



not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

- c) A review of the California Natural Diversity Database did not indicate any known rare or endangered species on or near the project area.
- d) The parcel takes access from a private road that is equivalent to Category 4 standard.
- e) A Biological Assessment concluded that no natural communities were present in the project areas.
- f) A rainwater collection analysis found that adequate rainwater can be collected for irrigation even in low rainfall years.
- g) The applicant has a Land and Streambed Alteration Agreement and a registered water right for the water diversion from Redwood Creek.
- h) A Registered Professional Forester concluded that tree removal was conducted consistent with the Forest Practice Rules.

### **FINDINGS FOR 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). The proposed project is covered by the Open Space Action Program because the project site 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. No development is proposed within the SMA therefore the proposed project is consistent with the Open Space Action Program.

**4. FINDING** The proposed development is consistent with the purposes of the existing Unclassified (U) zone in which the site is located.

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

**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 U (HCC 314-55.4.8.2.2).  
b) The parcel was created in compliance with all applicable state and local

subdivision regulations through issuance of a Lot Line Adjustment (59-80) approved on 9/15/1980.

- c) The project will obtain water from rainwater catchment, an eligible water source. The project will also obtain water from a point of diversion from Redwood Creek consistent with an LSAA and issued water right.
- d) The parcel is accessed from a private road developed to an equivalent Category 4 standard.
- e) No new grading is proposed, no additional timber conversion will occur.
- f) The location of the cultivation complies with the setbacks required in Section 314-55.4.6.4.4.
- g) The total of the relocated and new cannabis will utilize approximately 15.5% of the mapped prime soils which is below the 20% cap.

**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) Irrigation water is sourced from rainwater catchment and registered point of diversion.
- d) 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 South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 305 permits and the total approved acres would be 92.06 acres of cultivation.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approve the Special Permit for Old Briceland Holding Company LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference.

Adopted after review and consideration of all the evidence on September 7, 2023.

I, John Ford, Zoning Administrator 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.

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John H. Ford, Director  
Planning and Building Department