

SUPPLEMENTAL INFORMATION #1

For Zoning Administrator Agenda of:
November 4, 2021

<input checked="" type="checkbox"/>	Consent Agenda Item	No. C-2
<input type="checkbox"/>	Continued Hearing Item	
<input type="checkbox"/>	Public Hearing Item	
<input type="checkbox"/>	Department Report	
<input type="checkbox"/>	Old Business	

Re: Golden Bud, LLC, Special Permits

Record Numbers: PLN-11439-SP and PLN-2020-16911
Assessor Parcel Number: 218-031-008
3550 Island Mountain Road, Palo Verde area

Attached for the Planning Commission's record and review is a revised resolution that were not included in the staff report for the hearing:

1. Revised Resolution for the proposed project revising the space described for processing and drying to reflect the amount noticed.
2. An updated Site Plan prepared by New Root Development that coincides with the revisions to the drying and processing location and dimensions.

Staff response: The resolution was revised to update the amount of drying and processing space from 960 square feet to the noticed amount of 1,334 square feet. The site plan prepared by New Root Development provides accurate dimensions for the drying and processing location onsite as noticed. The revisions to the resolution and updated site plan do not change the findings or recommendations by staff.

***REVISED ATTACHMENT 1**
***REVISED RESOLUTION OF THE ZONING ADMINISTRATOR**
OF THE COUNTY OF HUMBOLDT

Resolution Number: 21-
Record Numbers: PLN-11439-SP and PLN-2020-16911
Assessor's Parcel Number: 218-031-008

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Golden Bud, LLC, Special Permit request.

WHEREAS, Golden Bud, LLC, submitted an application for a Special Permit for 7,700 SF of pre-existing cultivation and 35,860 SF of new cultivation. Existing cultivation consists of 3,200 SF of mixed light and 4,500 SF of outdoor cultivation activities. The newly proposed cultivation area would consist of 6,600 SF of mixed light and 29,260 SF of outdoor cultivation activities bringing the total proposed cultivation to 43,560 SF. The applicant proposes to cultivate 19,800 SF of cultivation, consisting of 9,800 SF mixed light and 10,000 SF outdoor, until water storage to support 43,560 SF is developed. Ancillary propagation is proposed to occur in one 960-square-foot greenhouse. Irrigation water will be sourced from a groundwater well and rainwater catchment system utilizing roof structures. Existing water storage consists of 21 5,000-gallon and 19 3,000-gallon hard side water tanks totaling 162,000 gallons. An additional 15 5,000-gallon hard sided tanks are proposed bringing total proposed and existing storage to 237,000 gallons. Estimated annual water usage is 282,000 gallons to cultivate 19,800 SF. Prior to the 2022 cultivation, the project is conditioned to increase water storage by 45,000 gallons to meet water demand for 19,800 SF and install the 15 proposed 5,000-gallon hard-side tanks. If the additional storage is not developed, the applicant is limited to cultivation the 7,700 SF that is considering existing cultivation. Processing activities including drying, curing, and trimming will occur in a proposed ~~960~~ **1,334**-square-foot structure. Power will be provided by Solar and Wind with Pacific Gas and Electric to offset any additional needs. The site does have one propane generator designated for emergency use only;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report. 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; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on November 4, 2021, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** A Special Permit for 7,700 SF of pre-existing cultivation and 35,860 SF of new cultivation. Existing cultivation consists of 3,200 SF of mixed light and 4,500 SF of outdoor cultivation activities. The newly proposed cultivation area would consist of 6,600 SF of mixed light and 29,260 SF of outdoor cultivation activities bringing the total proposed cultivation to 43,560 SF. The applicant proposes to cultivate 19,800 SF of cultivation,

