



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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3015 H Street, Eureka CA 95501  
Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: September 15, 2022

To: Humboldt County Zoning Administrator

From: David J. R. Mack, AICP, Contract Planner (Harris & Associates)

Subject: **Howard Special Permit**  
Application Number PLN-2018-15289  
Assessor's Parcel Number (APN) 221-221-036  
4600 Crooked Prairie Road, Redway

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Please contact David J. R. Mack, AICP, Planner (Harris & Associates) at 831-320-0413 or by email at david.mack@weareharris.com, if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> September 15, 2022	<b>Subject</b> Special Permit	<b>Contact</b> David Mack, AICP
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**Project Description:** Devin Howard seeks a Special Permit for 7,623 square feet (SF) of existing outdoor cannabis cultivation in five (5) locations throughout the site, including three (3) full sun cultivation areas and two (2) light deprivation greenhouses. The full sun cultivation area includes both in-ground and raised beds (6,990 SF), and the light deprivation greenhouse cultivation area utilizes pots (633 SF).

Irrigation water is supplied by an existing spring water point of diversion (POD) totaling 97,250 gallons/year and by a proposed rainwater catchment system (rooftop catchment gutters) totaling 1,860 gallons (3,100-SF rooftop catchment area x 600 gallons/1,000 SF = 1,860 gallons) per 1-inch of rain. In an average rainfall year (60 inches/year), the catchment would have the potential to collect as much as 111,600-gallons/year. In a less than average rainfall year (assuming 50% or 30 inches/year), the catchment would collect approximately 55,800 gallons/year. Total estimated annual water use (including domestic use) is 80,900 gallons/year as shown in the table below, and irrigation of cannabis is anticipated to be 50,000 gallons/year (6.56 gallons/SF). Water is stored in six rigid water tanks with a total storage capacity of 7,500 gallons. The project requires no additional employees. This is a family owned/operated facility. Power is provided to the site by solar panels, batteries, and generators.

**Applicant anticipates Water Use\*\***

Jan	Feb	March	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec	Total
1,500	1,440	1,550	4,500	8,000	11,000	27,000	13,000	6,000	4,000	1,5000	1,500	80,900

\*\* Water collection/storage and use will be documented throughout the growing season to improve water use numbers. Includes Domestic Use.

*An analysis of water supply has not been completed, and the applicant has been unresponsive. Therefore, the project has been moved to hearing with a recommendation of denial.*

**Project Location:** The site is located at 4600 Crooked Prairie Road, Redway, in southern Humboldt County.

**Present Plan Land Use Designations** Residential Agriculture (RA); 40 acres/unit; High Slope Instability (3)

**Present Zoning:** U or Unclassified

**Record Number:** PLN-15289-SP

**Assessor's Parcel Number:** 221-221-036

**Applicant**

Devin Howard  
PO Box 1078  
Willits, CA 95490  
[707devinlion55@gmail.com](mailto:707devinlion55@gmail.com)

**Owner**

Devin Howard  
PO Box 1078  
Willits, CA 95490  
[707devinlion55@gmail.com](mailto:707devinlion55@gmail.com)

**Agents**

N/A

**Environmental Review:** The County has determined the project is Statutorily Exempt from California Environmental Quality Act (CEQA) per CEQA Guidelines, Section 15270(a), which states: CEQA does not apply to projects which a public agency rejects or disapproves.

**State Appeal Status:** Project is NOT appealable to the California Coastal Commission.

**Major Issues:** The applicant has been unresponsive and has not supplied required materials to evaluate the project (e.g., water supply analysis); therefore, the project has been moved to hearing with a recommendation of denial.

**Devin Howard**

Record Number: PLN-2018-15289

Assessor's Parcel Number: 221-221-036

**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 deny the application as a part of the consent agenda:

*Find that the Zoning Administrator has considered the Statutory Exemption to the California Environmental Quality Act, as described by Section § 15270(a) of the State CEQA Guidelines; make all of the required findings for denial of the Special Permit; and adopt the Resolution denying the Devin Howard project as recommended by staff.*

**Executive Summary** Devin Howard seeks a Special Permit for 7,623 square feet (SF) of existing outdoor cannabis cultivation in five (5) locations throughout the site, including three (3) full sun cultivation areas and two (2) light deprivation greenhouses. The full sun cultivation area includes both in-ground and raised beds (6,990 SF), and the light deprivation greenhouse deprivation cultivation area utilizes pots (633 SF).

