouse structure which could enhance the utility of the project site for future coastal-dependent industrial uses. The site is also accessed off of Vance Avenue, which is a county-maintained Category 4 road.
- e) The project is required to ensure that mitigation measures are in place where necessary to ensure that noise generated by operations does not exceed 70 decibels anywhere off the site. The applicant has submitted a Noise Report prepared by Northpoint Consulting Group, dated September 2021. The Noise Report states that ambient noise levels were taken for twenty-four hours at three locations on the property lines. Results showed that ambient noise levels ranged between 45 decibels and 88 decibels. The average for the ambient noise levels resulting from the three (3) measurements taken at the property lines is 64 decibels, and the project shall not result in noise levels above 70 decibels anywhere off the site.
- f) The site is already developed with three (3) existing structures that were associated with the former pulp mill. One of the existing structures is the chip silo, which is not a part of the proposed uses for the project, and has an existing height of approximately 80 feet. The other two (2) existing structures, which are a part of the proposed project, have heights of approximately 33.5 feet and 18.25 feet. The proposed modular structures will have an approximate height of 9.5 feet, and the warehouse structure will have a maximum height of 48 feet, which is lower than the allowed building height of 50 feet to a maximum of 75 feet in the MC zone. All other proposed structures would be lower in elevation.

5. FINDING

- a) The proposed development is consistent with the requirements of the

CCCLUO Provisions of the Zoning Ordinance.

- EVIDENCE**
- b) Humboldt County Code section 313-55.4.6.2 of the Coastal Commercial Cannabis Land Use Ordinance (CCCLUO) allows cultivation of up to 1-acre subject to approval of a Special Permit and Coastal Development Permit, on parcels zoned MC as an Interim Use per section 313-104.1, on parcels over two (2) acres. This permit would authorize 1-acre of new indoor commercial cannabis cultivation on a 19-acre parcel zoned MC.
 - c) Humboldt County Code section 313-55.4.7 of the Coastal Commercial Cannabis Land Use Ordinance (CCCLUO) allows Cannabis Support Facilities within the MC zone as an interim use. This permit would authorize Off-Site Processing and Distribution facility.
 - d) Humboldt County Code section 314-55.4.8.1 of the Coastal Commercial Cannabis Land Use Ordinance (CCCLUO) allows indoor cultivation within the MC zone as an interim use. A Use Permit is required where more than one clearance or permit is being sought on a parcel. This permit would authorize 1-acre of new indoor commercial cannabis cultivation on a 19-acre parcel zoned MC.
 - e) Humboldt County Code section 313-55.4.8.2 of the Coastal Commercial Cannabis Land Use Ordinance (CCCLUO) allows flammable and non-flammable extraction manufacturing within the MC zone as an interim use, with a Special Permit, Zoning Clearance Certificate and a Coastal Development Permit. This permit would authorize flammable and non-flammable extraction manufacturing activities on the MC zoned parcel.
 - f) The subject parcel qualifies for Certificate of Compliance pursuant to section 66499.35 of the Subdivision Map Act due to approval of planning permit PLN-2019-15309.
 - g) Energy will be sourced exclusively from a renewable source.
 - h) The project will obtain water from the Humboldt Bay Municipal Water District.
 - i) Access to the property is directly off a paved county-maintained road with a centerline stripe.
 - j) The slope of the land where cannabis will be cultivated and development is to occur is sloped less than 15%.
 - k) No timber conversion has occurred or is proposed on the project site.
 - l) There are no mapped prime soils on the parcel.
 - m) As the application is for indoor cultivation, off-site processing, distribution, and non-flammable and flammable extraction manufacturing within fully enclosed structures, the project is only required to comply with the zoning setbacks of the underlying zone,

which in the case of the MC zone are unspecified.

- n) The project is located 600 feet from any sensitive receptors, and is 1,000 feet from any Tribal Ceremonial sites.
- o) The project will comply with section 314-55.4.12.12 of the CCCLUO for Performance Standards for Adaptive Reuse of Industrial Sites.

The project is proposing to utilize some of the existing facilities on-site. The existing two-story structure is proposed for office spaces and distribution activities. The second story of the existing two-story structure will not be utilized for cannabis activities, and may be leased out as office spaces in the future. A secondary existing structure will be utilized for off-site processing, packaging and infusion activities to make pre-rolls. This one-story existing structure will be fully utilized for the proposed activities. Some minor improvements will be made to the existing structures, which will not prevent any future re-occupancy. The existing Chip Silo on-site will not be a part of the project or used for cannabis activities, and will be fenced off for safety purposes.

The project is proposing to have a new commercial warehouse structure constructed on-site for indoor cultivation activities, with ancillary nursery and ancillary processing. The warehouse structure will meet the requirements for coastal-dependent industrial development regulations, and the project proposal includes the use of modular structures within the warehouse, which would be removed after cannabis activities cease on the site.