consisting of 9,800 SF mixed light and 10,000 SF outdoor, until water storage to support 43,560 SF is developed. Ancillary propagation is proposed to occur in one 960-square-foot greenhouse. Irrigation water will be sourced from a groundwater well and rainwater catchment system utilizing roof structures. Existing water storage consists of 21 5,000-gallon and 19 3,000-gallon hard side water tanks totaling 162,000 gallons. An additional 15 5,000-gallon hard sided tanks are proposed bringing total proposed and existing storage to 237,000 gallons. Estimated annual water usage is 282,000 gallons to cultivate 19,800 SF. Prior to the 2022 cultivation, the project is conditioned to increase water storage by 45,000 gallons to meet water demand for 19,800 SF and install the 15 proposed 5,000-gallon hard-side tanks. If the additional storage is not developed, the applicant is limited to cultivation the 7,700 SF that is considering existing cultivation. Processing activities including drying, curing, and trimming will occur in a proposed ~~960~~ **1,334**-square-foot structure. Power will be provided by Solar and Wind with Pacific Gas and Electric to offset any additional needs. The site does have one propane generator designated for emergency use only

EVIDENCE: a) Project Files: PLN-11439-SP and PLN-16911-SP.

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Final Environmental Impact Report (FEIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

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 FEIR. 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
- c) A Site Management Plan (SMP) was prepared by Timberland Resource Consultants that addresses 25 unique points for compliance with the State Water Resources Control Board (SWRCB) General Order (WQ 2019-0001-DWQ). Of the 25 points assessed 12 were found to be out of compliance needing treatment implementation in accordance with Best Practicable Treatment or Control (BPTC) practices. The project is conditioned to adhere to the BPTC's as described on pages 17 through 22 of the SMP to bring all points assessed into conformance with the SWRCB General Order.
- d) A review of the Biogeographic Information and Observation System (BIOS) depicts no reported or predicted habitats for endangered or sensitive biological species within the project location. The nearest mapped Northern Spotted Owl (NSO) Activity Center (A.C.) is 2.3 miles away from the nearest cultivation area. A Biological Reconnaissance Report (BRR) (Attachment 3) was prepared by Naiad Biological Consulting for the project site dated 8/29/2020. The report indicated that should project related activities occur in the surveyed areas for existing and future expansion activities there will likely be no negative impacts to sensitive habitats or severely alter the already disturbed habitat quality of these sites any more

than already has been. The project is conditioned to require adherence to the seven (7) recommendations included within the BRR (Section 5.1.3, pgs. 19 and 20) to further ensure direct and indirect protection of the environment, surrounding habitat, or wildlife.

- e) The cultivation of cannabis will not result in the net conversion of timberland. Review of National Agriculture Imagery Program (NAIP) through Humboldt County WebGIS for years 2014, 2016, 2018, and 2020 provided no apparent evidence of timber conversion occurring onsite. The project does not propose any conversion of timberland as such, no timber conversion would be expected by commercial use as proposed by this permit. There are no plans for additional timber conversions associated with this project.
- f) A Cultural Resources Investigation Report was carried out by Archaeological Research and Supply Company in May 2018. The Report concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
- g) A Road Evaluation report was received for Island Mountain Road that indicates it is a Category 4 Road. Public Works, Land Use Division requests improvements to the road intersection apron (encroachment) that connects the private driveway to Island Mountain Road. The project is conditioned to implement the recommendation of Public Works, including adherence to the County Code Section 341-1 Sight Visibility Ordinance and ensure that the access meets the fences and encroachment setback from the County right of way.

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) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. 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. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING The proposed development is located on a parcel zoned Forestry Recreation with a special building site combining zone designation (FR-B-5(40)). The proposed development is consistent with the purposes of the existing FR-B-5(40) zone in which the site is located.

EVIDENCE a) The Forestry Recreation or FR Zone is intended to be applied to areas of the County in which general agriculture are principally permitted uses.

b) All general agricultural uses and ancillary structures are principally permitted in the FR zone.

c) Humboldt County Code section 314-55.4.6.1.2 b) allows cultivation of up to

43,560 square feet of outdoor cannabis in areas zoned AE, AG, FR, and U and on parcels over 10 acres subject to approval of a Special Permit. The application for 7,700 square feet (sf) of existing cultivation and 35,860 sf of new cultivation for a total of 43,560 sf comprised of 9,800 sf of mixed light cultivation and 33,760 sf of outdoor cultivation with a special permit on a 43.58-acre parcel is consistent with this code section.