The project is located in the Redway area, on both sides of Powell Creek Road, approximately 1.3 miles north from the intersection of Powel Creek Road and Crooked Prairie Road, on the property known to be in the northeast quarter of Section 4 of Township 04 South, Range 02 East, Humboldt Base & Meridian.

The present land use designation is Residential Agriculture (RA), as defined in the Humboldt County 2017 General Plan Update; and the parcel is zoned as Unclassified (U). The project is family operated and requires no additional employees.

Power is supplied to the site by solar panels, batteries, and generators.

**Water Resources**

Irrigation water is supplied by an existing spring water point of diversion (POD) totaling 97,250gallons/year and by a proposed rainwater catchment system (rooftop catchment gutters) totaling 1,860 gallons (3,100-SF rooftop catchment area x 600-gallons/1,000 SF = 1,860 gallons) per 1-inch of rain. In an average rainfall year (60 inches/year), the catchment would have the potential to collect as much as 111,600 gallons/year. In a less than average rainfall year (assuming 50% or 30 inches/year), the catchment would collect approximately 55,800 gallons/year. Total estimated annual water use (including domestic use) is 80,900 gallons/year as shown in the table below, and irrigation of cannabis is anticipated to be 50,000 gallons/year (6.56 gallons/SF). Water is stored in six rigid water tanks with a total storage capacity of 7,500 gallons.

**Applicant anticipates Water Use\*\***

Jan	Feb	March	Apr	May	June	Jul	Aug	Sep	Oct	Nov	Dec	Total
1,500	1,440	1,550	4,500	8,000	11,000	27,000	13,000	6,000	4,000	1,500	1,500	80,900

\*\* Water collection/storage and use will be documented throughout the growing season to improve water use numbers. Includes Domestic Use.

*An analysis of the water supply has not been completed, and the applicant has been unresponsive. Therefore, the project has been moved to hearing with a recommendation of denial.*

**Biological Resources**

Pacific Watershed Associates (PWA) conducted a preliminary site inspection on December 18, 2018, and concluded that a wetland delineation was required for the property. Additionally, PWA anticipated

the potential presence of steelhead and Coho in Leggett Creek (located downstream of the subject parcel).

To date, a biological assessment for the property has not been supplied to Humboldt County (or Harris & Associates), and the applicant has been unresponsive to requests for this information. In the absence of the requested information, staff must assume that there could be potential adverse impacts to sensitive species; therefore, the project could not be determined consistent with or covered by prior environmental review documents prepared by Humboldt County. Since the applicant has not been responsive to requests for documents/information, a supplemental environmental document (Initial Study addendum) cannot be prepared.

Without this information, the project is not consistent with application regulations and policies for cannabis cultivation and, therefore, has a recommendation of denial. Accordingly, the County has determined the project is Statutorily Exempt from California Environmental Quality Act (CEQA) per CEQA Guidelines, Section 15270(a), which states: CEQA does not apply to projects which a public agency rejects or disapproves.

### **Tribal Cultural Resource Coordination**

On June 20, 2019, the Northwest Information Center (NWIC) conducted a California Historical Resources Information System (CHRIS) search for the subject property and concluded they had no record of prior archaeological surveys being conducted on the parcel.

On June 28, 2019, the Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested a survey be conducted on this specific property.

To date, an archeological survey/report has not been supplied to Humboldt County (or Harris & Associates), and the applicant has been unresponsive to requests for this information. In the absence of the requested information, staff must assume that there could be potential adverse impacts to archaeological resources; therefore, the project is not consistent with or covered by prior environmental review documents prepared by Humboldt County. Since the applicant has not been responsive to requests for documents/information, a supplemental environmental document (Initial Study addendum) cannot be prepared.

Without this information, the project is not consistent with application regulations and policies for cannabis cultivation and, therefore, has a recommendation of denial. Accordingly, the County has determined the project is Statutorily Exempt from California Environmental Quality Act (CEQA) per CEQA Guidelines, Section 15270(a), which states: CEQA does not apply to projects which a public agency rejects or disapproves.

