



COUNTY OF HUMBOLDT

For the meeting of: 8/15/2024

File #: 24-1184

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Lizard Ranch Farms LLC
Assessor Parcel Numbers (APN) 208-341-011
Record No.: PLN-12020-SP
Dinsmore area

A Special Permit for 9,325 square feet of existing outdoor commercial cannabis cultivation. Water is sourced from an existing well and rainwater catchment. Water is stored in a series of tanks totaling 96,500 gallons, the annual water budget is 120,000 gallons. Drying will occur onsite while further processing, including trimming will occur offsite. A solar panel and battery system provides electricity, with a generator used for emergencies only.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt resolutions (Resolution 24-__) (Attachments 1) which does the following:
 - a. Finds the Zoning Administrator has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Lizard Ranch, LLC project (Attachment 3); and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Lizard Ranch, LLC Special Permit subject to the recommended conditions of approval (Attachments 1A).

DISCUSSION:

Project Location:

The project is in Humboldt County, in the Dinsmore area, on the North side of State Highway 36, approximately 480 feet North from the intersection of State Highway 36 and Rattlesnake Bridge Road, and approximately 540 feet East from the intersection of Rattlesnake Bridge Road and an unnamed

road, on the property known as 415 Cobb Road.

Present General Plan Land Use Designation:

Residential Agriculture (RA); Airport Review (AP); 2017 General Plan; Density: 20 acres per unit; Slope Stability: High Instability (3).

Present Zoning:

Unclassified (U).

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 outdoor cultivation area of approximately 9,325 square feet (SF) consisting of five (5) cultivation areas and two (2) nursery areas totaling 932 SF. The 9.25-acre property is zoned Unclassified (U). Water is sourced from a permitted on-site groundwater well and rainwater catchment. Annual water usage for cannabis cultivation is 120,000 gallons. Drying, curing, and bucking will occur onsite while further processing activities will occur offsite. The site is owner-operated, and no employees will be used. Electricity is provided by a solar system with a generator for emergencies.

The existing, pre-January 1, 2016, cultivation area of 9,325 sf was verified using Google Earth on November 27, 2017. The subject parcel (Parcel 5) is a legal parcel, per subdivision map recorded in book 19 of maps, page 29.

The project was referred to the Department of Environmental Health (DEH) on July 18, 2017, and comments were received on September 6, 2017. Comments from DEH stated, "The applicant shall install a permitted septic system within 24 months and prior to the approval of onsite processing. The use of portable toilets in the interim is approved in accordance with the following: Prior to renewal of permit the operator is required to submit receipts or copy of contact confirming sufficient use of portable toilets to serve cultivation staff for duration of first year."

The applicant will be required to secure building permits or exemptions for the existing structures including but not limited to generator storage, water storage tanks, greenhouses, and two sheds (**Condition A7**).

Water Resources:

The estimated annual irrigation water usage of 120,000 gallons is sourced from a rainwater catchment system and a permitted well (permit number 08/09-0640). A rainwater catchment analysis was provided in the applicant's Operations Plan (**Attachment 1B**). The rainwater catchment analysis showed an annual rainwater collection capacity of 63,075 gallons in an average rainfall year. The well will be used to top off the 96,500 gallons of hard tanks prior to the May 15th forbearance period. The project is conditioned to limit well withdrawals between May 15th and November 1st to 30,000 gallons per year (**Condition of Approval B2**). The project is conditioned to require water meters on the well and outlet of the water tank system. Water usage logbooks must be kept and be made available during annual inspection of the cannabis operation (**Condition of Approval A2**). If the applicant is unable to store 75% of the annual water budget prior to May 15, the cultivation area must be reduced in proportion to the water deficit. For every 10 gallons below 90,000 gallons stored, the permittee shall reduce their cultivation area by 1 square foot. Domestic water or other water sources may not be used (**Condition of Approval B1**).

The well is identified in the Well Completion Report (**Attachment 4B**) as having an estimated yield of 3+ gallons per minute, which indicates that the well is marginally productive and can be relied upon as a source of 30,000 gallons of irrigation water between May 15th and November 1st. With the estimated yield, the well will need to pump 75 minutes a day to supply the needed water in the dry season. This pumping period will allow ample time for groundwater recharge in the well column. The first 17 feet of the well boring traverses Silty Tan Clay; the well features a Bentonite sanitary seal from 0-20 feet below ground surface (BGS). The well is screened from 40 to 200 feet below the surface in a mix of weathered brown bedrock 17 -47 BGS and Grey Bedrock 47-200 BGS. The well is located approximately 600 feet from an unnamed class III watercourse. The land in the area generally slopes down in a westerly direction to the Van Duzen River. The watercourse is located at the northern end of the parcel and the well is located towards the southeastern portion of the parcel. There is a slight dip in the topography between the class III watercourse and the well. Surface water resources would reasonably travel downslope towards the river rather than intercepting the well's area of influence. The well is located 2,777 feet above sea level. The bottom of the well's bearing unit is 2,577 above sea level, and the nearest point on the Van Duzen River is 1,477 feet away at an elevation of 2,411 above sea level. The bottom of the well is 166 above the river. The groundwater well appears unlikely to have a direct hydrologic connection to the watercourse given the clay soil that is found between 2 and 17 feet in the well boring, the distance to the nearest surface waters, the elevation profile of the well, the topography of the area and the distance to the nearest blue line streams.