5. FINDING

The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

EVIDENCE

- a) The CCLUO allows new cannabis cultivation to be permitted in areas zoned FR (HCC 314-55.4.6.1.1).
- b) The parcel known as APN 218-031-008 is one legal parcel per Book 1 of Parcel Map 58, Pages 75-85 recorded on April 21, 1968. There is no evidence indicating there have been any subsequent acts to merger or divide either of these parcels. Therefore, the subject parcels were lawfully created in their current configuration and can be developed as proposed.
- c) The project will utilize a Rainwater Catchment System with a total impermeable rainwater catchment area of 10,548 sf, and an average rainfall amount of 64 inches, the sites potential capture amount totals 418,545 gallons per year on average. Water captured this way will be stored in the existing (21) 5,000-gallon, (19) 3,000-gallon and the (15) proposed 5,000-gallon hard-sided water storage tanks totaling 237,000 gallons. Prior to expanding the cultivation area beyond 19,800 sf to encompass the full acre requested, the applicant is required to show adequate water storage infrastructure that can support the full build out. All cultivation related to this project is prohibited from utilizing a point of diversion as a source of irrigation.
- d) Access to the site is via Island Mountain Road, a County-maintained Road. The applicant submitted a Road Evaluation Report (Attachment 3), that declares the road is developed to category 4 road standards. Staff reviewed the road through WebGIS and Google Earth to measure the width of the road in several areas and found the average road width to be between 17-21 feet in width with minimal vegetation allowing for visibility where a driver can see oncoming vehicles through any potential pinch points which would make the road equivalent of a road category 4 standard.
- e) Power to support operations will be provided by a solar array and wind energy capture device with P. G. & E. No use of generators is authorized by this permit. Conditions of approval require the applicant to submit an energy budget showing the energy needs for the project pursuant to CCLUO requirements. Conditions of approval also require prior to or during each annual inspection, the applicant shall provide proof of use of a renewable energy source, such as PGE RePower+, to demonstrate that energy used to support the project is consistent with CCLUO requirements.
- f) The slope of the land where cannabis has historically been cultivated is on slopes less than 30% and cultivation proposed under the expansion will be cultivated on slopes less than 15% as described by the submitted Biological

Report prepared 10/29/2020.

- g) The cultivation of cannabis will not result in the net conversion of timberland. The sites proposed for the 35,860 SF of cannabis cultivation will be located in areas that are currently and have historically been open meadows with no timber. There are no plans for timber conversions associated with this project.
- h) According to the cultivation and operations plan, invasive species will be monitored at the project site, specifically in and around the cultivation area, as required by the CCLUO. Removal using hand tools will occur should any invasive species be found. The area will be surveyed and maintained twice per year. Conditions of approval require the applicant to provide the results of the bi-annual surveys during the annual inspection.
- i) The applicant is proposing to plant all cultivation in pots or beds within the hoop structures. The applicants will account for and keep records of annual and seasonal volumes of soil imported and exported on and off site. Any purchased soils will be reamended for use the following year or properly disposed of at an appropriate facility. During the wet season, any soil piles will be located in a flat area outside of riparian setbacks and winterized, likely with a tarp underneath the pile and straw wattles located around the pile to prevent leachate from entering surface waters. Potential spent soils will be properly disposed of off-site at an appropriate facility. Conditions of approval require the applicant shall retain records on site for review during the annual inspection.
- j) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The approval of the existing 7,700 SF of cultivation with the proposed of 35,860 SF for a total of 43,560 SF of 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) Access to the site is via Island Mountain Road, a County-maintained Road. The applicant submitted a Road Evaluation Report (Attachment 3), that declares the road is developed to category 4 road standards. Staff reviewed the road through WebGIS and Google Earth to measure the width of the road in several areas and found the average road width to be between 17-21 feet in width with minimal vegetation allowing for visibility where a driver can see oncoming vehicles through any potential pinch points which would make the road equivalent of a road category 4 standard.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are large. 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 sized in the area.

