



COUNTY OF HUMBOLDT

For the meeting of: 11/3/2022

File #: 22-1491

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Buck Mountain Gardens, LLC.
Application Number PLN-2020-16826
Assessor's Parcel Number (APN) 210-142-005-000
Dinsmore area

A Special Permit 10,000 sf of new outdoor commercial cannabis cultivation. Water for irrigation is sourced from a 250,000-gallon rainwater catchment pond. Projected annual water usage totals 88,000 gallons and there is 10,600 gallons of hard tank water storage onsite. Drying and curing will occur on site and trimming will occur offsite at a licensed third-party processing facility. A portable generator is proposed to be used to power small hand tools.

RECOMMENDATION(S):

That the Planning Commission:

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 approve the application as part of the Consent Agenda; and
4. Adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
 - a. Find Buck Mountain Gardens, LLC, statutorily exempt from the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.
 - b. Find the applicant has not provided sufficient evidence necessary to make the required findings for approval
 - c. Deny the Buck Mountain Gardens, LLC, Special Permit.

DISCUSSION:

Project Location: This project is located in Humboldt County, in the Mad River area, on the east side of Burr Valley Road, approximately 1.14 miles north from the intersection of the southeastern terminus of Burr Valley Road and a Swayback Road, on the property known to be in the northwestern and southwestern quarters of the northwestern quarter, and the northwestern quarter of the southwestern quarter of Section 36 of Township 01 North, Range 05 East, Humboldt Base & Meridian.

Present General Plan Land Use Designation: Residential Agriculture (RA20-160), Density: Range is 20 to 160 acres per unit, 2017 General Plan, Slope Stability: High Instability (3).

Present Zoning: Agricultural Exclusive (AE)

Environmental Review: The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.

State Appeal: The proposed project is NOT appealable to the California Coastal Commission

Major concerns: Inconsistency with Board of Supervisors Resolution 18-43

Executive Summary: The applicant is seeking a Special Permit 10,000 sf of new outdoor commercial cannabis cultivation. Water for irrigation is sourced from a 250,000-gallon rainwater catchment pond. Projected annual water usage totals 88,000 gallons and there is 10,600 gallons of hard tank water storage onsite. Drying and curing will occur on site and trimming will occur offsite at a licensed processing facility. A portable generator is proposed to be used to power small hand tools. Staff is recommending denial of the permit application because the project site is located within an impacted watershed where approval of new cultivation is currently prohibited.

The project site does have some evidence of cultivation occurring prior to January 1, 2016. An Application Assistance meeting was held between the Planning Department and the applicant on April 19, 2019. The Application Assistance meeting was conducted under the pretense that the applicant would be submitting a complete application for pre-existing commercial cannabis cultivation prior to the December 31, 2019 deadline. Under Section 314-55.4.6.5 of the CCLUO no new applications for Pre-Existing Cultivation Sites shall be accepted after December 31, 2019. Staff is recommending denial of the project because the application was submitted on November 25, 2020, far after the deadline of December 31, 2019 to submit for pre-existing cultivation and may not be processed as pre-existing cultivation, however new cultivation is not permissible on the property pursuant to Board of Supervisors Resolution 18-43. . Per Resolution 18-43, certain subwatersheds including the Little Van Duzen Watershed in which the project site is located, have been determined to be impacted by low streamflow due to high concentrations of current cannabis cultivation activities. Permits for new Open Air Cultivation Activities (including Outdoor and Mixed-Light Cultivation, and Nurseries) and Indoor Cultivation Activities or expansion of lawful pre-existing sites shall be temporarily prohibited within these subwatersheds, until all known pre-existing cultivation sites (established or in operation prior to January 1, 2016) have either been suspended, permitted, or are under a compliance agreement to remediate pursuant to the Retirement, Remediation, and Relocation provisions of the Commercial Cannabis Land Use Ordinance, found in section 314-55.4 of Division 1, Title III of Humboldt County Code.

Due to the volume of applications submitted to the County and associated delays in processing this application, the discrepancies associated with the proposed application were not identified until February 18, 2022. Upon the discovery of the discrepancies, the applicant was immediately given the option to withdraw the application and receive a complete refund on the deposit for the permit application. Additionally, a meeting was held between the applicant and the Planning Director and Supervising Planner to discuss the inability to approve the project. The applicant declined to withdraw and requested to move forward to decision without the option of a refund.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. Staff has not identified any viable alternatives to denial of the application.

ATTACHMENTS:

1. Draft Denial Resolution
 - A. Cultivation Operations Plan
 - B. Site Plan
2. Location Maps
3. Resolution 18-43
4. Deficiency Letter Regarding Watershed

Applicant/ Owner

Buck Mountain Gardens, LLC

Co: James Monroe

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Fortuna, CA 95540

Agent

Timberland Resource Consultants

165 S Fortuna Blvd

Fortuna, CA 95540

Please contact Portia Saucedo, Planner II, at 707-268-3745 or by email at psaucedo1@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.