



COUNTY OF HUMBOLDT

For the meeting of: 8/1/2024

File #: 24-1149

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Yeti Enterprises LLC Special Permit
Assessor Parcel Numbers: 214-234-007-000
Record Numbers: PLN-10842-SP
Miranda area

Yeti Enterprises LLC seeks a Special Permit (SP) for an existing 8,640-square-foot (SF) outdoor cultivation. Water for irrigation is sourced from an existing well on a neighboring parcel. Estimated annual water usage is 106,963 gallons (12.38 gallons/SF/year). Total water storage is 35,000 gallons in hard tank storage. Drying and bucking will occur onsite while all other processing will be performed offsite at a licensed third-party processing facility. Power is provided by generators but are conditioned to convert to a renewable source by January 1st, 2026.

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 Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Yeti Enterprises LLC project (Attachment 3); and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Conditional Use Permit subject to the recommended conditions of approval (Attachment 1A)

DISCUSSION:

Project Location:

The project is located in the Phillippsville area, on the North side of Redwood Road, approximately 2.3 miles West from the intersection of Wood Ranch Road and Redwood Road, and approximately .3 miles North from the intersection of Redwood Road and a Private Drive on the property known to be

in Section 21 of Township 03 South, Range 03 East, Section 22 of Township 03 South, Range 03 East, Section 28 of Township 03 South, Range 03 East, Section 27 of Township 03 South, Range 03 East Humboldt Base & Meridian.

Present General Plan Land Use Designation:

Timberland (T), 2017 General Plan, Density: 40-160 acres per unit, Slope Stability: Moderate Instability (2) & High Instability (3).

Present Zoning:

Agricultural Exclusive (AE), Timber Production (TPZ)

Environmental Review:

An Addendum to a previously adopted Mitigated Negative Declaration 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 Special Permit (SP) for an existing 8,640-square-foot (SF) of outdoor commercial cannabis cultivation. Water for irrigation is sourced from an existing permitted well on a neighboring parcel. Water storage consists of eight 5,000-gallon tanks, two 3,500-gallon tanks, and eight 1,500-gallon tanks totaling 35,000. Estimated annual water usage is 106,963 gallons which equals approximately 12.38 gallons per square foot. Applicant will dry onsite within the existing facilities and processing, including trimming, will be performed off site. Power is provided by generators but are conditioned to convert to a renewable source by January 1st, 2026.

Water Resources:

Estimated annual irrigation water is 106,963 gallons (12.38 gal/SF). Water for irrigation is provided by a well on a neighboring parcel (214-234-006) to eight 5,000-gallon tanks, two 3,500-gallon tanks, and eight 1,500-gallon tanks totaling 35,000. Additionally, one (1) 2,500-gallon tank is for fire protection use.

David Lindberg, licensed geologic consultant, assessed the existing permitted well for its potential for hydrologic connectivity with any adjacent wetlands and or surface waters, and how it might affect nearby surface waters. Based on the assessment, the subject well has a low likelihood of being hydrologically connected to nearby surface waters in any manner that could affect adjacent springs, wetlands and or surface waters in the vicinity, or a 1,000-foot radius of the subject well, an area of approximately 72 acres.

The well is installed at a surface elevation of approximately 1,980 feet above sea level and to a depth of 180 feet below the surface and is screened to a depth of 180 feet. Depth to first water was reported at 65 feet below the ground surface. The water bearing unit is listed in the Well Completion Report as a combination of brown fractured sandstone, shale, hard serpentine sandstone mix, and soft shale which are indicative of a water bearing unit that is hard stone as opposed to alluvial. The nearest surface water feature is Coon Creek, which is located approximately 1,350 feet to the northeast. The elevation of Coon Creek at its closest point to the well is approximately 1,600 feet above sea level, which is approximately 220 feet lower than the lowest portion of the well screen and approximately 200 feet below the bottom of the well. Given the distance and elevation difference between the well and Coon Creek, the well is unlikely to be diverting from any underflow of the river or otherwise have any significant connection to the creek. Given the lack of connection to any surface waters, the use of the well will have no adverse impact on public trust resources.