California Department of Fish and Wildlife issued the applicant a Final Lake and Streambed Alteration Agreement (LSAA, 1600-2019-0085-0000-R1) in September 2020. Subsequent consultation identified concerns that will be addressed with the following conditions of approval:

1. Submit a minor amendment to revise the Work Completion Date on the LSAA by August 31,

2024. **(Condition of Approval A9).**

2. Remove all waterline located in the stream channel by October 15, 2024. **(Condition of Approval A10).**
3. The applicant will remove water tanks located within the Streamside Management Area (SMA) of a stream channel on the parcel (at coordinates: 40.485505, -123.575826) and will submit a revised site plan showing the new location of the tanks and water lines **(Condition of Approval A8)**.

The project is also conditioned to comply with the LSAA **(Condition of Approval B5)**.

The project referral to the Division of Environmental Health (DEH) resulted in a request for certification of the existing septic system. The project is conditioned requiring the use of portable toilets for cultivation activities until the septic system is permitted or certified by DEH as having capacity to serve the cannabis operation **(Condition of Approval B3)**.

Per the Operations Plan, the irrigation method for cannabis cultivation is hand watering at agronomic rates.

Biological Resources:

No Biological Assessment Report was prepared for the project. The project is for pre-existing cultivation in a developed area. There are no mapped sensitive plant or animal species on the site per the California Natural Diversity Database (CNDDB). The nearest spotted owl activity center is approximately 1.6 miles to the north-east, past a PG&E transmission line, and additional owl activity centers are further from the site. Use of the emergency generator is subject to the standard condition limiting noise to 50dB at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer **(Condition of Approval C2)**.

Applicant has a Streambed Alteration Agreement with Fish & Wildlife dated September 9, 2020. Notification No. 1600-2019-0085-R1. All Cobb Road culverts have been replaced and the decommissioning of the 18" failing culvert has been completed.

The project has been conditioned to ensure supplemental lighting associated with the plant nursery adheres to Dark Sky Association standards including security lighting (Condition of Approval C3). Permit conditions of approval also prohibit using synthetic netting (Condition of Approval C5), ensure refuse is contained in wildlife-proof storage (Condition of Approval C6), and prohibit use of anticoagulant rodenticides to further protect wildlife (Condition of Approval C8). 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.

The project site contains an unnamed class III watercourse. The project site plan depicts all cultivation areas outside applicable streamside management areas and riparian buffers.

Energy:

The project's energy source is a 4.32kW solar array consisting of (12) 360 Kw solar panels and four 371 amp-hour batteries, allowing for 1,484-amp hours of renewable energy storage. Emergency power is provided by generators. The project is conditioned upon requiring transition to renewable sources no later than January 1, 2026 **(Condition of Approval A11)** after which generators will then be reserved for emergency use only. While in use, any generator may not emit more than 50dB of sound at 100 feet or forest edge, whichever is closer. **(Condition of Approval C2)**.

Access:

From Dinsmore airport, take State Highway 36 1.3 miles southeast to Rattle Snake Bridge Road and take a left. Proceed onto Cobb Road and go approximately .36 miles and the driveway to the property will be on the left. A Road Evaluation Report (Attachment 4C) was prepared for several landowners on Cobb Road. Cobb Road is not in compliance as described in Title III - Land Use and Development, Division II, Fire Safe Regulations (Ordinance) as a Category 4 roadway, but with improvements can be considered a Category 4 equivalent roadway. Lizard Ranch Farms has been a contributing member of the Cobb Road Maintenance Association since 2020 and has contributed funds in the amount of \$9,479 since joining the Road Association. The project is conditioned requiring the applicant provide documentation of their continued participation in the road maintenance association **(Condition of Approval B4)**. The project is in an Airport Protected Airspace area, Public Works requested that the applicant secure a letter of no hazard from the FAA. The applicant secured a letter of no hazard from the FAA (Attachment 4D).

