

Jordan Lourie

Record Number: PLN-2021-17449

Assessor's Parcel Number: 108-161-006-000 & 108-161-007-000

Recommended Zoning Administrator 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:

Find that the Zoning Administrator has considered the Addendum to the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and adopt the Resolution approving the Jordan Lourie, project as recommended by staff subject to the recommended conditions.

Executive Summary

An application has been submitted to the Planning Division for a Special Permit for existing commercial cannabis cultivation. This commercial cannabis activity is authorized by Section 314-55.4.6.1.2 of the Commercial Cannabis Land Use Ordinance No. 2599 (CCLUO). The application meets the requirements of zoning, siting criteria (55.4.6.4.1, 55.4.6.4.2, 55.4.6.4.3), setbacks from property lines and listed incompatible uses (e.g., schools), and is accompanied by the documentation, plans, descriptions, and agency clearances set forth in the CCLUO. The cultivation has previously been approved and this Special Permit authorizes only a reconfiguration of the existing approved cultivation areas.

A Special Permit to modify an approved Zoning Clearance Certificate, application Number PLN-2019-15824, for 6,000 existing square feet (SF) of outdoor commercial cannabis cultivation and previously approved 900 SF ancillary nursery area. A Substantial Conformance Review approval allowed for the reconfiguration and relocation of an agricultural exempt metal drying building on APN 108-161-007-000. The proposed Special Permit is to allow for the relocation of cannabis cultivation to adjacent APN 108-161-007-000 from APN 108-161-006-000. The Special Permit would allow for the decommissioning and removal of a 2,160 SF greenhouse on APN 108-161-006-000 and the relocation of the 2,160 SF cultivation entitlement to APN 108-161-007-000. The relocation would result in the full cultivation entitlement of 6,000 SF and 900 SF ancillary nursery (previously approved project PLN-2019-15824) to occur on one (1) legal parcel instead of two (2) and because the parcel size is less than 10 acres this requires a Special Permit under the CCLUO. The consolidated cultivation is proposed to be enclosed within three (3) 20'x100' greenhouses in the same footprint as the previously approved cultivation area and the ancillary nursery is to be within an adjacent 20'x45' greenhouse. The greenhouses on APN 108-161-006-000 are removed the area will be remediated pre-cultivation status and seeded with the prevailing grass species. Up to two (2) cultivation cycles per annum are proposed. All cultivation work is completed by the resident-operator and no employees are proposed. Drying will occur in an onsite barn. The applicant proposes to utilize a third-party off-site party processing facility for all processing beyond drying and curing.



Figure 1: Current conditions as of June 2022 on APN 108-161-007-000 & 108-161-006-000 sourced from Planet satellite imagery and mapped with the Humboldt County California WebGIS mapping interface. Cultivation areas are labeled here as #A, B, & C. and are referred to in the Cultivation Operations Plan and Site Plan without numerical identifiers.

Water Resources

The applicant projects an annual water usage of 75,000 gallons which is approximately 10.87 gal/sf for the 6,000 SF of primary cultivation area and the previously approved 900 SF of ancillary nursery area (see PLN-2019-15824). Peak use occurring in July through September (Table 1).

Table 1. Annual water usage by month in gallons.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
0	0	0	4,000	10,000	12,000	14,500	15,000	14,500	5,000	0	0

The irrigation water source for the project is a rainwater catchment system located on the adjacent parcel to the west (APN 108-161-006-000) under the same ownership as the primary project parcel (APN 108-161-007-000). Per the conditions of approval, a contingent easement will be established to support the delivery water line to the primary project parcel and has been added as a Condition of Approval. Water storage consists of two (2) 5,000 tanks and one (1) 82,000-gallon rainwater catchment tank. The rainwater catchment tank is plumbed to three (3) hard plastic tanks totaling 11,000 gallons. Domestic water is provided to the residence from a well. The residence is also served by a permitted septic tank

and leach field. Electric power is sourced from PG&E and there is also a residential propane tank onsite for domestic uses.

The project has a previously approved Site Management Plan (WDID-1_12CC415981) prepared by Timberland Resource Consultants May 5, 2019, which meets the standards of the SWRCB's General Order (No. WQ 2019-0001-DWQ). The project is designated as Low Risk Tier 1, which is consistent with the originally approved project PLN-2019-15824. The applicant is also registered with the California State Water Resource Control Board (Reg. ID H506290) for Cannabis Small Irrigation Use.

There is a class III stream which flows south off the western side of subject parcel 108-161-007-000 and connects as a tributary to the Mattole River that flows along the southern property boundaries. The parcels are accessed from a rocked driveway connecting to Huckleberry Lane. The natural ground slopes very gently towards the Mattole River. A riparian tree buffer borders the Mattole River with some other trees scattered about the property. No neighboring parcels use any portion of the subject parcels for ingress/egress. There is one (1) stream crossing proposed as well as one (1) point of diversion, and a 82,000 rainwater catchment tank. A Lake or Streambed Alteration Agreement (LSAA) with the California Department of Fish & Wildlife (CDFW) was applied for in 2019. The final LSAA was received by the Planning Department August 8, 2022. The applicant shall adhere to the work described within the Agreement. The site is enrolled in the State Water Board and a Site Management Plan was provided (see PLN-2019-15824).

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

The project is located in the Cape Mendocino Planning Watershed and specifically within the Cannabis Impacted Watershed Headwaters Mattole River Watershed, which under Resolution 18-43 is limited to 650 permits or 223 acres, whichever occurs first. The approval of this project would not impact the current total approved permits of 219 in this Planning Watershed nor does it impact the total cultivation area of approximately 75.81 acres of cultivation. The previously approved project was already included in the calculations.

