



COUNTY OF HUMBOLDT

For the meeting of: 11/7/2024

File #: 24-1530

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Larabee Farm, LLC, Special Permit and Lot Line Adjustment
Assessor Parcel Numbers (APN) 210-051-070-000, 210-051-068-000
Record No.: PLN-11888-SP
Bridgeville area

A Special Permit for the continued operation of an existing cannabis cultivation site consisting of 9,000 square feet of mixed light cannabis cultivation in greenhouses and 900 square feet of ancillary nursery space. Irrigation water is sourced from a permitted, hydrologically disconnected well. Water storage for irrigation totals 19,750 gallons. The applicant's estimated annual water use is approximately 95,000. Drying and other processing will occur on-site. Power is provided by a PG&E and a generator for emergencies.

A lot line adjustment is also proposed between APN 210-051-070-000 (20.16 acres) and 210-05-068-000 (22.17 acres) to transfer of approximately 0.9 acres in an equal exchange with no net change in either parcel size.

RECOMMENDATION(S):

That the Planning Commission:

Adopt the resolution (Resolution 24-__) (Attachment 1) which does the following:

- a. Finds that the Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) that was prepared for the Larabee Farm, LLC, project; and
- b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
- c. Approves the Special Permit and Lot Line Adjustment subject to the recommended conditions of approval (Attachment 1C).

DISCUSSION:

Project Location: The project is located in the Bridgeville area, on the east side of State Highway 36, at the intersection of Larabee Valley Road and State Highway 36, on the property known as 33867 State Highway 36.

Present General Plan Land Use Designation:

Residential Agriculture (RA20-160), 2017 General Plan. Density: 20 to 160 acres per dwelling unit, Slope Stability: Low Instability (1) and High Instability (3)

Present Zoning:

Forestry Recreation (FR) with 40-acre Minimum Special Building Site (FR-B-5(40))

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:

The applicant is seeking a Special Permit for 9,000 square foot mixed light medical cannabis cultivation. Applicant is proposing a 900 SF nursery. Irrigation water is sourced from an onsite well. The annual water usage is 95,000 gallons for three (3) cycles of cultivation (9.6 gal/SF/year). Water storage onsite totals 19,750 gallons, store in nine (9) hard tanks. Processing performed onsite within a 2,304 square foot processing facility. A total of 4 (four) employees is expected for operations. Power sourced from PG&E.

There are a total of three (3) greenhouses that are all 30'x100' (3,000 SF) for a total of 9,000 SF. The applicant is proposing to allocate 900 SF to an ancillary nursery space within a 2,357 SF existing agricultural building. All cultivation areas are on slopes less than 15%. Processing including drying and curing occurs on site in an existing 2,375 SF shed. Further processing will occur at a third-party licensed facility. Up to four (4) employees are anticipated.

A lot line adjustment is also proposed between APN 210-051-070-000 (20.16 acres) and 210-05-068-000 (22.17 acres) to transfer of approximately 0.9 acres in an equal exchange with no net change in either parcel size. Both parcels are legally created, and resultant parcels are consistent with zoning regulations and development standards, and the lot line adjustment is consistent with the general plan.

Cultivation and Nursery Space

There are a total of three (3) greenhouses that are all 30'x100' (3,000 SF) for a total of 9,000 SF. The applicant is proposing to allocate 900 SF to an ancillary nursery space within a 2,357 SF existing agricultural building. The applicant must clearly define the 900 SF with the building and amend the Site Plan and Cultivation and Operations Plan to reflect this requirement (**Condition A.6**). All cultivation areas are on slopes less than 15%. Processing such as drying, curing, and trimming will occur on-site in existing structures.

Water Resources

The project sources irrigation water from one (1) existing groundwater well. The well is utilized for both domestic use and irrigation needs. The project is conditioned for the applicant to monitor irrigation water separately from domestic and have these meter readings available when requested (**Condition of Approval A.7**). Total annual water usage for irrigation is estimated at 95,000 gallons (9.6 gal/sf/yr). Reported total water storage is within three (3) 5,000-gallon, (5) 350-gallon water storage tanks for a total of 19,750 gallons. However, the California Department of Fish and Wildlife (CDFW) reported a total of 6,000 gallons of storage on site. The project is conditioned to increase water storage to a total of no less than 19,750 gallons and to amend the Site Plan to show where additional water storage is proposed (**Condition A.8**).

The site is located in the Van Duzen Planning Watershed and within the Butte Creek HUC-12 Cannabis Impacted Watershed. Butte Creek is a tributary to Van Duzen which is a tributary to the Eel River. The central and southern portions of the subject site are within a FEMA mapped 100-year flood zone. The existing project will not alter the existing flood area, does not propose any new residential or civic uses, and will not result in any hazardous industrial uses within the existing flood zone. Agriculture is an allowable use in flood zones. As depicted on the Site Plan (**Attachment 1.C**), several structures are located within the mapped flood zone, including a large portion of GH #1, the 1,000-square-foot ancillary nursery, a 190-square-foot fuel and generator shed, and two (2) poly mixing tanks (550 and 400 gallons).