### **Environmental Review and Recommendations**

The County has determined that the project is Statutorily Exempt from CEQA, per CEQA Guidelines Section 15270(a), which states: CEQA does not apply to projects which a public agency rejects or disapproves.

**Alternatives:** Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision 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); or 2) The Zoning Administrator could elect to refer the project back to staff for additional attempts to obtain information and contact from the applicant.

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 22-  
Record Number PLN-2018-15289  
Assessor's Parcel Number: 221-221-036**

**Resolution by the Zoning Administrator of the County of Humboldt finding the project statutorily exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Section 15270(a), due to denying the Devin Howard Special Permit project application.**

**WHEREAS, Devin Howard** applied for a Special Permit for 7,623 square feet (SF) of existing outdoor cannabis cultivation in five (5) locations throughout the site, including 3 full sun cultivation areas and 2 light deprivation greenhouses. The full sun cultivation area includes both in-ground and raised beds (6,990 SF), and the light deprivation greenhouse cultivation area utilizes pots (633 SF).

**WHEREAS,** the County Planning Division, the lead agency, determined the project Statutorily Exempt from CEQA per CEQA Guidelines, Section 15270(a), which states CEQA does not apply to projects which a public agency rejects or disapproves; and

**WHEREAS,** the Humboldt County Zoning Administrator held a duly-noticed public hearing on **September 15, 2022**, and reviewed, considered, and discussed the application for the requested Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED,** that the Zoning Administrator makes all the following findings:

- 1. FINDING:**                   **Project Description:** The application is for a Special Permit for 7,623 square feet (SF) of existing outdoor cannabis cultivation in five (5) locations throughout the site, including three (3) full sun cultivation areas and two (2) light deprivation greenhouses. The full sun cultivation area includes both in-ground and raised beds (6,990 SF), and the light deprivation greenhouse cultivation area utilizes pots (633 SF).

**EVIDENCE:**           a) Project File: PLN-15289-SP
  
- 2. FINDING:**                   **CEQA.** The project is Statutorily Exempt from CEQA, per CEQA Guidelines Section 15270(a), which states CEQA does not apply to projects which a public agency rejects or disapproves.

**EVIDENCE:**           a) The applicant has been unresponsive and not supplied requested/required information to Humboldt County.

                                  b) Pacific Watershed Associates (PWA) conducted a preliminary site inspection on December 18, 2018, and concluded that a wetland delineation was required for the property. Additionally, PWA anticipated the potential presence of steelhead and Coho in Leggett Creek. To date, a biological assessment for the property has not been supplied to Humboldt County (or Harris & Associates), and the applicant has been unresponsive to requests for this information. In the absence of the requested information, staff must assume that there could be potential adverse impacts to sensitive species; therefore, the project could not be determined consistent with or covered by prior environmental review documents prepared by Humboldt County. Since the applicant has not been responsive to requests for the information, a supplemental environmental document (Initial Study addendum) cannot

be prepared. Without this information, the project is not consistent with application regulations and policies for cannabis cultivation.

- c) On June 20, 2019, the Northwest Information Center (NWIC) conducted a California Historical Resources Information System (CHRIS) search for the subject property and concluded they had no record of prior archaeological surveys being conducted on the parcel. On June 28, 2019, the Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested a survey be conducted on this specific property. To date, an archeological survey/report has not been supplied to Humboldt County (or Harris & Associates), and the applicant has been unresponsive to requests for this information. In the absence of the requested information, staff must assume that there could be potential adverse impacts to archaeological resources; therefore, the project is not consistent with or covered by prior environmental review documents prepared by Humboldt County. Since the applicant has not been responsive to requests for the documents/information, a supplemental environmental document (Initial Study addendum) cannot be prepared. Without this information, the project is not consistent with application regulations and policies for cannabis cultivation.

### FINDINGS FOR SPECIAL USE PERMITS

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

**EVIDENCE**

  - a) General agriculture is a use type permitted in the Unclassified (U) zoning designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes and is consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complementary to the Open Space Plan and its Open Space Action Program.
  
- 4. FINDING** The proposed development is consistent with the purposes of the existing Residential Agriculture (RA) land use zone in which the site is located.