Energy Resources

The project's main source of energy will be sourced from PG&E. No generators use is proposed.

Biological Resources

A Biological Report by Leopardo Wildlife Associates conducted on April 3, 2019 for the project site that was. No rare, threatened, or sensitive species were observed within the cultivation area. The project is not expected to increase baseline noise more than 3 decibels. An addendum to the Biological Report was prepared by Timberland Resource Consultants on February 22, 2022. The addendum included an environmental superiority justification for the relocation to a single parcel. The consolidation of the cultivation areas onto a single parcel is environmentally superior to the areas being on separate parcels, as the area to be remediated will be conducive to providing native habitat once again, a reduction in the total anthropogenic impact throughout the two parcels, and improved habitat connectivity between the grassland habitat to the surrounding coniferous habitat. Further, this method also aligns with "ecological land-use complementation" theory in which; the alignment and configuration of land use promotes habitat connectivity, reduces fragmentation, and increases biodiversity. The use of amendments and other products associated with cannabis cultivation would be limited to a single area and eliminates the risk of spillage and/or unwanted discharge from transport from one cultivation site the other. The consolidation of the cultivation areas would also result in a greater separation in the proximity of the cultivation area to the Mattole river and the Class III stream. The applicant submitted a Lake and Streambed Alteration for one (1) stream crossing proposed, one (1) point of diversion, and an 82,000-rainwater catchment tank. The final LSAA was received by the Planning Department August 8, 2022. The applicant shall adhere to the work described within the Agreement and adherence to that work has been added to the conditions of approval.

The Biological Report outlines the potential for sensitive species presence on-site, as well as recommended mitigation measures for the project. The biologist recommendations include the following:

- Monitoring noise levels from cannabis cultivation activities, assuring that operations be kept below the 50 decible (dB) threshold for disturbance at 100 feet.
- Greenhouse structures utilizing artificial light should also be regularly monitored, ensuring they are covered adequately for adherence to Dark Sky International Association guidelines for Lighting Zone 0 and Lighting Zone 1.

The resolution that certified the Environmental Impact Report (EIR) for the Commercial Cannabis Land Use Ordinance (CCLUO) includes all of the mitigation measures that were adopted with the EIR. Section 55.4.12.1.10 of the CCLUO references all of the biological resource mitigation measures in the EIR and the department needs to make the finding that our 2.0 cannabis projects are consistent with the EIR. The EIR includes a mitigation measure that no new cultivation will be permitted if northern spotted owls (NSO) are present within 1.3 miles. The Biological Report included an analysis of NSO in the project vicinity. The CNDDDB indicated that one (1) territory with the last detection in 1983 (HUM0133) approximately one (1) miles of the project site. Given this information and the fact that the project is not proposing new cultivation, a Northern Spotted Owl surveys is not recommended by staff to be required. Humboldt County Code does not require protocol level surveys for the Northern Spotted Owl as outlined in Resolution 18-40, the Resolution Certifying the Environmental Impact Report given the findings of the biological report.

Geologic Suitability

A review of WebGIS determined that the project is located within a parcel that has been classified as having low instability. The project cultivation areas are located within an area that has slopes less than 15% percent. All cultivation is proposed to take place on existing graded flats.

Tribal Cultural Resource Coordination

The project is located within the ancestral territories of the Intertribal Sinkyone Wilderness Council and the Bear River Band of the Rohnerville Rancheria. The previously approved project (PLN-2019-15824) had a Cultural Resource Study conducted in June of 2019 by Archaeological Research and Supply Company and was submitted to both tribes for review. The project proposal was referred to the Northwest Information Center, Sinkyone Intertribal Wilderness Council, and the Tribal Historic Preservation Officer (THPO) of the Bear River Band. The THPO representative for the Bear River Band recommended approval for this project as well as the previously approved project with the inclusion of inadvertent discovery protocol. The project will be conditioned as such.

Security and Safety

The subject parcel is located within both the Whitethorn Fire Protection District and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. A review of the Humboldt County WebGIS showed the subject parcel as being located in an area deemed to have a very high fire hazard severity. The project was referred to CALFIRE in September of 2021. The Department provided no comment. Access to the parcel is restricted locking metal gates (photos included with Road Evaluation materials). The premises/residence is normally occupied by the owner/applicant.

Access

A Road System Assessment was completed by the applicant dated September 11, 2019 was submitted to the Department of Planning and Building for previously approved project PLN_2019-15824. The assessment evaluated a 0.6-mile road segment off Shelter Cove Road. This segment of road is nearly strait with little change in elevation. The road is well maintained with adequately sloped shoulders should facilitate drainage and prevent unwanted erosion/sediment transport. The parcel is accessed by a driveway off Huckleberry Lane. Huckleberry Lane is developed to the functional equivalent of a Class 4 road. The project was referred to the Department of Public Works. The response stated the intersection of Huckleberry Lane and the County-maintained Shelter Cove Road is paved to County standards and recommended approval of the project.

Environmental Review and Recommendation

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information). Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, 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.

Site Inspection

A pre-site inspection was conducted by the Humboldt County Building Department on September 20, 2021. The inspection was approved. A subsequent Site Inspection shall be conducted by the Planning Division within 30 days of permit approval, in order to verify compliance with the following: removal of the greenhouses on APN 108-161-006-000, water lines separated for domestic uses from commercial irrigation uses, no leaking water tanks, no strunged lights within the outdoor hoop houses and light-deprivation greenhouses, proper storage of fuel and solid waste within secondary containment, and contained perlite and soil pile (**Condition A.6**)

Alternatives

Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.