There is one (1) watercourse that runs through the project parcel. The site is currently enrolled in the State Water Resources Control Board's (SWRCB) General Order (No. WQ 2019-0001-DWQ) for Waste Discharge Requirements and Water Quality as a Tier II Moderate Risk site under WDID 1_12CC412026. The applicant has submitted a Site Management Plan (SMP) prepared by Elevated Solutions LLC, dated November 2019. The SMP states that there are a total of one (1) stream crossings on-site which has been upgraded per the LSAA agreement. The project is conditioned for the applicant shall adhere to the corrective actions listed in the SMP (**Condition A.9**).

A well completion report was submitted with the application materials and dated May 30, 2012. The wellhead for the subject well (#11/12/0494) is at an elevation of approximately 2,380 feet and the elevation of the bottom of the well is approximately 2,260 feet and has an estimated yield of 15

gallons per minute (gpm). The well is screened between 20 and 120 feet below the surface in a mix of sand with layers of brown clay, blue clay with birds eye gravel, and blue sandstone.

Public Trust Resources

The Van Duzen Watershed contains important public trust resources such as fisheries, recreation such as boating and swimming, and historically may have provided opportunities for waterborne commerce. The common law Public Trust Doctrine protects sovereign lands, such as tide and submerged lands and the beds of navigable waterways, for the benefit, use and enjoyment of the public. These lands are held in trust by the State of California for the statewide public and for uses that further the purposes of the trust. The hallmark of the Public Trust Doctrine is that trust lands belong to the public and are to be used to promote publicly beneficial uses that connect the public to the water. Tributaries in the vicinity of this permitted well on the project parcel are ephemeral and drain to Butte Creek, which is a tributary of the Van Duzen River. Lindberg Geologic Consulting assessed the existing well on the project parcel to estimate its potential for hydrologic connectivity with adjacent springs, wetlands and or surface waters, and if pumping this well could affect surface waters in such nearby water courses. The report, dated October 26, 2022, estimated the potential for hydrologic connectivity with any adjacent wetlands and or surface waters. The survey area considered “adjacent” was within a 1,000-foot radius from the subject well and encompasses approximately 72 acres. On the project parcel there is a spring-fed perennial tributary to Butte Creek approximately 180 feet to the north north-east. The elevation of the spring-fed perennial tributary is at an elevation of 2,490 feet, making the nearby spring-fed perennial tributary 110 feet higher than the total depth elevation of the well (2,380 feet). Based on the findings of the research, it was the professional opinion of the Geologist that there is a low likelihood of the well being hydrologically connected to surface waters in any manner that could affect adjacent springs, wetland, and/or surface waters in the vicinity, or to any of the Public Trust resources associated with the Van Duzen watershed.

Biological Resources:

There are no mapped occurrences of rare and/or endangered species on the project parcel according to the California Natural Diversity Database. The nearest northern spotted owl (NSO) activity center is approximately 1.8 miles from the nearest cultivation area. The project has been conditioned to ensure supplemental lighting associated with the onsite nursery and mixed light cultivation adheres to Dark Sky Association standards including security lighting (**Ongoing Condition C.4**). Permit conditions of approval also prohibit using synthetic netting (**Ongoing Condition C.6**), ensure refuse is contained in wildlife-proof storage (**Ongoing Condition C.7**), and prohibit use of anticoagulant rodenticides to further protect wildlife (**Condition of Approval 9.**). As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect the northern spotted owl or other sensitive species.

After a site visit was conducted on February 15, 2024, the California Department of Fish and Wildlife (CDFW) provided comment on the project February 16, 2024. Per the comments received, the project is conditioned for the applicant to remove all cannabis cultivation and associated infrastructure that is

within the Streamside Management Area (SMA) Class III tributary to Butte Creek. Further, along the same Class III tributary to Butte Creek, a subsurface pipe was observed to be diverting water from the cultivation site to the tributary. As a condition of approval, the drainage must be redirected from the cultivation site to settling basins or bioswells that discourage and promotes dispersal and infiltration flows (**Condition A.13**). CDFW also commented on the lack of adequate water storage currently observed on site, 6,000 gallons, which differed from the Operations Plan that reported 19,750 gallons. As a condition of approval, the applicant is required to have 19,750 gallons of water storage (**Condition A.14**). While on the project parcel CDFW observed uncontained compost, discarded soil, and uncontained refuse with a nexus to cannabis cultivation. As a condition of project approval, the applicant must fully contain all compost piles and imported soil (**Condition A15**). CDFW observed sediment discharge occurring via the erosion of a hydrologically connected road. As a condition of approval, the applicant must implement an erosion control plan (Site Management Plan) to mitigate sediment delivery off roads and away from streams, which includes measures such as ditch relief culverts and water bars (**Condition A.9**). As part of the ongoing conditions, the project is prohibited from the use of synthetic netting (i.e. plastic or nylon) including photo or biodegradable plastic netting (**Ongoing Condition C.6**).