**EVIDENCE**

  - a) Residential Agriculture (RA) is intended for large lot lands that could incorporate residential and agricultural uses. All general agricultural uses, including cannabis cultivation, are principally permitted in this zoning district.
  - b) Humboldt County Code (HCC) section 314-55.4.6.1.2.3.2 allows up to 43,560 SF of cultivation with a Special Permit on a parcel ten (10) acres or larger in size. The application for 7,623 SF of outdoor cultivation on a 67-acre parcel is consistent with this section.
  
- 5. FINDING** The proposed development is **not** consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

**EVIDENCE**

  - a) Irrigation water is supplied by an existing spring water point of diversion (POD) totaling 97,250 gallons/year and by a proposed rainwater catchment system (rooftop catchment gutters) totaling 1,860 gallons (3,100-SF rooftop catchment area x 600 gallons/1,000 SF = 1,860 gallons) per 1-inch of rain. In

an average rainfall year (60 inches/year), the catchment would have the potential to collect as much as 111,600 gallons/year. In a less than average rainfall year (assuming 50% or 30 inches/year), the catchment would collect approximately 55,800 gallons/year. Total estimated annual water use (including domestic use) is 80,900 gallons/year. Irrigation of cannabis is anticipated to require 50,000 gallons/year (6.56 gallons/SF). Water is stored in six rigid water tanks with a total storage capacity of 7,500 gallons.

An analysis of the POD water supply has not been completed. Therefore, due to the lack of information and the applicant being unresponsive, the project has been moved to hearing with a recommendation of denial.

- b) Pacific Watershed Associates (PWA) conducted a preliminary site inspection on December 18, 2018, and concluded that a wetland delineation was required for the property. Additionally, PWA anticipated the potential presence of steelhead and Coho in Leggett Creek. To date, a biological assessment for the property has not been supplied to Humboldt County (or Harris & Associates), and the applicant has been unresponsive to requests for this information. In the absence of the requested information, staff must assume that there could be potential adverse impacts to sensitive species; therefore, the project could not be determined consistent with or covered by prior environmental review documents prepared by Humboldt County. Since the applicant has not been responsive to requests for documents/information, a supplemental environmental document (Initial Study addendum) cannot be prepared. Without this information, the project is not consistent with application regulations and policies for cannabis cultivation.
- c) On June 20, 2019, the Northwest Information Center (NWIC) conducted a California Historical Resources Information System (CHRIS) search for the subject property and concluded they had no record of prior archaeological surveys being conducted on the parcel. On June 28, 2019, the Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested a survey be conducted on this specific property. To date, an archeological survey/report has not been supplied to Humboldt County (or Harris & Associates), and the applicant has been unresponsive to requests for this information. In the absence of the requested information, staff must assume that there could be potential adverse impacts to archaeological resources; therefore, the project is not consistent with or covered by prior environmental review documents prepared by Humboldt County. Since the applicant has not been responsive to requests for documents/information, a supplemental environmental document (Initial Study addendum) cannot be prepared. Without this information, the project is not consistent with application regulations and policies for cannabis cultivation,

**6. FINDING**

The cultivation of 7,623 SF of cannabis cultivation and the conditions under which it may be operated or maintained **will** be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) Potential environmental impacts to biological sensitive species cannot be determined based on the information provided thus far. A biological assessment and wetland delineation have not been prepared, and the applicant has been unresponsive to information and documentation

requests. Therefore, the project may be detrimental to the public health, safety, welfare and injurious to properties or improvements in the vicinity.

- b) Potential environmental impacts to archaeological and/or cultural resources cannot be determined based on the information available. An archaeological resources report/survey was requested in 2018 and never provided. The applicant has been unresponsive to information and documentation requests. Therefore, the project may be detrimental to the public health, safety, welfare and injurious to the properties or improvements in the vicinity.

