

Macras Land Company, Inc.

Record Number: PLN-11099-CUP

Assessor's Parcel Number: 317-033-008

Recommended Commission 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 approve the application as a part of the consent agenda:

Adopt the Resolution to:

1. *Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO), as described by Section §15164 of the State CEQA Guidelines;*
2. *Make the required findings for approval of the Special Use Permit; and*
3. *Approve the Macras Land Company, Inc. (10994) Conditional Use Permit as recommended by staff subject to the recommended conditions.*

Executive Summary: Macras Land Company, Inc. ("Applicant/Owner") seeks approval for a Conditional Use Permit to permit a maximum of 19,595 square feet (SF) of cannabis cultivation, consisting of 13,035 SF outdoor cultivation and 6,560 SF mixed light cultivation. A total of 720 SF of immature/nursery space will be used for propagation. Drying/curing and processing will occur onsite within an existing 1,500 SF two-story metal building. The medical cannabis permit application is in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO), Zoning Clearance Certificate for Interim Permit (IP), and the Cultivation Area Verification (CAV) developed for the site.

The parcel, APN 317-033-008, measures approximately 48.44 acres in size. The parcel is zoned as Timber Production Zone (TPZ) and is described in the Humboldt County General Plan as Timber (T). There are existing buildings onsite, including: one (1) 1500-SF two-story (25' x 30') metal building used for harvest storage, processing and drying; one (1) 390-SF (15' x 26') storage shed. Drying and curing will occur onsite within the existing buildings. The applicant may also utilize off-site processing should it become necessary. There would be two (2) full time employees during normal operations, with a total of six (6) employees during peak periods. Electricity is provided through the one (1) Honda EB5000X generator, housed in a semi-enclosed structure, running at 50% load.

Water Resources

Irrigation water is sourced from two existing groundwater wells [Permit Nos. 18/19-0423 (30 gpm) and 18/19-0264 (1 gpm)]. Annual water use is estimated at 429,500 gallons (21.92 gallons/SF). Water storage totals 25,000 gallons in eight (8) 2,500-gallon containers, and one (1) 5,000 gallon container. There is an additional 2,500-gallon fire suppression storage tank on site.

The Macras Land Company, Inc., property is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB), with an enrollment identification number (WDID No. 1_12CC402985 / 1B161503CHUM) for coverage as a Tier 2 Moderate Risk Site for Order WQ 2017-0023-DWQ.

Biological Resources

A list of potential special status species was generated in September 2021, using the following information systems: California Natural Diversity Database (CDFW 2019), Biogeographic Information and Observation system (BIOS), Northern Spotted Owl Viewer (CDFW 2019), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The searches did not show any species of concern (flora or fauna) within the boundaries of the project site. Project activities are not expected to produce any adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources are considered low and unlikely.

Tribal Cultural Resource Coordination

A database search for known cultural resources was requested of the Northwest Information Center (NWIC) in November 2017. Although the NWIC had no record of any previous cultural resources for the project area, NWIC recommended a survey be conducted by a qualified archaeologist to ensure that the project area does not contain evidence of any unrecorded archaeological sites. However, a formal Cultural Resources Investigation was never completed for this project. A referral to the local Tribe (Bear River Band of the Rohnerville Rancheria) resulted in no comments, except the recommendation to include inadvertent discovery protocol if any historical artifacts or human remains are encountered (**Condition 14**).

Access

The project is located in the Pilot Ridge area, on the north side of Stapp Road, approximately 5 miles from the intersection of Showers Pass Road and Stapp Road (APN: 317-033-008), in eastern Humboldt County. The Humboldt County Department of Public Works (DPW) reviewed the project and recommended conditions of approval pertaining to driveway/private road intersections (**Condition 15**) and Private road intersections (**Condition 16**). A Road Evaluation report was prepared for the project in September 2020, which recommended 1) clearing of brush on both sides of the roadway to maintain maximum intervisibility on the roadway; 2) installation of a stream crossing and 3) installation of the turnovers on both sides of the stream crossing (**Condition 17**). With these recommendations, the Road Evaluation report concludes that Stapp Road will be able to support the intended purposes of the proposed project.

CEQA

Environmental review for this project was conducted. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) that was adopted for the CMMLUO and thus has prepared an addendum to the MND for consideration by the Planning Commission (See **Attachment 2** for more information).

RECOMMENDATION:

Staff recommends that the Planning Commission describe the application as a part of the agenda; survey the audience to see if any person would like to discuss the application; if no one requests discussion, make all the required findings based on the evidence in the record; and approve the application subject to the recommended conditions.

ALTERNATIVES: The Planning Commission could elect to 1) not approve the project, or 2) require the applicant to submit further evidence or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion, in which case, the Commission should continue the item to a future date at least two months later to provide staff adequate time to complete further environmental review.