Energy:

Power is currently provided by PG&E, with generators on site utilized only as an emergency power source. The emergency back-up generator must be contained within a noise containment structure such that noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels (**Ongoing Condition C.1**).

Fire Hazards:

The project is in an area designated to have High Fire Hazard Severity. The project is located within the State Responsibility Area (SRA) for fire protection and the Bridgeville Fire Protection District (BFPD) response area. BFPD responds to structural fires and medical emergencies. The applicant is proposing several improvements to comply with SRA requirements including management of vegetation around existing structures to meet the 100-foot defensible space requirement, adding a designated emergency vehicle turn-around, and pull off area along the access road for emergency vehicles, and making sure all existing structures meet the 30-foot setback from property lines requirement. There is a 3,000-gallon fire suppression tank currently on site.

Timber Conversion:

Review of satellite imagery (Humboldt County WebGIS) taken between 2012 and 2021 of the project sites does not show signs of timber conversion on the project parcel. No tree removal is proposed or authorized by this permit. As such, no loss of timber resources is expected to the sites through approval and implementation of the projects as described and conditioned by the permits. CALFIRE provided no comment for the project.

Access:

The Project is located at 33865 Highway 36. To reach the site from Eureka, CA take Highway 101 for 19.9 miles to exit 685 to Highway 36. Follow Highway 36.33 miles. The Driveway is located on the left. A road evaluation was completed for the project by Six Rivers Construction & Consulting, dated May 25, 2018, with photos of 0.28 miles of the privately maintained Larabee Valley Road. Corrective measures to develop the road segment to the equivalent of a road category 4 standard have been added as conditions of project approval. The road evaluation deemed the private road segment off Highway 36 to the access road to be developed to the equivalent of a road category 4 standard with the following improvements (**Ongoing Condition C.2**):

1. Processed, rocked, and compacted to ensure that sediment delivery will not affect the unnamed class III adjacent watercourse.
2. Rolling dips and outsloped to be installed to guarantee sediment delivery does not occur.

Geologic Suitability:

The parcel is a combination of both high and low instability. All cultivation is located on areas of low instability. The existing and proposed cultivation areas are outside any mapped earthquake faults or fault hazard zones, areas of potential liquefaction, or mapped historic landslides.

Tribal Consultation:

The project is within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria. The project was referred to the Northwest Information Center (NWIC) and Bear River February 14, 2018. NWIC A Cultural Resource Investigation Report was conducted for the project following the spring of 2018 by William Rich and Associates. Bear River reviewed the survey and provided comment to the County on January 11, 2019. Bear River determined there was inadequate survey coverage and requested a site visit. Following the site visit, an amended Cultural Resource Investigation Report was prepared by William Rich and Associates that increased the survey area to 21 acres from the previous 5.5 acres. Bear River reviewed the amended Cultural Resource Investigation Report and provided comment October 26, 2021. They determined the project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol. The inclusion of the standard inadvertent discovery protocol as recommended by the cultural reports is incorporated into the projects as an informational note (**Informational Notes 3**).

Security and Safety:

The cultivation and associated facilities are enclosed within a secure fence and behind two locked gates. Restricted access signs have been posted and security cameras have been installed.

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

Planning staff determined that approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and

acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Cannabis impacted HUC-12 Butte Creek watershed within the greater Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 137 cultivation permits and the total approved acres would be 45.31 acres of cultivation.

Lot Line Adjustment

The proposed lot line adjustment is consistent with the Humboldt County Subdivision ordinance because the parcels have been found to be in compliance with the Subdivision Map Act, through an approved subdivision (Parcel Map No. 3 for Deerfield Ranch, filed in Book 1, Page 5 of Parcel Maps) and the proposed adjustment neither causes non-conformance nor increases the severity of any nonconformity. In addition, the proposed lot line adjustment is consistent with the General Plan.

OTHER AGENCY INVOLVEMENT:

The projects were referred to responsible agencies and most responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachments 5).

ALTERNATIVES TO STAFF RECOMMENDATIONS:

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

ATTACHMENTS:

1. Resolution
 - A. Recommended 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. Road Evaluation Report
 - B. Site Management Plan
 - C. Notification of Lake or Streambed Alteration
 - D. Well Completion Report
 - E. Well Study

- F. Notice of Applicability
 - G. Lot Line Adjustment Documents
5. Referral Agency Comments and Recommendations

APPLICANT INFORMATION:

Applicant

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