



COUNTY OF HUMBOLDT

For the meeting of: 8/1/2024

File #: 24-1148

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Onedrop Agronomics Conditional Use Permit
Assessor Parcel Numbers: 214-234-006-000
Record Numbers: PLN-10841-CUP
Miranda area

Onedrop Agronomics seeks a Conditional Use Permit (CUP) for an existing 21,478-square-foot (SF) outdoor cultivation and 10% ancillary nursery space. Water for irrigation is sourced from an existing well. Estimated annual water usage is 265,898 gallons (12.38 gallons/SF/year). Total water storage is 37,500 gallons in hard tank storage. Drying and bucking will occur onsite while all other processing will be performed offsite at a licensed third-party processing facility. Power is provided by generators but is conditioned to switch to a renewable source by January 1st, 2026.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 24-___). (Attachment 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 that was prepared for the Onedrop Agronomics project (Attachment 3); and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Conditional Use Permit subject to the recommended conditions of approval (Attachment 1A)

DISCUSSION:

Project Location:

The project is located in the Phillipsville area, on the south and west side of US Highway 101, approximately 5 miles from the intersection of Bear Butte Road and Highway 101, on the property known to be in Section 29 of Township 02S, Range 03E, Humboldt Base & Meridian.

Present General Plan Land Use Designation:

Timberland (T), 2017 General Plan, Density: 40-160 acres per unit, Slope Stability: Moderate Instability (2).

Present Zoning:

Timber Production (TPZ)

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 Conditional Use Permit for 21,478 square feet of existing outdoor commercial cannabis cultivation. Water for irrigation is provided by an on-site well. Water storage consists of (8) 5,000-gallon tanks, (2) 3,000-gallon tanks, and (8) 1500-gallon tanks totaling 58,000. Estimated annual water usage is 265,898 gallons which equals approximately 12.38 gallons per square foot. Power is provided by generators but is conditioned to switch to a renewable source by January 1st, 2026.

Processing activities including drying and bucking will occur onsite while further processing activities will be transported to a licensed third part facility.

Water Resources:

Estimated annual irrigation water is 265,898 gallons (12.38 gallons/SF/year). Water is sourced from an onsite well. Water storage consists of (8) 5,000-gallon tanks, (2) 3500-gallon tanks, and (8) 1500-gallon tanks totaling 59,200. Additionally, one (1) 2,500-gallon tank is for fire protection use.

David Lindberg, licensed geologic consultant, assessed the existing permitted well for its potential for hydrologic connectivity with any adjacent wetlands and/or surface waters, and if pumping well might affect nearby surface waters. According to the well evaluation, it is their opinion the subject well has a low likelihood of being hydrologically connected to nearby surface waters in any manner that could affect adjacent springs, wetlands and or surface waters in the vicinity, or a 1,000-foot radius of the subject well, an area of approximately 72 acres.

The well is installed at a surface elevation of approximately 1997 feet above sea level and to a depth of 250 feet below the surface and is screened to a depth of 250 feet. The water bearing unit is listed in the Well Completion Report as a combination of blue sandstone, hard shale, and soft shale which

are indicative of a water bearing unit that is hard stone as opposed to alluvial. The nearest surface water feature is the Goon Creek, which is located approximately 2,140 feet to the east. The elevation of the Goon Creek at its closest point to the well is approximately 1,700 feet above sea level, which is approximately 50 feet lower than the lowest portion of the well screen and approximately 48 feet below the bottom of the well. Given the distance and elevation difference between the well and the Coon Creek, the well is unlikely to be diverting from any underflow of the river or otherwise have any significant connection to the river. Based on all of the above facts, it is unlikely that the use of this well will have any adverse impacts to public trust resources.

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. That translates to 175,000 to 530,000 gallons a year per acre of land with the low range representing data for drought years and the high range for average rain years. The recharge rate can be higher in above average rainfall years. For the 120-acre project parcel, there is approximately 147,000,000 to 63,600,000 gallons of aquifer recharge depending on whether it is a drought or average rainfall year. Annual well water usage of 265,898 gallons represents .18% to .42% 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.

Biological Resources:

Per review of CDFW's California Natural Diversity Database (CNDDDB) in December 2021, there are no mapped sensitive species onsite and the nearest NSO activity center is located approximately 1.2 miles from the nearest cultivation area, with the nearest NSO positive observation sighting located approximately 0.5 miles away. Conditions of approval require the applicant adhere to noise and light attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

On September 13, 2019, CDFW issued a Lake Streambed Alteration Agreement (LSAA, 1600-2019-0542-0000-R1) to upgrade and maintain three stream crossings. On April 10, 2024, the permittee received a letter of Completed Work for LSAA-1600-2019-0542-0000-R1 confirming that all the projects have been completed (see Attachment 4C). CDFW conducted a site inspection on October 18, 2023 and provided referral comments. CDFW expressed concerns regarding increased water storage, synthetic netting, secondary containment for generators and pumps, and water storage for irrigation occurring without lids. These concerns have been addressed through recommended conditions of approval A.10, A.11, A.12, and B.14.

Energy:

Power is provided via generator. The project is conditioned to be powered by 100% renewable energy

by January 1, 2026 (Condition of Approval A.6).

Access:

Access to the site is via a driveway off a private road via French Road. Per the Road evaluation report, performed by Trinity Vallet Consulting Engineers, INC., French Road meets the requirements of a category 4 roadway. The evaluation report states that the road will be adequate for the projects intended use if suggested recommendations are administered. These are included as a recommended condition of approval (Condition of Approval A.7). Per referral comments received from the Department of Public Works, Land Use Division in January 2018, any existing or proposed driveways to serve as access for the proposed project that connect to a County-maintained road shall be improved to current standards for a commercial driveway. Additionally, all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance) Conditions of approval require the applicant to make the required roadway improvements in accordance with Public Works' comments (Condition of Approval A.9).

Tribal Consultation

There are no known tribal cultural resources on the project site. The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria on August 15th, 2017. The NWIC responded that their office has no record of any previous cultural resource studies for the project area but that the project area has a low possibility of containing unrecorded archaeological site(s) and to contact the local Native American tribe. The Tribal Historic Preservation Officer of the Bear River Band responded requesting that the standard inadvertent archaeological discovery language be added as a condition of approval (CoA B1).

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

Planning staff determined 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 located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 301 permits and the total approved acres would be 86 acres of total cultivation.

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 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 the required findings.

2. 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.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Cultivation & Operations Plan
 - C. Site Plan
2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Site Management Plan
 - B. Final Unsigned Streambed Alteration Agreement with CDFW
 - C. LSAA Letter of Completion
 - D. Road Evaluation Report
 - E. Hydrologic Study
5. Referral Agency Comments and Recommendations
 - A. Department of Environmental Health Comments
 - B. Department of Public Works Comments
 - C. Building Division Comments
 - D. California Department of Fish and Wildlife (CDFW) Comments 9.25.2018
 - E. California Department of Fish and Wildlife (CDFW) Comments 7.3.2024
6. Watershed Map

Applicant

Onedrop Agronomics
Kevin Bourque
517 3rd Street Suite 8
Eureka, CA 95501

File #: 24-1148

Owner

Victory River Holdings LLC
491 Davidson Rd.
Williams, OR 97544

Agents

David Nicoletti
DTN Engineering
2731 K Street
Eureka, CA 95501

Please contact Derek Wiles, Associate Planner, at dwiles@co.humboldt.ca.us or at (707) 445-7245 if you have any questions about this scheduled item.