The site is a co-owned farm currently not hiring part-time or full-time employees. Harvesting and processing is done with the support of LLC members. The site plan depicts adequate parking areas and emergency turnouts.

Geologic Suitability:

The project parcel is mapped in the County GIS as high instability. The existing cultivation is located partly in areas of 15% slope or less. No new grading is proposed to implement the project. After the fact grading permits are required for grading that was done previously without permits **(Condition of Approval A6)**. A Site Management Plan (SMP) has been prepared for this project **(Attachment 4A)** and the project is conditioned to comply with the erosion control measures identified in the SMP.

Timber Conversion:

A staff analysis of historic Google Earth imagery conducted on November 8, 2017 **(Attachment 4E)**, concluded no significant timberland conversion occurred between 1993 and 2014. A CalFire referral on July 18, 2017, replied with no comment.

Security and Safety:

Per the project Operations Plan, access to the parcel is gated and locked and security cameras are

used. The Site Plan depicts a 3000-gallon tank dedicated to fire suppression as well as an adequate emergency vehicle turnaround.

Tribal Consultation:

The projects were referred to the Northwest Information Center and the Bear River Band of the Rohnerville Rancheria. The Northwest Information Center and the Bear River Band requested that the conditions of approval include the standard inadvertent discovery protocol (Condition of Approval C1).

Public Trust Resources:

The well is the source of 30,000 gallons of irrigation water between May 15th and November 1st. With the estimated yield, the well will need to pump 75 minutes a day to supply the needed water in the dry season. This pumping period will allow ample time for groundwater recharge in the well column. The first 17 feet of the well boring traverses Silty Tan Clay; the well features a Bentonite sanitary seal from 0-20 feet below ground surface (BGS). The well is screened from 40 to 200 feet below the surface in a mix of weathered brown bedrock 17 -47 BGS and Grey Bedrock 47-200 BGS. The well is located approximately 600 feet from an unnamed class III watercourse. The land in the area generally slopes down in a westerly direction to the Van Duzen River. The watercourse is located at the northern end of the parcel and the well is located towards the southeastern portion of the parcel. There is a slight dip in the topography between the class III watercourse and the well. The unnamed watercourse may combine with another watercourse and eventually enter the Van Duzen River. The Van Duzen River contains habitat for Chinook salmon, Coho Salmon, Steelhead and Rainbow trout. Some of these species are subject to fishing. The Van Duzen River also provides recreational opportunities for swimming and boating. Surface water resources would reasonably travel downslope towards the river rather than intercepting the well's area of influence. The well is located 2,777 feet above sea level. The bottom of the well's bearing unit is 2,577 above sea level, and the nearest point on the Van Duzen River is 1,477 feet away at an elevation of 2,411 above sea level. The bottom of the well is 166 feet above the river. The groundwater well appears unlikely to have a direct hydrologic connection to the watercourse given the clay soil that is found between 2 and 17 feet in the well boring, the distance to the nearest surface waters, the elevation profile of the well, the topography of the area, the projected demand on the well, and the distance to the nearest blue line streams. Based on this information the use of the well for irrigation purposes will not have any adverse impacts on any public trust resources.

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

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 in the Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of the project the total approved permits in this Planning Watershed would be 129 permits and the total approved acres would be approximately 44 acres of cultivation.

Environmental Review:

Environmental review for this project was conducted and based on this analysis, staff concludes that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration (MND) that was adopted for the CMMLUO. Staff has prepared an addendum (Attachment 3) to the MND for consideration by the Planning Commission.

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 5)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or delete other conditions of approval. The Planning Commission 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. Draft Resolution
 - A. Conditions of Approval
 - B. Operations Plan
 - C. Site Plan
2. Location Map
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Site Management Plan
 - B. Well Completion Report
 - C. Road Evaluation
 - D. FAA No Hazard Letter
 - E. Timber Conversion Evaluation
 - F. Streambed Alteration Agreement
5. Referral Agency Comments and Recommendations
 - A. CDFW
 - B. Division of Environmental Health
 - C. Public Works

Applicant

Lizard Ranch Farms, LLC
PO Box 32
Mad River, CA 95552

Owner

Thomas Kissick
3101 Boardwalk Tower 1 Unit 3106
Atlantic City, NJ 08401

Agent

Margro Advisors
117 Wildwood Ave
Rio Dell, CA 95562

Please contact Andrew Whitney, Planner, at awhitney2@co.humboldt.ca.us
[<mailto:awhitney2@co.humboldt.ca.us>](mailto:awhitney2@co.humboldt.ca.us) or (707)268-3735 for questions about this scheduled item.