- c) The location of the proposed cannabis cultivation is more than 500 feet from the nearest off-site residence and more than 1,000 feet from the nearest adjacent undeveloped separately owned parcel.
- d) The project will utilize a Rainwater Catchment System with a total impermeable rainwater catchment area of 10,548 sf, and an average rainfall amount of 64 inches, the sites potential capture amount totals 418,545 gallons per year on average. Water captured this way will be stored in the existing (21) 5,000-gallon, (19) 3,000-gallon and the (15) proposed 5,000-gallon hard-sided water storage tanks totaling 237,000 gallons. Prior to expanding the cultivation area beyond 19,800 sf to encompass the full acre requested, the applicant is required to show adequate water storage infrastructure that can support the full build out. All cultivation related to this project is prohibited from utilizing a point of diversion as a source of irrigation.
- e) 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 the continued use of the residence on this parcel.

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 approves the Special Permits for Golden Bud, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on November 4, 2021.

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 Zoning Administrator at a meeting held on the date noted above.

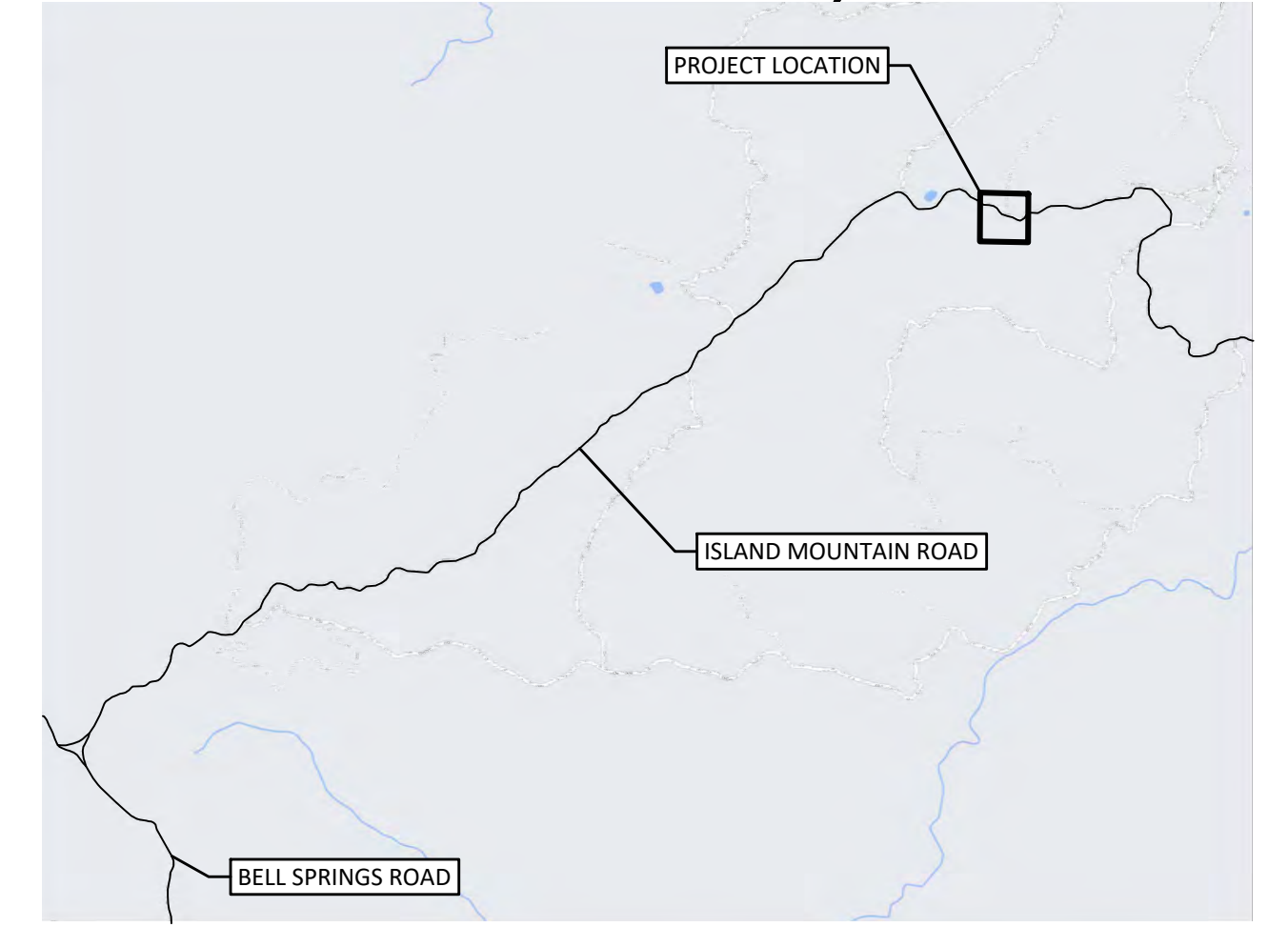
John H. Ford
Zoning Administrator, Planning and Building Department

