

Lost Coast Lady Farms, LLC
Record Number: PLN-11599-CUP
Assessor's Parcel Number: 105-131-006

Recommended Planning Commission Action:

1. Describe the application as part of the consent agenda.
2. Survey the audience for any person that wishes to discuss the application.
3. If no one requests discussion, make the following motion to approve the project as part of the consent agenda.

Find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit, and adopt the Resolution approving the Lost Coast Lady Farms, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary:

Lost Coast Lady Farms, LLC is seeking a Conditional Use Permit to allow the continued operation of an existing 2,500 square foot outdoor commercial cannabis operation 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), and a Special Permit for development within an SMA. The site is designated as Agricultural General in the Humboldt County 2017 General Plan Update and zoned Agricultural Exclusive (AE). A Conditional Use Permit is required under Section 314-55.4.8.2.2.1 of the CMMLUO because the parcel is an AE-zoned parcel of less than 1 acre in size. Under this provision of the CMMLUO the maximum cultivation area allowed is 2,500 square feet.

The project will be sharing a propagation space of 780 square feet, water storage, and drying activities with the proposed project (PLN-11597-ZCC) on the neighboring parcel under the same ownership (APN 105-131-005). There will be two cultivation cycles occurring annually. All processing, with the exception of drying, will occur offsite at a licensed third-party processing facility. Drying will occur in the 768 square foot drying building. There will be a maximum of three employees required for operations.

Water Resources

Water for irrigation is provided by a registered point of diversion from an unnamed stream, tributary to the Mattole River. The applicant is permitted to divert a maximum of 78,204 gallons annually. The applicant anticipates 66,500 gallons of water will be required annually for irrigation (8.87 gallons/SF). This water use estimate includes irrigation needs for both the proposed project and the cannabis cultivation on the adjacent parcel (APN 105-131-005, PLN-11597-ZCC). There are 6,500 gallons of water storage occurring in two (2) 2,500-gallon tanks, and one (1) 1,500-gallon tank. The applicant has proposed to obtain an additional 60,000 gallons of water storage. A condition of approval will require the applicant to obtain an additional 60,000 gallons of water storage prior to the 2023 forbearance period (**Condition A.14**). The applicant will adhere to the forbearance period and will not divert water from April 1st to October 31st of each year.

The point of diversion is on a parcel under separate ownership (APN 104-121-002) in close proximity to the subject parcel. Grant deeds for the subject parcel and adjacent parcel under the same ownership (APN 105-131-005) include easements for water use from the point of diversion.

All water storage, both existing and proposed, for the proposed project will be located on the adjacent parcel under the same ownership (APN 105-131-005, PLN-11597-ZCC), and as such a recommended condition of approval includes recording a contingent easement for the ongoing use and maintenance of the water storage infrastructure (**Condition A.12**).

Tribal Consultation

The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, and Intertribal Sinkyone Wilderness Council. Referral comments requested that a Cultural Resources Study be completed. The applicant submitted a Cultural Resource Study (CRS) prepared by DZC Archaeology and Cultural Resource Management. The report concluded that no cultural, tribal, or historic resources were present on either the subject parcel or the adjacent parcel (APN 105-131-005, PLN-11597-ZCC). The project has an ongoing condition to include inadvertent archaeological discovery language pursuant to recommendations received from the Tribal Historic Preservation Officer of Bear River Band of the Rohnerville Rancheria (**Condition B.25**).

Biological Resources

There are no mapped endangered or threatened species of concern located on the subject APN. The nearest Northern Spotted Owl (NSO) activity center (HUM0154) is located approximately 2.7-miles northwest of the cultivation site and the nearest NSO observation was observed over two-miles northeast from the cultivation site. Marbled Murrelet habitat is mapped approximately 3.75 miles south from the cultivation site.

The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 217 permits and the total approved acres would be 77.1 acres of cultivation.

Access

The property is accessed via a private driveway from Mattole Road, a paved County-maintained road which is developed to a Category 4 standard with a centerline stripe. The project was referred to the Department of Public Works who commented the applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance); fences and gates shall be relocated out of County right of way and set back sufficiently so vehicles will not block traffic when staging to open/close the gate; and the applicant shall pave the surface of the driveway where it intersects Mattole Road, for a minimum width of 20 feet and a length of 50 feet. These conditions shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license (**Condition A.7** and **Condition A.8**).

Development in the Streamside Management Area

The pre-existing cannabis cultivation on the subject parcel is situated within a Streamside Management Area (SMA), which is permissible with the approval of a Special Permit pursuant to the Streamside Management Areas and Wetlands Ordinance (SMAWO). The applicant has submitted a Riparian Impact Evaluation prepared by J. Regan Consulting, which proposes restoration and enhancement of the SMA adjacent to the cultivation site. The restoration and enhancement area will be equivalent in size to the existing cannabis that is proposed to be developed. A condition of approval will require the applicant to implement all recommendations made within the report (**Condition A.10**).

RECCOMENDATION: Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit and Special Permit.

ALTERNATIVES: 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 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 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.