



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: May 2, 2019

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Terrapin Farms, LLC**
Application Number 12136
Case Numbers SP18-093
Assessor's Parcel Number 529-036-011
222 Bark Shanty Road, Orleans area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	5

Maps

Zoning Map	6
Aerial Map	7
Topo Map	8
Site Plans	9

Attachments

Attachment 1: Recommended Conditions of Approval	10
Attachment 2: Staff Analysis of the Evidence Supporting the Required Findings	17
Attachment 3: Applicant's Evidence in Support of the Required Findings	32
Attachment 4: Referral Agency Comments and Recommendations	56

Please contact Isaac Hansen, Planner, at 707-445-7541, or by email at vendorlaco@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date May 2, 2019	Subject Special Permit	Contact Isaac Hansen
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Project Description: Terrapin Farms, LLC is seeking a Special Permit for an existing commercial cannabis operation consisting of 6,500 square feet of outdoor cultivation in two cultivation areas on a 37.42 acre parcel (APN 529-036-011). This Special Permit includes provisions for a setback reduction to less than 600 feet to property owned by the Six Rivers National Forest. Cultivation occurs in either temporary seasonal greenhouses (hoop style) or full-sun gardens. No supplemental light is used. Water for cultivation activities is sourced from rainwater catchment system connected to the roof of an existing shop building. Irrigation water is stored in eight (8) hard tanks totaling 57,000 gallons. Processing, including drying and trimming occurs on-site in an existing barn structure. The applicant states that no employees are utilized and that three family members are required for operations year-round. Electricity is sourced from an existing solar array with a PGE intertie.

Project Location: The project is located in the Orleans area, on the north side of Bark Shanty Road, approximately 0.08 miles north east from the intersection of a private drive and Bark Shanty Road, 0.2 miles north west from the intersection of Bark Shanty Road and Ishi Pishi Road, approximately 4.5 miles north from the intersection of Ishi Pishi Road and Hwy 96, on the property known as 221 Bark Shanty Road, Orleans.

Present Plan Land Use Designations: Residential Agriculture (RA), Humboldt County General Plan, Density: 5 to 20 acres per dwelling unit, Slope Stability: Moderate Instability (2).

Present Zoning: Unclassified (U)

Case Numbers: SP18-093

Application Number: 12136

Assessor Parcel Number: 529-036-011

Applicant

Terrapin Farms, LLC
Michael Korejko
P.O. Box 223
Eureka, CA 95502

Owner

George & Marie Pearlingi
P.O. box 57
Orleans, CA 95556

Agent

None

Environmental Review: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, 15301 (Existing Facilities).

Major Issue: None.

State Appeal Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Terrapin Farms, LLC Special Permit

Case Numbers SP18-093
Assessor's Parcel Number (APN): 529-036-011

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 project is exempt from environmental review pursuant to Section 15301 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report, and adopt the Resolution approving the proposed Terrapin Farms, LLC Special Permit subject to the recommended conditions.

Executive Summary The proposed Special Permit would allow operation of an existing 6,500 square foot outdoor commercial medical cannabis cultivation, and a reduced setback to public lands (Six Rivers National Forest) in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) on a 37.42 acre parcel (APN 529-036-011). Cultivation occurs in either temporary seasonal greenhouses (hoop style) or full-sun gardens. No supplemental light is used. Electricity is sourced from an existing solar array with a PGE intertie.

Water for cultivation activities is sourced from rainwater catchment system connected to the roof of an existing shop building. The applicant estimates that based on the average rainfall in the area, this system can capture and supply 84,648 gallons of water for the project annually. The project is expected to require 51,150 gallons per year for cannabis activities (7.87 gallons per square foot per year). The project uses timed drip emitters to water the root area as well as hand watering by the operators. Irrigation water is stored in eight (8) hard tanks totaling 57,000 gallons. Domestic water is sourced and stored separately. The applicant has provided copies of their Water Resources Protection Plan (WRPP) as well as annual reporting documents submitted to the North Coast Regional Water Quality Control Board.

Processing, including drying and trimming occurs on-site in an existing 960 square foot barn structure. The barn is shown on the site plan as being in close vicinity to an existing residence that is served by an existing septic system. The applicant states that no employees are utilized and that three family members are required for operations year-round. The applicant is required to adhere to the performance standards for processing activities set by the CMMLUO § 55.4.11 (q) through (u).

The Building Inspection Division submitted comments on the project on February 13, 2019 based on the results of a site visit. Referral comments included a request for an updated Site Plan, a request for an "R2" Geologic Report, and recommended conditions of approval. The applicant submitted a Site Plan on March 7, 2019 showing the required revisions, and has submitted an "R2 Soils & Geology Report" prepared and stamped by a registered professional engineer. The conclusion of the geologic report indicates, "No subsurface or seismic conditions were encountered which would prohibit the construction of the proposed addition from a soils and foundation engineering standpoint." The recommended conditions of approval have been added to Appendix 1.

The project was referred to the Northwest Information Center (NWIC) and the Karuk Tribal Historic

Preservation Officer (THPO). Referral comments from the NWIC indicate that a study has previously been conducted on portions of the subject parcel, and recommend coordinating with the local Native American tribe regarding traditional, cultural, and religious heritage values. The Karuk Tribe entered into an agreement to inspect the site with the applicant, and the results of the inspection, "determined that the cultivation area was more than 600 feet from a Karuk Cultural Resource and had no discernable impact on cultural resources."

The Department of Public Works – Land Use Division provided referral comments on the project recommending that, as a condition of approval, the driveway apron connecting to the County road be paved for a minimum width of 18 feet and a length of 50 feet. This condition has been added to Appendix 1.

Due to the proximity of the cannabis activity to the adjacent public lands, and the applicant's request for the Special Permit to include a reduction to the required setbacks, the project was referred to the US Forest Service. Staff received referral comments on March 19, 2019 that are commonly received for projects of this type – recommending denial of the project due to the fact that the project involves cannabis cultivation, which is listed as a Schedule 1 drug under the Controlled Substances Act. The comments also recommend that applicants who are adjacent to USFS lands, "have their parcels surveyed by a professional land surveyor to ensure their operations are not trespassing upon or causing impacts to federal lands." The applicant alerted staff to the fact that the subject parcel was previously surveyed by the USFS in or around 2008 as part of the "Orleans Community Fuels Reduction and Forest Health Project," and that the property boundary is very clearly marked. The boundary line can also be inferred by using aerial imagery. A distinct difference in vegetation size and density can be seen as a reflection in the different timber treatments that have occurred historically; the vegetation on the USFS side of the boundary appears to consist late seral, mature conifer forest, while the vegetation on the subject parcel consists of smaller, early-to-intermediate seral stage forest. An example of this difference, along with a measurement from the presumed property line to the nearest cultivation area is included in Attachment 3.

Recommendation: Based on the evidence in the record, staff recommends that the Zoning Administrator approve the application subject to the recommended conditions.

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 Division staff does not recommend further consideration of these alternatives.