COUNTY OF HUMBOLDT

For the meeting of: 9/19/2024

File #: 24-1290

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:
Humboldt Headless Chicken Ranch
Assessor's Parcel Numbers: 218-151-005
Record Numbers: PLN-12015-CUP
New Harris area

A Conditional Use Permit for 35,650 square feet of existing cannabis cultivation of which 30,106 is outdoor and 5,554 square feet is mixed light. Estimated annual water usage is 420,400 gallons and is sourced from an existing well, a spring, and two rain catchment roofs. Water storage totals 238,000 gallons. Onsite processing is proposed in a building equipped with rainwater catchment gutters. Applicant currently utilizes a generator for energy but is conditioned to transition to a renewable source by January 1, 2026.

RECOMMENDATION(S):
That the Planning Commission:

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

DISCUSSION:
Project Location:
The project is in the Palo Verde area, on the South side of Island Mountain Road, approximately .74 miles Northwest from the intersection of Island Mountain Road and Chamise Loop Road, and

approximately 1 mile Southwest from the intersection of Island Mountain Road and Road D on the property known as 1530 Road D, Garberville.

Present General Plan Land Use Designation:
Residential Agriculture (RA); 2017 General Plan; Density: 40 acres per unit; Slope Stability: High Instability (3).

Present Zoning:
Forestry Recreation (FR); Special Building Site (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:
No major issues/concerns were identified for this project.

Executive Summary:
A Conditional Use Permit for 35,650 square feet (SF) of existing cannabis cultivation operation of which 30,106 SF is existing outdoor and 5,544 SF is mixed light. Estimated annual water usage is 420,400 gallons and is sourced from rainwater catchment, a well, and a spring. Water storage totals 238,000 gallons with an additional (11) 5,000-gallon tanks proposed for a total of 293,000 gallons of hard tank storage. Onsite processing is proposed. The applicant was awarded the DCC Energy Grant and will be working towards full renewable power with a generator for emergency backup purposes only.

Water Resources:
The estimated annual water usage of 420,400 gallons is sourced from rainwater catchment, a spring, and an existing groundwater well (well #2 At 40.031926, -123.569547). The water right issued by the State Water Resources Control Board limits total annual water diversion at 1.02-acre feet per year or 42,000 gallons per day, which exceeds the annual estimated annual water usage for cannabis irrigation. The water right is issued for a spring and a well that was drawing from the spring and is proposed to be decommissioned, as well as for a pond that is off property and not proposed to be utilized for the cannabis operation. The point of diversion to be utilized will need to have water meters and water usage logbooks kept and made available during annual inspection of the cannabis operation **(Condition of Approval A2)**. Final LSAA (1600-2018-0380-R1) requires no more than 200 gallons per day from April 1 to October 31; however, per the Commercial Medical Marijuana Land Use Ordinance complete forbearance is required from May 15th through October 31st of each year.

The applicant has two buildings equipped with gutters and rainwater catchment systems. Cannabis use building (CUB) #1 & 2. CUB#1 is 26'x40' with a 2' overhand on all sides making it 28'x44'= 1,232sf of catch surface. CUB#2 is 30'x32 with a 2-foot overhang making it 34'x36'= 1224sf of catch surface. A total of 2,456 sf of rooftop is available for collecting rainwater, which equals approximately 1,496 gallons of water available for collection for each one inch of rainwater.

The applicant proposes utilizing two existing structures as well as adding a third structure to be utilized for rain catchment. The total area for catchment will equal of 3,688 square feet this would equate to 76,136 gallons of catchment per year.

Per the Operations Plan, irrigation is applied through a pressure regulated drip emitter system with timers and hand watering regulated fertilizer injector system for feeding applications. The applicant will water every other day.

There are three wells on the property, one to be decommission and destroyed, and one to be utilized only for domestic purposes. The well to be utilized for cannabis irrigation is listed in the application materials as Well Number 2, which is located at GPS coordinates 40.031926, -123.569547. This well is installed at a surface elevation of approximately 1,159 feet above sea level and to a depth of 217 feet below the surface and is screened at a depth of between 20 and 217 feet below the surface. The water bearing unit is listed in the Well Completion Report as a combination of basalt, fractured shale & quartz, and shale clay & sandstone. The nearest surface water feature is Chamise Creek, which is located approximately 500 feet to the south. Chamise Creek contains important public trust resources, specifically recreational fisheries as it is host to winter run steelhead trout. The elevation of Chamise Creek at its closest point to the well is approximately 1,015 feet above sea level, which is approximately 73 feet above the lowest portion of the well screen. While the well is screened at the same general elevation as the creek at its closest point, the water bearing unit in the screened interval is a mix of sandstone, basalt, fractured shale and quartz and Franciscan shale, all more indicative of a fractured bedrock condition than the alluvial underflow of a watercourse. Given the distance between the well and the Chamise Creek and the geologic layers of the water bearing unit, the well is unlikely to be diverting from any underflow of the creek or otherwise have any significant connection to the creek. Based on all the above facts, it is unlikely that the use of this well will have any adverse impacts to public trust resources such as the winter run of Steelhead trout.