- p) Any light produced from cultivation will be contained within the building. Any security lighting will be shielded and aimed so that no direct light is diverted onto neighboring properties.
- q) The project is required to ensure that mitigation measures are in place where necessary to ensure that noise generated by operations does not exceed 70 decibels anywhere off the site. The applicant has submitted a Noise Report prepared by Northpoint Consulting Group, dated September 2021. The Noise Report states that ambient noise levels were taken for twenty-four hours at three locations on the property lines. Results showed that ambient noise levels ranged between 45 decibels and 88 decibels. The project incorporates the following noise mitigation measures: all indoor cultivation with HVAC systems and fans will be conducted within interior modular structures inside of the proposed warehouse, each of the fans will be equipped with a variable speed controller for precise adjustments, and components of proposed buildings/facilities have appropriate Sound Transmission Class (STC) ratings to reduce noise to 50 decibels maximum at property lines. Noise levels produced by the project at the three monitoring locations is expected to be below 50 decibels. Per section 313-55.4.12.6 of the CCCLUO, noise from the project shall not result in an increase of more than three (3) decibels of continuous noise above ambient noise levels

at any property line of the site. The average for the ambient noise levels resulting from the three (3) measurements taken at the property lines is 64 decibels, and the project shall not result in noise levels above 70 decibels anywhere off the site.

- r) The project site is located within the Bear River Band Tribe, the Wiyot Tribe, and the Blue Lake Rancheria tribal aboriginal territories. The applicant has obtained a Cultural Resource Study (CRS) for the proposed project area, which was prepared by William Rich, M.A., RPA, with William Rich and Associates, dated September 2021. The CRS found that no significant archaeological or historic-period cultural resources were identified in the limits of the project area, and no additional archaeological studies were recommended. However, the CRS included the recommendation of Inadvertent Discovery Protocols for the project.

6. FINDING

The cultivation of 1-acre of new indoor commercial cannabis with ancillary drying and propagation, off-site commercial processing, distribution, manufacturing activities involving volatile & non-volatile manufacturing, and infusion to make pre-rolls, 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) Access to the property is directly off a paved county-maintained road with a centerline stripe.
 - b) The average for the ambient noise levels resulting from the three (3) measurements taken at the property lines is 64 decibels, and the project shall not result in noise levels above 70 decibels anywhere off the site.
 - c) The proposed project is located within a tsunami evacuation area, and the applicant has provided a Tsunami Hazard Assessment (THA) prepared by Northpoint Consulting Group, dated July 7, 2022. The THA states that the proposed building will be a Risk Category II/Tsunami Risk Category II structure per ASCE 7-16 design standards. These structures are not required to be designed for tsunami loads unless required by state or locally adopted building code, and the applicant is required to permit the proposed warehouse structure with the local Building Division. The exception to tsunami design does not mitigate the requirement for a Tsunami Evacuation Plan for the employees at the site. The THA does incorporate a Tsunami Evacuation Plan.

The project site is located outside of a Flood-Zone, an Area of Potential Liquefaction, or the Sea Level Rise area of 1.0 meter according to the Humboldt County Web GIS. The site is designated to have a Moderate Instability rating. As well, the project site is located within the

Peninsula Community Services District for local fire response.

- d) Irrigation water will come from the Humboldt Bay Municipal Water District.
- e) The project location will occur on existing slopes of less than 15%.
- f) The project site does not include any coastal access points, accessways, scenic views, or scenic areas. The project will not have an impact on coastal access.
- g) The site is already developed with three (3) existing structures that were associated with the former pulp mill. One of the existing structures is the chip silo, which is not a part of the proposed uses for the project, and has an existing height of approximately 80 feet. The other two (2) existing structures, which are a part of the proposed project, have heights of approximately 33.5 feet and 18.25 feet. The proposed modular structures will have an approximate height of 9.5 feet, and the warehouse structure will have a maximum height of 48 feet. All other proposed structures would be lower in elevation, and would not likely obstruct any view from New Navy Base Road looking east. As the site is already developed with structures over 75 feet in height, the addition of the proposed warehouse and other structures would not change the overall character of the site. As well, the project is not located near any residences or residentially zoned areas.
- h) The project does not include dredging or filling of wetlands.
- i) The site is accessed off of County maintained Vance Avenue, from County maintained New Navy Base Road. The project was referred to the Department of Public Works, and comments from Public Works included a recommendation of approval for the project. The site will utilize up to 40 employees during full operations. There will also be occasional deliveries from the site, and there are no traffic restrictions for the MC zoned parcel.

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 CCCLUO, which established a limit on the number of permits and acres which may be

approved in each of the six Local Coastal Plan Areas.

- EVIDENCE** a) The project site is in the Humboldt Bay Area Plan, which under the CCCLUO is limited to 38 permits and 13 acres of cultivation. With the approval of this project the total approved permits in the Humboldt Bay Areal Plan would be 1 permit and the total approved acres would be 1 acre of cultivation. However, since the project will receive water from the Humboldt Bay Municipal Water District, and has obtained an intent for a Will-Serve letter from the HBMWD, the project is exempt from the caps on permits.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit and Coastal Development Permit for North Wind Management, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **March 2, 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