Additionally, the well will have no significant adverse impact on groundwater resources. A research study published by the USGS (Flint, 2013) indicates that approximately 34% of precipitation in Northern California percolates into groundwater recharge. That translates to 175,000 to 530,000 gallons a year per acre of land with the low range representing data for drought years and the high range for average rain years. The recharge rate can be higher in above average rainfall years. For the 120-acre project parcel, there is approximately 147,000,000 to 63,600,000 gallons of aquifer recharge depending on whether it is a drought or average rainfall year. Annual well water usage of 106,963 gallons represents .02% to .07% of the annual recharge occurring on the parcel depending on rainfall. Therefore, more water is going into groundwater on the subject property than is coming out for cannabis irrigation.

The Department of Environmental Health requested as a condition of approval that the applicant provide an invoice, or equivalent documentation to DEH to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff (CoA B45).

Biological Resources:

Per review of CDFW's California Natural Diversity Database (CNDDDB) in December 2021, there are no mapped sensitive species onsite and the nearest NSO activity center is located approximately 0.93 miles from the nearest cultivation area. Conditions of approval (B8) require the applicant adhere to noise and light attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

CDFW conducted a site inspection on October 18, 2023. On September 13, 2019, CDFW issued a Lake Streambed Alteration Agreement (LSAA, 1600-2019-0543-0000-R1) to upgrade and maintain one

stream crossing. On April 10, 2024, the permittee received a Letter of Completed Work for LSAA-1600-2019-0543-0000-R1 confirming that the project has been completed, see attachment 4E. Additionally, CDFW addressed concerns regarding synthetic netting (monofilament), secondary containment for generators and pumps, water for irrigation without lids, and poly pipe used to transport water located within a stream channel that needs to be relocated outside of the stream channel. These recommended conditions of approval are A6, A7, A10, and B14.

Energy:

Power is provided by generator power onsite. The project is conditioned to be powered by 100% renewable energy by January 1, 2026 (Condition of Approval A9).

Access:

Access to the site is via a driveway off a private road via French Road. Per the Road evaluation report, performed by Trinity Vallet Consulting Engineers, INC., French Road meets the requirements of a category 4 roadway. The evaluation report states that the road will be adequate for the projects intended use if suggested recommendations are administered. These are included as a recommended condition of approval (Condition of Approval A.8). Per referral comments received from the Department of Public Works, Land Use Division in January 2018, any existing or proposed driveways to serve as access for the proposed project that connect to a County-maintained road shall be improved to current standards for a commercial driveway. Additionally, all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance) Conditions of approval require the applicant to make the required roadway improvements in accordance with Public Works' comments (Condition of Approval A.12).

Tribal Consultation

The Project is within the ancestral territory of the Bear River Band of the Rohnerville Rancheria and Sinkyone. The project was referred to the Northwest Information Center and the Bear River Band of the Rohnerville Rancheria in 2017. There are no known tribal cultural resources on the project site. Bear River Band of the Rohnerville Rancheria responded they had no further concerns about the project but to add ongoing conditions of approval regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 301 permits and the total approved acres would be 85.8 acres of total cultivation.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comments, comments, or recommended approval or conditional approval. (Attachment 1A)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect not to approve the project, or to 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 the required findings.
2. 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 that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Cultivation & Operations Plan
 - C. Site Plan
2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Site Management Plan
 - B. Letter of Completed work for LSAA.
 - C. Road Evaluation Report
 - D. Lake and Streambed Alteration Agreement
 - E. Letter of Completion LSAA
 - F. Hydrologic Study
5. Referral Agency Comments and Recommendations
 - A. Department of Environmental Health Comments
 - B. Department of Public Works Comments
 - C. California Department of Fish and Wildlife (CDFW) Comments
6. Watershed Map

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Applicant

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Please contact Derek Wiles, Associate Planner, at dwiles@co.humboldt.ca.us or at (707) 445-7245 if you have any questions about this scheduled item.