Additionally, the use of the well is unlikely to adversely impact groundwater resources. A research study published by the USGS (Flint, 2013) indicates that approximately 34% of precipitation in Northern California percolates into groundwater recharge. According to the Climate Prism Group the lowest rainfall year in the last thirty years was 2013, with 21.48 inches. That translates to 215,811 gallons per acre of land in the worst drought year. The recharge rate can be higher in average to above average rainfall years. For the 37-acre project parcel, there is as much as 8,000,000 gallons of aquifer recharge occurring on the parcel even in the lowest rainfall year. Annual well water usage of 420,400

gallons represents no more than 5% of the annual recharge occurring on the parcel depending on rainfall. Therefore, more water is going into groundwater on the subject property than is coming out for cannabis irrigation.

Lastly, the spring has a water right and is pumped to storage for use during the forbearance period. Based off the Right to Divert (Attachment 4E) and LSAA (Attachment 4B), the applicant is permitted to divert no more than 200 gallon per day between April 1 and October 31. However, the CMMLUO prohibits diversion during the forbearance period of May 15th through October 31st.

Biological Resources:
The project is 1.66 of miles from the nearest Northern Spotted Owl activity center. 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.

A Biological Resources Assessment was prepared by Gretchen O'Brien, Senior Wildlife Biologist at SHN (October 25, 2019). The existing literature regarding sensitive resources that have the potential to occur within the site, including: California Natural Diversity Database (CNDDB) (CDFW 2019a), Biogeographical Information and Observation System (BIODS, CDFW 2019b), Electronic Inventory of Rare and Endangered Vascular Plants of California (California Native Plant Society [CNPS], CDFW 2019c), Special Animals of California List (CDFW 2019d), United States Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) (USFWS 2019a). Site visits were conducted on May 21 and July 2, 2019, to assess habitat availability and potential of occurrence, and to document presence of special-status biological resources. Special status species that were observed during site visits include the foothill yellow-legged frog, a state-listed endangered species and federal species of concern, and the western pond turtle, a vulnerable species according to the International Union for Conservation of Nature.

The report includes recommendations designed to protect sensitive species. Recommendations include:

- Conduct spring box maintenance and culvert replacement when there is no flowing water to reduce the chance of foothill yellow-legged frog presence and to reduce sediment discharge to Chamise Creek.
- Refrain from stocking the pond with fish or aquatic species to prevent the accidental introduction of bullfrogs.
- Avoid impacting California oat grass prairies near the study area. Disturbances to these areas would require additional botanical review.
- Avoid impacting any sensitive natural plant community adjacent to the project area. Disturbances to these areas would require additional botanical review.
- Conserve existing wetlands and riparian habitats within and adjacent to the project area. Use

best management practices (BMPs) to prevent sediment runoff into waterways and wetlands.

- Remove construction debris and waste from within 100 feet of wetlands, ditches, and streams.
- Leave downed woody debris in place for wildlife habitat.
- Limit clearing of vegetation to the non-breeding season for birds (September 15 to February 28). Brush clearing during the reproductive season (March 1 to September 14) would require additional botanical review.
- Use native and locally sourced plant material for landscaping and revegetation.
- Remove any populations of Himalayan blackberry, teasel, and thistle from within the project area.
- To prevent further spread of invasive plant species, clean vehicle tires and boots before and after completing work on construction-related activities in the project area.
- Refrain from the use of monofilament netting in any project-related activities to prevent wildlife entanglement.
- Keep noise levels from generators and other equipment to 50 decibels or less at 100 feet distance from the noise source or the edge of the nearest critical habitat for sensitive species, whichever is closer.
- Ensure external lighting complies with International Dark Sky Association standards for lighting zones zero (0) and one (1).
- Refrain from the improper storage or use of fuels, fertilizer, pesticides, fungicides, rodenticides, and herbicides.

Recommendations of the report are included as recommended conditions of approval in **Condition B2**.

Energy
The applicant is in the process of converting the energy source from generator to a solar system. For emergency backup, a generator is described in the project Operations Plan. The project is conditioned to migrate electricity sourcing for the cannabis operation to all renewable sources by January 1, 2026, reserving generator usage for emergencies only **(Condition of Approval A5)**.

