

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

Resolution Number 23-

Record Number: PLN-2022-17673

Assessor Parcel Number: 216-133-013-000

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves Verdant Futures, LLC, Modification to a Conditional Use Permit and Special Permits request.

WHEREAS, Verdant Futures, LLC, submitted an application and evidence in support of approving a Modification to a previously approved Conditional Use Permit and Special Permits (PLN-12933-CUP) to allow for 8,000 square feet of outdoor light deprivation commercial cannabis cultivation and commercial processing to occur on the site prior to full-build out of the previously approved cannabis support facility; and

WHEREAS, the County as the lead agency, prepared an Addendum to the Mitigated Negative Declaration prepared for the Verdant Futures project adopted by the Humboldt County Planning Commission on February 4, 2021. The proposed project does not present substantial changes that would require major revisions to the MND. 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 **January 5, 2023** and reviewed, considered, and discussed the application for a Modification to a Conditional Use Permit and Special Permits and considered all evidence and testimony presented at the hearing.

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

1. FINDING

Project Description: Verdant Futures, LLC seeks A Modification to a previously approved Conditional Use Permit and Special Permits (PLN-12933-CUP) to allow for 8,000 square feet of commercial cannabis cultivation and processing on the property prior to full build out of the previously approved commercial cannabis support facility. Water for the interim operation will be supplied by the Garberville Community Services District. The projected annual water usage totals 104,000 gallons for commercial cultivation need and there is 600 gallons of existing water storage, and an additional 50,000 gallons is proposed. Electric power will be sourced from solar panels with a generator back-up.

EVIDENCE

Project File: PLN-2022-17972; approved project PLN-12933-CUP

2. FINDING

CEQA: The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the previously adopted Mitigated Negative Declaration and the Addendum to the previously adopted Mitigated Negative Declaration prepared for this project.

EVIDENCE

- a) Mitigated Negative Declaration prepared for the Verdant Futures Project (Attachment 6) and Addendum prepared for the proposed project (Attachment 3).
- 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) Garberville Sanitary Districts' allocation of 110,000 gallons of water per year for the previously proposed project PLN-12933-CUP for the commercial nursery. The district has stated that this amount is within their yearly water budget, as the annual water use for the project has been reduced for the modification to be 104,000 gallons for cultivation needs, no impacts are anticipated.

FINDINGS FOR CONDITIONAL USE PERMIT & SPECIAL PERMITS MODIFICATION

3. FINDING

The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE

- a) Agricultural Products Processing and Intensive Agriculture are allowable use in the Industrial General land use designation. The proposed cannabis project, 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. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program. Open Space Action Program.
- b) According County GIS, the parcel is mapped as being subject to liquefaction. However, as a mitigating measure for the potential of liquefaction at this site, an allowable soil bearing pressure of 1,000 psf will be used for foundation design. These values will not be increased by 1/3 for a combination of loading which included wind

and seismic loads.

- c) The subject parcel is within the mapped 100-year flood plain of the South Fork Eel River. Flood Elevation Certificates have been provided for this project; all existing and proposed structures will have finish floor elevations above the 100-year base flood elevation. The overall average base flood elevation is approximately 328 feet above sea level. Site elevation ranges from 322 to 334 feet in elevation. This project will not impede, or re-direct flood flows based on the proposed project design.

4. FINDING

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

EVIDENCE

- a) The Heavy Industrial or MH Zone is intended to apply to areas devoted to normal operations of industries subject only to regulations as are needed to control congestion and protect surrounding areas.
- b) Service-related uses and manufacturing uses are principally permitted in the MH zone. Any use not specifically enumerated in this Division if it is similar to and compatible with the uses permitted in the MH zone. Require Conditional Use Permit.
- c) The location of the of all project elements meet the setback requirements for the MH zone.
- d) 18 parking standard spaces are proposed, however, no employees are anticipated at this time. Two ADA spaces are required in conjunction with any use or combined uses which occur within a space of more than 10,000 square feet gross floor area. One loading space is required for each 20,000 square feet of gross floor area, or portion thereof. There are 24 standard parking spaces, two ADA spaces, and one loading space to service the nursery, processing facility and manufacturing facility shown on the site plan.

- e) The parcel was created in compliance with all applicable state and local subdivision regulations. The parcel known as APN 223-171-001 is a legal parcel that qualifies for a Certificate of Compliance pursuant to section 66499.35 of the Subdivision Map Act due to approval of building permit 74-1198B3.

- d) Humboldt County Code section 314-55.4.6.2 allows openair cultivation subject to a Zoning Clearance Certificate in the MH zone. Humboldt County Code section 314-55.4.10.3 allows microbusiness activities subject to a Special Permit in the MH

zone. The applicant is seeking a A Modification to a previously approved Conditional Use Permit and Special Permits (PLN-12933-CUP) that allowed for an entitlement of 7,920 square feet (sf) of commercial nursery area and commercial processing and manufacturing. The applicant is seeking to modify the approved project to transition to a microbusiness with 8,000 square feet of outdoor light deprivation commercial cannabis cultivation, commercial processing, manufacturing and distribution.

5. FINDING

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

EVIDENCE

- a) The project will obtain water from a non-diversionary water source. The proposed Modification to the approved Conditional Use Permit and Special Permits for a microbusiness including commercial cultivation, commercial processing, manufacturing, and distribution.
- b) The project will obtain water from the Garberville Community Services District.
- c) The location of the cultivation complies with all setbacks and performance standards of the CCCLUO.
- d) All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
- e) The slope of the land where commercial cannabis will be cultivated is less than 15%.
- g) This Modification will not result in the net conversion of timberland.
- h) The location of the cultivation and associated structures/materials with a nexus to the commercial cannabis cultivation comply with all setbacks and performance standards of the CCLUO.
- i) The project is in the Middle Main Eel Planning Watershed and the application was noticed on 12/20/2022 to all property owners within 300 feet of the project parcel.

6. FINDING

EVIDENCE Modification to the Conditional Use Permit and Special Permits is to temporarily allow for cannabis cultivation utilizing light deprivation techniques, commercial processing, manufacturing, and distribution. The interim use authorized by this permit is less intensive than the previously authorized use 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 property is accessed via Redwood Drive, a category 4 equivalent road. A single private driveway off the County Road provides access to an interior clearing on the project parcel.
- b) 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.
- c) Irrigation water will be sourced from the Garberville Community Service District and will be less impactful to the CSD with a reduction from 110,000 projected need of the parent project to 104,000 gallons annually. No additional water usage is proposed for the Modification. The well water is metered to quantify irrigation use.

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 Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Verdant Futures Interim Use Modification 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 **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 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 Ford, Director
Planning and Building Department