



- 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 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.

**FINDINGS FOR CONDITIONAL USE & SPECIAL PERMIT MODIFICATION**

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

**EVIDENCE**

The proposed project is located within the County's local open space plan because the project site is planned Agricultural Grazing and is zoned Agriculture Exclusive (AE) Zone. 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 AE zone in which the site is located.

**EVIDENCE**

- a) Humboldt County Code section 314-55.4.6 allows cultivation of up to 43,560 sq. ft. of Commercial Cannabis Cultivation Area with a Special Permit on a parcel over ten 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 Conditional Use Permit and Special Permit (PLN-11813-CUP) for 13,477 SF of existing outdoor cannabis cultivation on a 43-acre parcel.

- 5. FINDING** The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

**EVIDENCE**

- a) The subject parcel known as APN 216-141-005-000 and 216-141-006-000 is one separate legal parcel per Certificate of Compliance CC-01-11 Parcel H (Apps # 1949) which was administratively approved on June 17, 2019. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.

- b) The approved project obtains irrigation water from a permitted groundwater well (DEH Permit No. 18/19-0549). The Modification does not propose any increase in water usage. The initial Conditional Use Permit and Special Permit (PLN-11813-CUP) was approved under the provisions of the CMMLUO, therefore, the groundwater well is an approved water source for this Modification. As an ongoing operational Condition of Approval to the approved project, the applicant is required to provide an annual report evaluating the well drawdown with pump tests.
- c) The *Road Evaluation Report* provided by the applicant identifies Dyerville Loop Road as a publicly maintained, graveled road. The private drive is unpaved. *The Road Evaluation Report* prepared by the Applicant was reviewed by Public Works. As a Condition of Approval, they have recommended the intersection of the Private Road and Dyerville Loop Road shall be rocked for a width of 20 feet and a length of 50 feet.
- d) This Modification will not result in the net conversion of timberland.
- e) The location of the cultivation complies with all setbacks and performance standards of the CCLUO.

**6. FINDING**

**EVIDENCE** Modification to the Conditional Use Permit and Special Permit to the proposed modification is to consolidate and reconfigure 13,383 square of feet existing previously approved cultivation areas. Also proposed is the addition of an ancillary propagation greenhouse of 1,300 SF. No expansion of the permitted cultivation footprint is proposed 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 Dyerville Loop Road, a gravel County-maintained road. A self-certified Road Evaluation by applicant, reviewed by the Public Works Department, determined this roadway can 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 over 40 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 sizes in the area.
- c) Irrigation water will continue to be sourced from permitted groundwater well (DEH Permit No. 18/19-0549). Irrigation source and

water usage have been approved for original project (PLN-11813-CUP). No additional water usage is proposed for the Modification. The well water is metered to quantify irrigation use.

- d) Provisions have been made in the applicant's *Water Resource Protection Plan* 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.

**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 Special Permit Modification for Alchemy Atelier, 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 **October 6, 2022**.

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