Access:
A Road Evaluation Report was prepared by Gary D. Simpson, CEG, and Anson Call, PG at SHN (January 29, 2021). The report evaluated two (2) segments of the access road to the site, Road D (Upper Road D and Lower Road D), and a 1,920-foot driveway on the parcel. The report includes an analysis of existing road conditions and maintenance recommendations for the entire road and specific road points (RPs), described below:

- Steep portions of the road (greater than 15% grade) shall be surfaced with a durable road rock material.
- Install broad rolling dips on steep sections of road at intervals of no more than 100 feet.
- Provide line-of-sight turnouts at available locations to allow opposing traffic to pass.
- At RP1, install a specific rolling dip downslope from the point where the driveway diverges away from the existing drainage, construct a rock energy dissipator at the point of discharge, and grade the driveway between the security dip and the downslope rolling dip.
- At RP2, place a rolling dip near the base of the slope, convey surface water to the vegetated slope southwest of the driveway, regrade the road surface to facilitate drainage toward the outboard edge, construct a rock energy dissipator at the point of discharge, and create a turnout on the east side of the driveway at the existing area adjacent to the swale.
- At RP3, develop the flat area into a usable turnout. Clear existing vegetation, reshape the road edge, and apply rock to develop turnout.
- At RP4, create a pullout off of the spur road to allow traffic to pass, regrade the uphill portion of the spur road, install a rolling dip uphill from the intersection with the spur road, grade the road to prevent water from flowing off of the driveway onto the surface of the spur road, and outslope the driveway below the spur road.
- At RP5 remove unused water tanks and establish a serviceable turnout to allow traffic to pass. Outslope the driveway immediately above and below the spur.
- At RP6, place angular gravel on the driveway surface leading to the Class II crossing to slow and filter runoff toward the Class II watercourse.
- At RP7, outslope the section of driveway between the stream crossing and the 12-inch culvert. Inslope the driveway between the culvert and gentle rise. Clean out the inboard ditch and culvert at this location regularly.
- At RP8, regrade the driveway above the pullout so that it is insloped toward the inboard ditch. Construct a water break to drain water across the spur road and construct a rock energy dissipator at the discharge point.
- At RP9, regrade the driveway so that it is insloped to the west side, construct a rolling dip below the intersection with Lower Road D, and discharge water to the vegetated landscape.
- At RP10, inslope the driveway, construct an inboard ditch on the west side of the driveway, and develop a water break to convey runoff across the driveway. Construct a rock energy dissipator.

Recommendations of the report are included in **Condition A14**.

Geologic Suitability:
The project parcel is mapped in the County GIS as high instability. The existing cultivation is in areas

ranging from 15% slope or less to 15% to 30% slope. 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 A7)**.

Timber Conversion:
No timberland conversion is associated with this project. CalFire referral replied with requests for the standard safety measures such as dedicated water source and emergency turnarounds (see Security and Safety section below).

Security and Safety:
Per the project Operations Plan, access to the parcel is gated and locked. The Site Plan depicts a 5,000 gallons tank dedicated to fire suppression as well as a Hammer Head T emergency vehicle turnaround. The project was referred to the Bridgeville Fire Protection District which did not respond. The referral to CalFire responded with standard requests for turnarounds and fire suppression water storage.

Tribal Consultation:
A Cultural Resources Investigation (report) was prepared by Roscoe and Associates Cultural Resources Consultants. Two (2) ancestral Native American archaeological sites were identified adjacent to the cultivation areas. No additional ground disturbance is proposed at either site. The Tribal Historic Preservation Officer for the Bear River Band visited the site and agreed that a less than 600-foot setback from the sites was appropriate given that the artifacts do not qualify as a Tribal Cultural Resource and that no ground disturbance is proposed.

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 Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of the project the total approved permits in this Planning Watershed would be 107 permits and the total approved acres would be approximately 42.22 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).

The Army Corps of Engineers was erroneously referred and provided comments assuming that they were referred due to proposed wetland fills. No wetland fill is proposed.

CDFW conducted a site visit on August 14, 2024 and provided comments on August 23, 2024. These comments and recommendations have been added as Conditions of Approval (A9-A13), which will address submitting the required reporting measures for the work that was completed on an upgraded stream crossing (**Condition A13**). Additionally, sediment discharge to waters of the state through erosion of a hydrologically connected road that is used to access the cultivation site (at coordinates 40.031986, -123.569940) shall be mitigated via stormwater plan (site management plan) to direct surface flow away from streams to mitigate the existing threats of sediment delivery (**Condition A9**). Furthermore, unused metal cages that were once used for cannabis cultivation (at coordinates 40.031162, -123.569883) have been conditioned to either be disposed of at a waste management facility or properly stored to minimize the risk of wildlife entrapment (**Condition A10**). Next, uncontained compost associated with cannabis cultivation (at coordinates 40.030769, -123.568087) has been conditioned to be fully contained (**Condition A11**). Additionally, prohibition of the use of synthetic netting (e.g., plastic or nylon) including photo or biodegradable plastic netting for the purpose of cultivation operations and/ or erosion control (**Condition C5**).

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. LSAA
    C. Road Evaluation Report
    D. Biological Study

E. Right to Divert

F. SMA Memo

G. Aquatic Resources Survey

H. Well Completion #2

5. Referral Agency Comments and Recommendations

A. Public Works

B. Environmental Health

C. CDFW

6. Watershed Map

Applicant
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Owner
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Please contact Derek Wiles, Planner, at dwiles@co.humboldt.ca.us or 707-445-7541 for questions about the scheduled item.