



COUNTY OF HUMBOLDT

For the meeting of: 9/19/2024

File #: 24-1285

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Kamino, LLC
Assessor's Parcel Number (APN) 201-311-016
Record No.: PLN-2019-15835-MOD01
Alton area

A Modification to Conditional Use Permit, PLN-2019-15835, proposing to increase annual irrigation water use from 334,000 gallons to 937,000 gallons. Water would be sourced from a 160' deep well installed in 2018. No additional modifications to the project are proposed.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 24-___), (Attachment 1) which does the following:
 - a. Finds the Planning Commission has considered the Final Environmental Impact Report for the Commercial Cannabis Land Use Ordinance and the Addendum that was prepared for the Kamino, LLC project; and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Conditional Use Permit Modification subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location: The project is located in the Alton area, on the south side of State Highway 36, approximately 3,000 feet southeast from the intersection of State Highway 36 and Van Duzen Street, on the property known as 604 State Highway 36, Alton CA 95540.

Present General Plan Land Use Designation: Agricultural Exclusive (AE), Density: Range is 20 to 60 acres per unit; Airport Safety Review (AP), Density: Must comply with most recent Airport Land Use Compatibility Plan (ALUCP); Carlotta-Hydesville Community Plan (CHCP), 2017 General Plan, Slope

Stability: Relatively Stable (0).

Present Zoning: Agricultural Exclusive (AE), Minimum building site area is 60 acres (B-5(60))

Environmental Review: An Addendum to a previously adopted EIR has been prepared for consideration per §15164 of the State CEQA Guidelines.

State Appeal: Project is NOT appealable to the California Coastal Commission.

Major Concerns: None

Executive Summary: A Modification to Conditional Use Permit PLN-2019-15835 proposing to increase annual irrigation water use from 334,000 gallons to 937,000 gallons. Water would be sourced from a 160' deep well installed in 2018 that, based on hydrogeologic well assessment prepared by Lindberg Geologic Consulting, is not hydrologically connected to surface water. Power is provided by a PG&E agricultural drop specifically for cannabis propagation. The site is served by an Onsite Wastewater Treatment System. No other changes to the project are proposed. No additional conditions of approval are recommended for this project modification. All original permit terms and conditions of approval, performance standards, and ongoing development restrictions remain in full force and effect (Attachment 1A).

Previous Approvals: Approval of the original project (PLN-12381-SP) included 9,720 square feet (sf) of wholesale cannabis nursery space and 9,720 sf of mixed light cannabis cultivation. A Modification to the project (PLN-2019-15835) was approved converting the previously approved 9,720 sf of mixed light cultivation to wholesale nursery area and an additional 12,960 sf of nursery area for a total wholesale nursery area of 32,400 sf. A subsequent Minor Deviation to the project (PLN-2020-16875) approved an increase in the total area of the project by nine percent (9%) by adding a breezeway, shipping area, and staff area.

Current entitlements include 32,400 square feet of wholesale commercial nursery area, a breezeway, a staff area and a shipping area. The nursery utilizes a groundwater well to supply irrigation water. There are 20,000 gallons of hard tank water storage onsite. The project requires 19 (nineteen) full-time employees. All conditions of approval for the current entitlements have been deemed complete.

Water Resources: Approval of PLN-2019-15835 included an annual irrigation budget of 334,000 gallons applicant (approx. 10.3 gallons per square foot per year) based on estimates provided by the applicant. Application materials for 15835 included an evaluation of the well prepared by a Professional Geologist (PG) at Stillwater Sciences, which concluded there did not appear to be any hydraulic connection between the shallow perched water and the deeper bedrock aquifer. The evaluation also concluded it is unlikely that withdrawal from the well would individually affect shallow groundwater elevations in the area, stream discharge within the Van Duzen River, or other

characteristics of the Eel River Valley Groundwater Basin (Attachment 4B).

The effective date for PLN-2019-15835 was March 20, 2020. In April of 2021, water use logs were submitted showing 358,722 gallons of water were used during the reported nine-month period. Water use records for the full year were not available.

In May of 2022, a new water use estimate was included in a proposed Addendum to the Operations Plan showing water use of 876,700 gallons annually (approx. 27 gallons per square foot per year). The Addendum to the Operations Plan was submitted in response to an Inspection Report dated April 27, 2022, which requested the applicant provide an Addendum to the Operations Plan to address changes in onsite vehicle parking.

During the 2023 annual compliance inspection water use records provided by the applicant indicated 997,000 gallons (approx. 30.8 gallons per square foot per year) had been used. Additional information was subsequently submitted to the Department stating the water used onsite was not separately metered for cannabis activities. Per the permit holder water uses recorded on the metering device also include domestic uses and pasture irrigation. The permit holder requested 90 days to install a new meter exclusively for cannabis and to gather enough data to accurately determine the amount of irrigation water for cannabis operations. A new meter to track cannabis use was installed June 26, 2023.

The applicant submitted a revised annual irrigation budget estimate of 937,000 gallons based on data gathered which excluded water for domestic use and pasture irrigation. The applicant also submitted a Hydrogeologic Well Assessment prepared by Lindberg Geologic Consulting that indicated in the opinion of the Certified Engineering Geologist (CEG) the well is drawing water from a confined bedrock aquifer(s) deeper than and not significantly connected to the alluvial aquifer of the greater Eel River Groundwater basin.

The project was referred to the Humboldt County Department of Public Works, serving as the Humboldt County Groundwater Sustainability Agency (GSA) Administrator. GSA analysis concluded that the proposed increase in water use would not affect or interfere substantially with the Public Trust or substantially impair the public rights to navigation, fisheries, water related recreation, public access, open space, or other Public Trust needs and values. The analysis also concluded that the proposed increase in water use is consistent with the Eel River Valley Groundwater Sustainability Plan (Attachment 5A).

Environmental Review: Environmental review was conducted and based on that analysis, staff concluded that all aspects of the project were considered in the Final Environmental Impact Report (EIR) that was adopted for the CCLUO. Staff has prepared an Addendum to the EIR (Attachment 3) for consideration by the Planning Commission.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with comments or recommended approval.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or delete other conditions of approval. The Planning Commission could deny the project if unable to make all the required findings. Staff has concluded the required findings in support of approval can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Resolution
 - A. Conditions of Approval PLN-2019-15835
 - B. Site Plan
2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Hydrogeologic Well Assessment prepared by Lindberg Geologic Consulting
 - B. Well Connectivity Letter prepared by Stillwater Sciences
 - C. Well Completion Report prepared by Fisch Drilling
5. Referral Agency Comments and Recommendations
 - A. Eel River Groundwater Basin Plan Consistency Determination and Public Trust Analysis
6. Watershed Map

Applicant:

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Fortuna CA, 95540

Owner:

Kamino, LLC
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Agent:

File #: 24-1285

N/A

Please contact Joshua Dorris, Senior Planner, at jdorris@co.humboldt.ca.us or at 707-268-3779 if you have questions about this item.