### **DECISION**

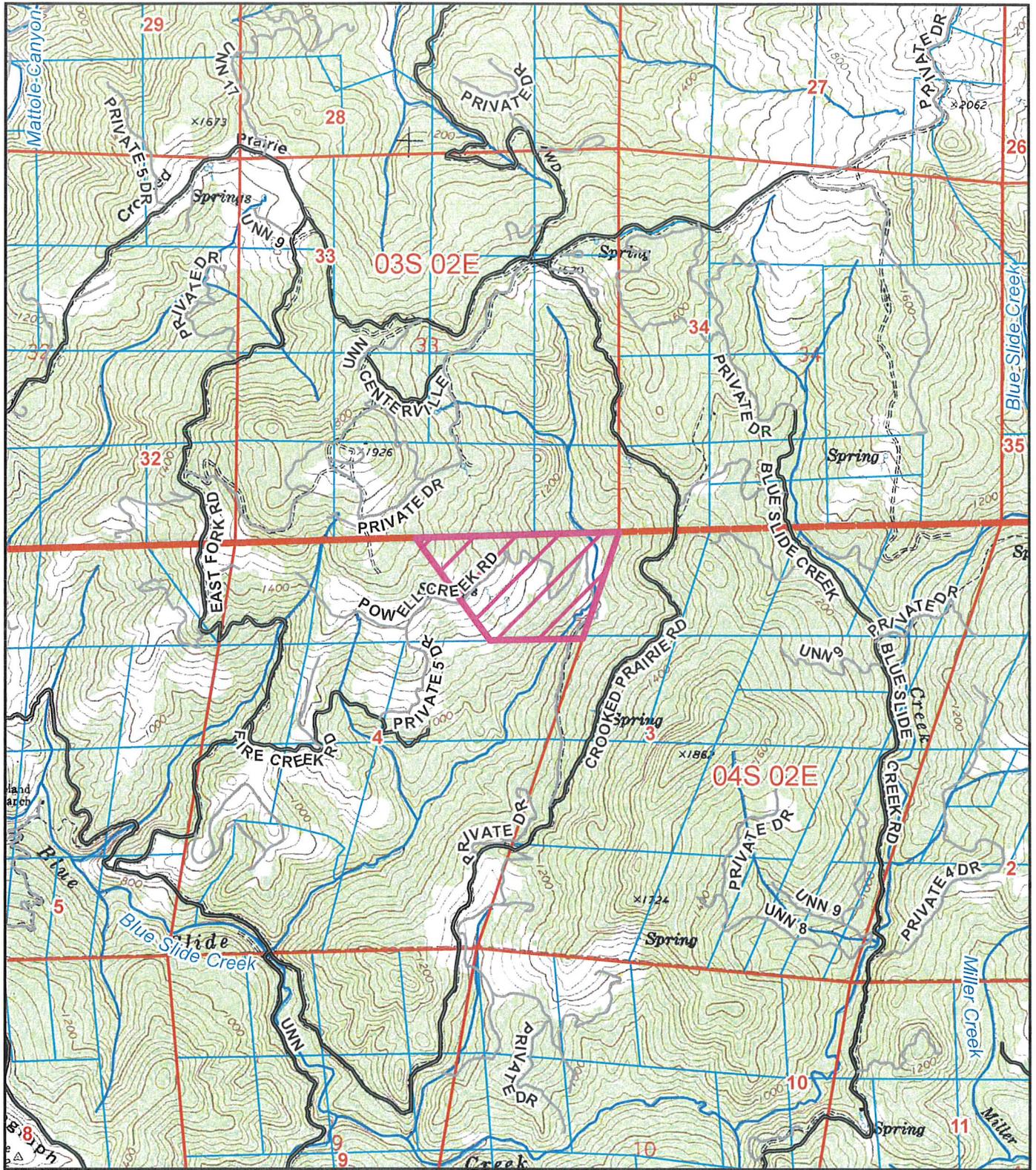
**NOW, THEREFORE,** based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Deny the Special Permit for Devin Howard based upon the Findings and Evidence; and
- Adopted after review and consideration of all the evidence on September 15, 2022.