*** ATTACHMENT 2: Site Plan**

PLOT PLAN

GOLDEN BUD LLC - APN: 218-031-008-000

3550 ISLAND MOUNTAIN ROAD NEW HARRIS, CA 95542



DIRECTIONS FROM EUREKA:

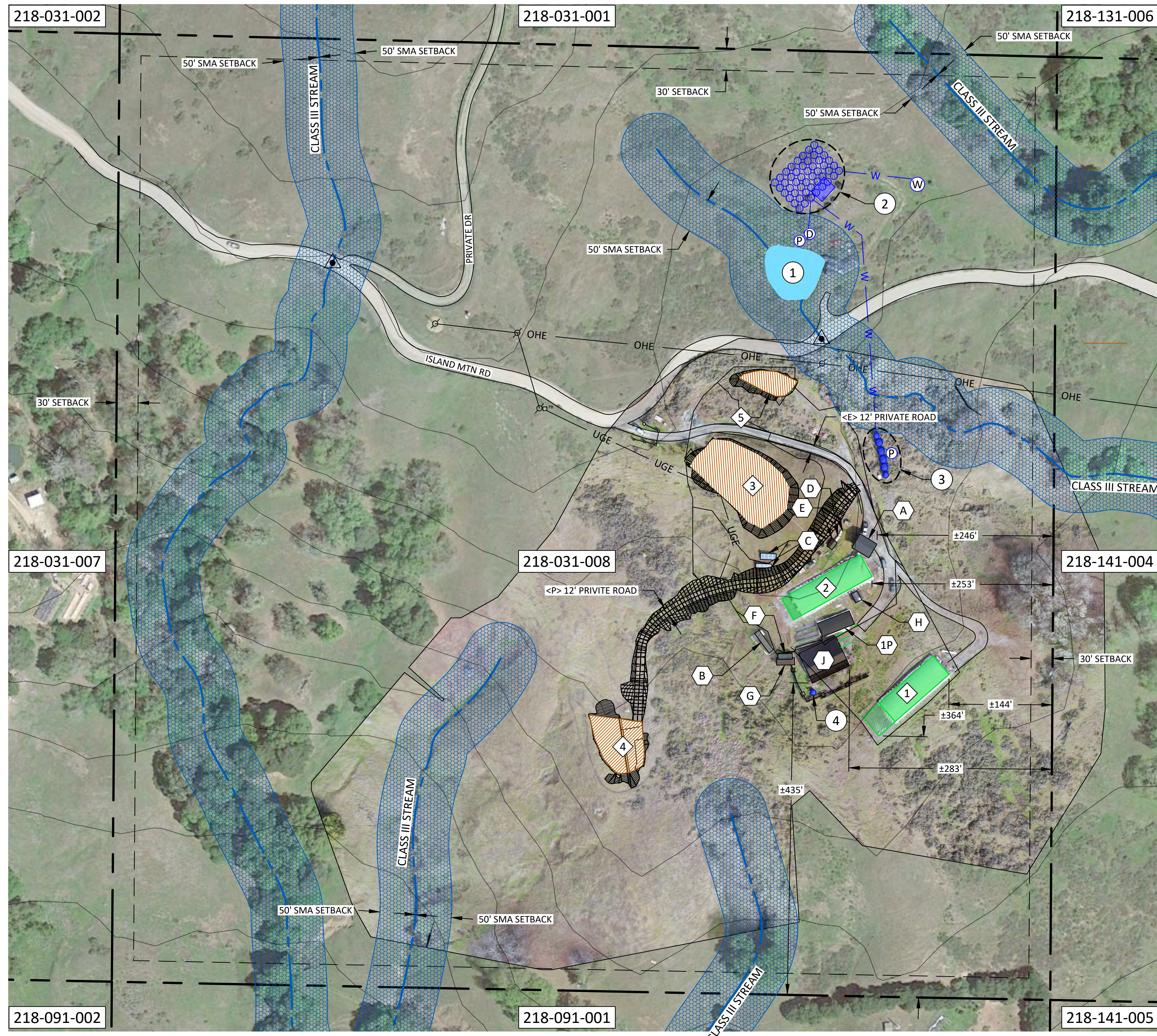
FOLLOW 6TH STREET TO US HIGHWAY 101 S / BROADWAY STREET. FOLLOW HWY 101S AND TAKE EXIT 639B TOWARD REDWAY. TURN RIGHT ONTO REDWAY DR. THEN TURN RIGHT ONTO ALDERPOINT RD. FOLLOW ALDERPOINT RD THEN TAKE A RIGHT ONTO BELL SPRINGS RD. IN APPROXIMATELY 8 MILES KEEP LEFT TO CONTINUE ON ISLAND MOUNTAIN RD. ADDRESS IS ON ISLAND MOUNTAIN RD APPROXIMATELY 3.5 MILES. DRIVEWAY ON RIGHT.

