

Devin Howard

Record Number: PLN-2018-15289

Assessor's Parcel Number: 221-221-036

Recommended Zoning Administrator Action:

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to deny the application as a part of the consent agenda:

Find that the Zoning Administrator has considered the Statutory Exemption to the California Environmental Quality Act, as described by Section § 15270(a) of the State CEQA Guidelines; make all of the required findings for denial of the Special Permit; and adopt the Resolution denying the Devin Howard project as recommended by staff.

Executive Summary Devin Howard seeks a Special Permit for 7,623 square feet (SF) of existing outdoor cannabis cultivation in five (5) locations throughout the site, including three (3) full sun cultivation areas and two (2) light deprivation greenhouses. The full sun cultivation area includes both in-ground and raised beds (6,990 SF), and the light deprivation greenhouse deprivation cultivation area utilizes pots (633 SF).

The project is located in the Redway area, on both sides of Powell Creek Road, approximately 1.3 miles north from the intersection of Powel Creek Road and Crooked Prairie Road, on the property known to be in the northeast quarter of Section 4 of Township 04 South, Range 02 East, Humboldt Base & Meridian.

The present land use designation is Residential Agriculture (RA), as defined in the Humboldt County 2017 General Plan Update; and the parcel is zoned as Unclassified (U). The project is family operated and requires no additional employees.

Power is supplied to the site by solar panels, batteries, and generators.

Water Resources

Irrigation water is supplied by an existing spring water point of diversion (POD) totaling 97,250gallons/year and by a proposed rainwater catchment system (rooftop catchment gutters) totaling 1,860 gallons (3,100-SF rooftop catchment area x 600-gallons/1,000 SF = 1,860 gallons) per 1-inch of rain. In an average rainfall year (60 inches/year), the catchment would have the potential to collect as much as 111,600 gallons/year. In a less than average rainfall year (assuming 50% or 30 inches/year), the catchment would collect approximately 55,800 gallons/year. Total estimated annual water use (including domestic use) is 80,900 gallons/year as shown in the table below, and irrigation of cannabis is anticipated to be 50,000 gallons/year (6.56 gallons/SF). Water is stored in six rigid water tanks with a total storage capacity of 7,500 gallons.

Applicant anticipates Water Use**

Jan	Feb	March	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec	Total
1,500	1,440	1,550	4,500	8,000	11,000	27,000	13,000	6,000	4,000	1,500	1,500	80,900

** Water collection/storage and use will be documented throughout the growing season to improve water use numbers. Includes Domestic Use.

An analysis of the water supply has not been completed, and the applicant has been unresponsive. Therefore, the project has been moved to hearing with a recommendation of denial.

Biological Resources

Pacific Watershed Associates (PWA) conducted a preliminary site inspection on December 18, 2018, and concluded that a wetland delineation was required for the property. Additionally, PWA anticipated

the potential presence of steelhead and Coho in Leggett Creek (located downstream of the subject parcel).

To date, a biological assessment for the property has not been supplied to Humboldt County (or Harris & Associates), and the applicant has been unresponsive to requests for this information. In the absence of the requested information, staff must assume that there could be potential adverse impacts to sensitive species; therefore, the project could not be determined consistent with or covered by prior environmental review documents prepared by Humboldt County. Since the applicant has not been responsive to requests for documents/information, a supplemental environmental document (Initial Study addendum) cannot be prepared.

Without this information, the project is not consistent with application regulations and policies for cannabis cultivation and, therefore, has a recommendation of denial. Accordingly, the County has determined the project is Statutorily Exempt from California Environmental Quality Act (CEQA) per CEQA Guidelines, Section 15270(a), which states: CEQA does not apply to projects which a public agency rejects or disapproves.

Tribal Cultural Resource Coordination

On June 20, 2019, the Northwest Information Center (NWIC) conducted a California Historical Resources Information System (CHRIS) search for the subject property and concluded they had no record of prior archaeological surveys being conducted on the parcel.

On June 28, 2019, the Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested a survey be conducted on this specific property.

To date, an archeological survey/report has not been supplied to Humboldt County (or Harris & Associates), and the applicant has been unresponsive to requests for this information. In the absence of the requested information, staff must assume that there could be potential adverse impacts to archaeological resources; therefore, the project is not consistent with or covered by prior environmental review documents prepared by Humboldt County. Since the applicant has not been responsive to requests for documents/information, a supplemental environmental document (Initial Study addendum) cannot be prepared.

Without this information, the project is not consistent with application regulations and policies for cannabis cultivation and, therefore, has a recommendation of denial. Accordingly, the County has determined the project is Statutorily Exempt from California Environmental Quality Act (CEQA) per CEQA Guidelines, Section 15270(a), which states: CEQA does not apply to projects which a public agency rejects or disapproves.

Environmental Review and Recommendations

The County has determined that the project is Statutorily Exempt from CEQA, per CEQA Guidelines Section 15270(a), which states: CEQA does not apply to projects which a public agency rejects or disapproves.

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision in front of the Planning Commission (Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project); or 2) The Zoning Administrator could elect to refer the project back to staff for additional attempts to obtain information and contact from the applicant.