I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

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John Ford, Director  
Planning and Building Department



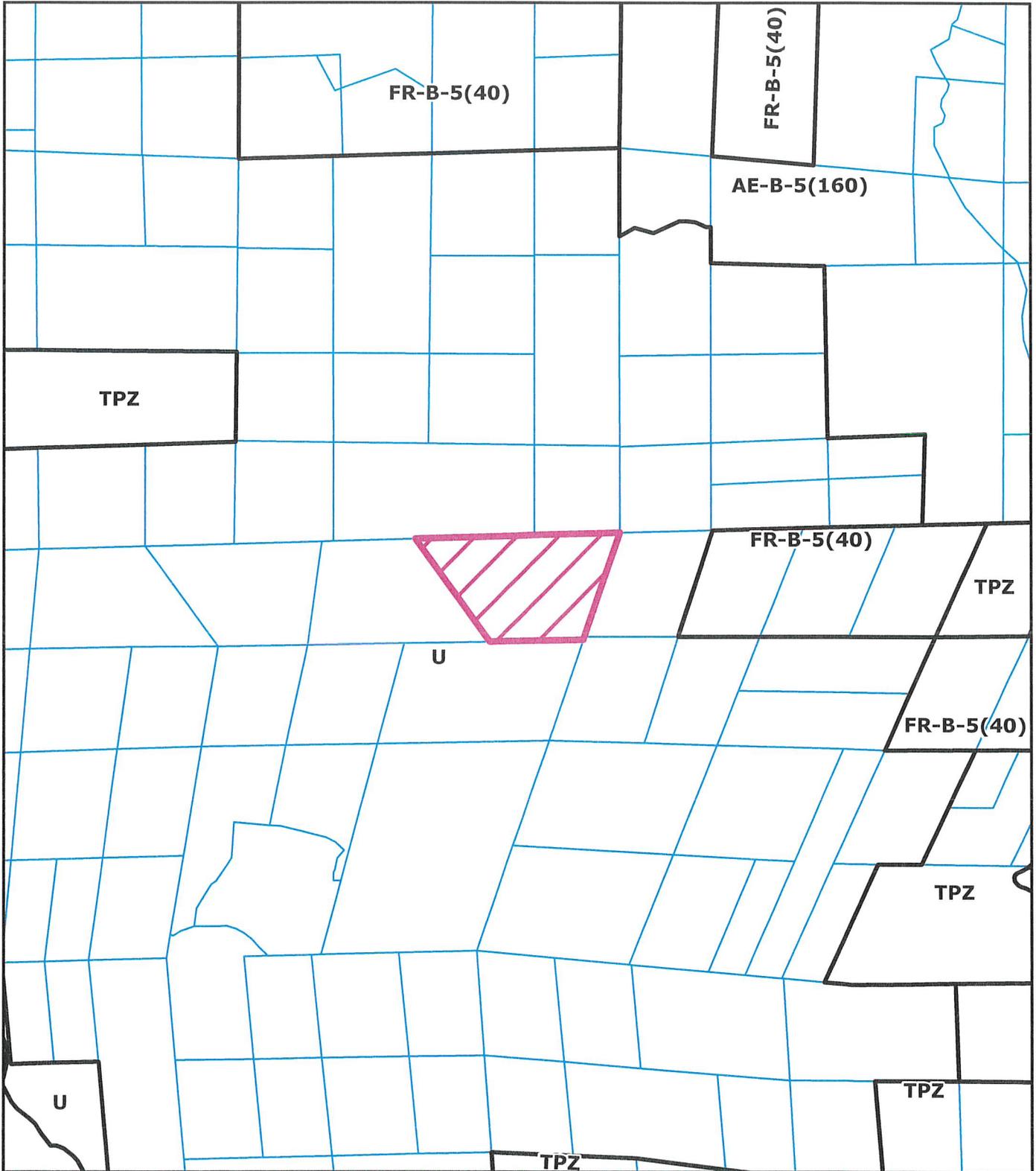
**TOPO MAP  
PROPOSED HOWARD  
Briceland AREA  
PLN--2018-15289  
APN: 221-221-036-000  
T04S R02E S4 HB&M (ETTERSBURG)**