NO.	HISTORY / REVISIONS	BY	CHK	DATE

PLOT PLAN
GOLDEN BUD LLC - APN: 218-031-008-000
3550 ISLAND MOUNTAIN ROAD
NEW HARRIS, CA 95542

APN: 218-031-008-000
DRAWN BY: RGN - UDD
DATE: 7/31/2021

PLOT PLAN
SHEET NO. **1**
OF 2



CULTIVATION AREA				
ITEM	DESCRIPTION	QTY	SPECS.	CULTIVATION AREA
1	<E> 34' X 100' DEP GREENHOUSE TO BE EXTENDED TO <P> 34' X 130' DEP GREENHOUSE	1	34' X 130'	4,420 FT ²
2	<E> 34' X 100' DEP GREENHOUSE TO BE EXTENDED TO <P> 34' X 130' DEP GREENHOUSE	1	34' X 130'	4,420 FT ²
3	<P> OUTDOOR GARDEN	1	IRREGULAR	9,784 FT ²
4	<P> OUTDOOR GARDEN	1	IRREGULAR	1,753 FT ²
5	<P> OUTDOOR GARDEN	1	IRREGULAR	4,560 FT ²
TOTAL CULTIVATION CANOPY AREA				24,937 FT ²

STRUCTURE & MISC. TYPE			
ITEM	DESCRIPTION	QTY	SPECS.
A	<E> RESIDENCE (NOT ASSOCIATED WITH CULTIVATION)	1	
B	<E> TRAVEL TRAILER (NOT ASSOCIATED WITH CULTIVATION)	1	
C	<E> SOLAR PANELS	2	
D	<E> PROPANE TANKS	2	NA
E	<E> PESTICIDE, AGRICULTURAL CHEMICAL STORAGE SHED	1	10' X 12' 120 FT ²
F	<E> PROPANE TANKS	2	NA
G			
H			
I	<E> COMPOST AREA	1	10' X 10' 100 FT ²
J	<E> BUILDING / RESIDENCE TO BE <P> PROCESSING BUILDING	1	6' X 24' 144 FT ²