Project Area =

N

0    1,000    2,000    4,000  
 Feet

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

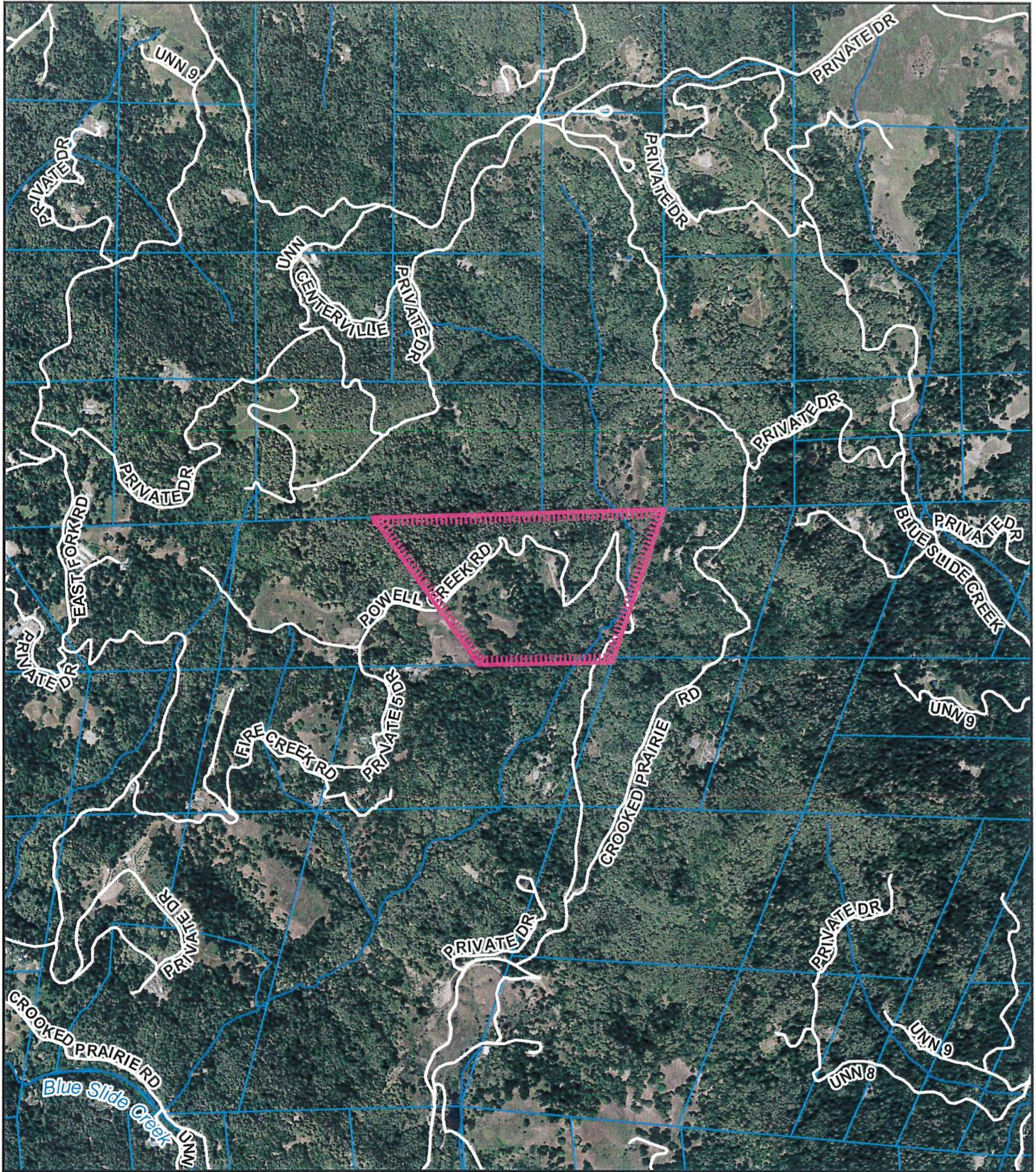


Project Area = 

**ZONING MAP**  
**PROPOSED HOWARD**  
**Briceland AREA**  
**PLN--2018-15289**  
**APN: 221-221-036-000**  
**T04S R02E S4 HB&M (ETTERSBURG)**

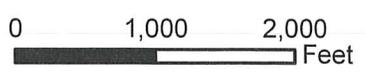


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**AERIAL MAP  
 PROPOSED HOWARD  
 Briceland AREA  
 PLN--2018-15289  
 APN: 221-221-036-000  
 T04S R02E S4 HB&M (ETTERSBURG)**

Project Area = 



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

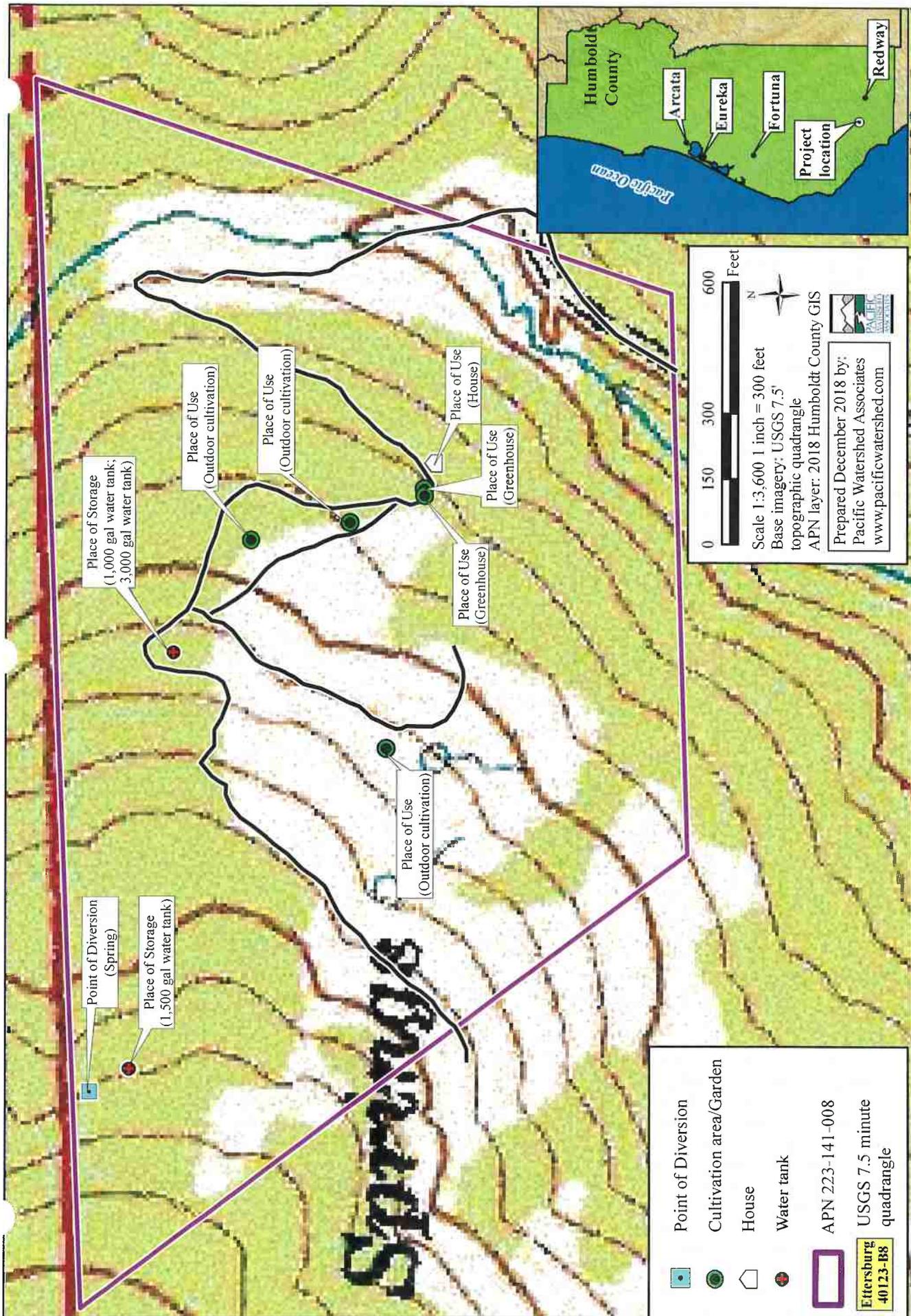


Figure 1. Initial Statement of Diversion and Use Location Map for Devin Howard, APN 221-221-036, located at 4600 Crooked Prairie Road, Redway, Humboldt County, California.

P:\GIS\5489

## ATTACHMENT 1

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following agencies for review and comment. Those agencies that provided written comments have a check in the Response column.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Humboldt County Division of Environmental Health		No response	On file
Humboldt County Public Works, Land Use Division	✓	Conditional approval	On file
CAL FIRE	✓	Response – No Comment	On file
Northwest Information Center (NWIC)	✓	Comments – Survey Requested	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments – Survey Requested	On file and confidential