PROPAGATION			
ITEM	DESCRIPTION	QTY	SPECS.
1P	<E> GREENHOUSE - IMMATURE PLAN AREA	1	20' X 48' 960 FT ²

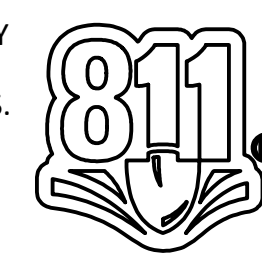
WATER STORAGE						
ITEM	DESCRIPTION	QTY	USAGE	TOTAL CAPACITY	LATITUDE	LONGITUDE
1	<E> POND	1	IRRIGATION DOMESTIC	N/A	.	.
2	<E> 20,000 BLADDER TO BE REMOVED AND REPLACED W/ <P> 5,000 GALLON PE WATER TANKS	15	IRRIGATION DOMESTIC	75,000 GALLONS	.	.
	<E> 5,000 GALLON PE WATER TANK	11		55,000 GALLONS		
	<E> 3,000 GALLON PE WATER TANK	4		12,000 GALLONS		
3	<E> 3,000 GALLON PE WATER TANK W/ PUMP	7	IRRIGATION	21,000 GALLONS		
4	<E> 3,000 GALLON PE WATER TANK W/ PUMP	1	IRRIGATION	3,000 GALLONS		

LEGEND

<P> PROPOSED	WATER SUPPLY PUMP	WATER SUPPLY LINE	PROPOSED
<E> EXISTING	<E> CULTVERT	OHT	EXISTING GREENHOUSE CULTIVATION
WELL	ELECTRICAL METER	OHE	PROPOSED GREENHOUSE CULTIVATION
POINT OF DIVERSION	ELECTRIC / TELEPHONE POLE	FENCE / WALL	EXISTING OUTDOOR CULTIVATION
STREAM / CREEK	STREAM MANAGEMENT AREA	EXISTING WATER STORAGE	PROPOSED OUTDOOR CULTIVATION
PROPERTY LINE	EXISTING WATER STORAGE		
ESTIMATED ORIGINAL CONTOUR			
EXISTING 5' CONTOUR			

PROPERTY LINE AND BEARING NOTES
THIS IS NOT A RECORD OF SURVEY. THE BOUNDARY SHOWN IS APPROXIMATE AND BASED OFF OF ASSESSOR'S PARCEL MAPS. NO SURVEY MONUMENTS ARE FOUND NOR SHOWN. CONTOURS SHOWN WERE IMPORTED FROM HUMBOLDT COUNTY GIS MAPPING DEPARTMENT. AERIALS ARE FROM DRONE FLIGHTS AND GOOGLE EARTH PRO.

CONTRACTOR ALERT!
CONTRACTOR MUST CONTACT USA NORTH DIG AT 811 AT LEAST 72 HOURS BEFORE ANY EARTHWORK OR ACTIVITIES THAT MAY IMPACT EXISTING UNDERGROUND UTILITIES. EXISTING UTILITY ALIGNMENTS BOTH HORIZONTALLY AND VERTICALLY MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION ACTIVITIES.



CULTIVATION NOTES

- THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACE OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600' OF CULTIVATION AREAS.
- THERE ARE NO OFFSITE RESIDENCES WITHIN 300' OF CULTIVATION AREAS

SRA REQUIREMENTS

- PROVIDE ADEQUATE WATER STORAGE AND DELIVERY AS OUTLINED BY SRA ORDINANCE AND CALFIRE REQUIREMENTS.
- PROVIDE ADEQUATE TURN AROUND AND PULLOUTS AS OUTLINED BY SRA ORDINANCE AND CALFIRE REQUIREMENTS.

OWNER / APPLICANT INFORMATION
APPLICANT: GOLDEN BUD LLC - MIRIAM YOISET ARELLANO SANCHEZ

PARCEL / SITE INFORMATION
ZONING: FR-B-5(40)
LOT SIZE: 43.58 ACRES
PARCEL CENTROID: 40° 2'41.64"N, 123°34'44.04"W
PARCEL 8 OF ASSESSOR'S MAPS, BK 218 PG 03
CREEKS / STREAMS: YES
GRADING: SEE GRADING PLAN
WATER: ONSITE - DIVERSION & WELL
POWER: SOLAR & GENERATOR
TREES TO BE REMOVED: NO

