



COUNTY OF HUMBOLDT

For the meeting of: 11/7/2024

File #: 24-1553

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Laura Muzzy Conditional Use Permit Modification
Record Number: PLN-2024-19013, PLN-12468-SP
Assessor Parcel Number: 210-072-009-000
Carlotta area

A modification to Conditional Use Permit PLN-12648-CUP to add a well as an additional water source for the project and increase the amount of water used for irrigation annually from 200,000 gallons to 759,480 gallons. The approved permit authorized 30,000 square feet of outdoor cannabis cultivation with a 3,000 square foot nursery. The proposed well on the project parcel is likely to be hydrologically disconnected from surface waters.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 24-___). (Attachment 1) which does the following:
 - a. Finds that the Planning Commission has considered the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the project; and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Conditional Use Permit Modification subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location:

The project is located in the Bridgeville area, on the south side of Highway 36, approximately 20 feet south from the intersection of Highway 36 and China Mine Road, on the property known to be in Township 01N of Range 04E Section 25 Humboldt Base & Meridian.

Present General Plan Land Use Designation: Agriculture General (AG); Timberland (T); 2017 General Plan; Density: 40-160 acres per unit; Slope Stability: Low Instability (1) & High Instability (3).

Present Zoning: Agriculture Exclusive (AE); Timber Production Zone (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: Amount of water proposed

Executive Summary: The proposed project is a modification of existing Conditional Use Permit PLN-12648-CUP, which approved 30,000 square feet of pre-existing outdoor cultivation with a 3,000 square foot ancillary nursery with irrigation provided by rainwater catchment ponds. The applicant proposes adding a well as an additional irrigation source for the project and increasing the irrigation water entitlement for the project. The additional water will be sourced from an existing rainwater catchment pond approved by PLN-12648 and the new well.

The original project was approved by the Planning Commission on July 21, 2023. The modification is required as the proposed changes to the project do not meet the requirements for a Minor Deviation to the Plot Plan due to the proposed project being a change of water source and a significant increase in the irrigation water entitlement. The Conditions of Approval included in Planning Commission Resolution 23-059 (**Attachment 2**) have been revised to be more accurate and relevant to the project. They can be found in Attachment 1A.

Water Resources: The applicant proposes to increase the amount of water irrigating the project from 200,000 gallons to 759,480 gallons per year. PLN-12648-CUP permitted the use of 200,000 gallons per year on 33,000 square feet of cultivation (full-term plus nursery), equivalent to 6 gallons per square foot per year. The requested increase is equivalent to 23 gallons per square foot per year, which is substantially more water than most cultivation operations are typically using. Typical cultivation operations are closer to 10 to 15 gallons per square foot. The applicant suggested the need for the additional irrigation is a change in the farming method, explaining that increasing the amount of water irrigating the cannabis plants will produce larger, more marketable product. Additionally, the applicant said they would rather have an entitlement to more water and use less than was permitted than use more than they were allowed to and cause the project to become non-compliant. Finally, the applicant states that the well would be a reliable backup-water supply in the case where the pond did not fill.

Besides the proposed well, there is an existing 514,591-gallon rain catchment pond, a proposed

70,000-gallon rain catchment pond, and 27,500 gallons of HDPE hard storage tanks. Total existing water storage is 542,091 gallons; 612,091 with the proposed 70,000-gallon pond. The original permit (PLN-12468-CUP) described the existing pond as 345,000 gallons- approximately 169,591 gallons smaller than how the pond is described in this application. Aerial photography doesn't suggest any change in the diameter of the pond, and the applicant hypothesized the original application did not accurately calculate the volume of the pond.

The applicant plans to use the new hydrologically disconnected well to supply additional irrigation water; Up to 486,000 gallons of water will be pulled from the well. The applicant said at they will pump for one hour, nine times a day, and expect to achieve the projected volume in 180 days. The well will both act as a secondary water source and ensure the water required by the cultivation can be met in the case that the rain catchment system fails to collect enough water to support the cultivation.

A research study published by the USGS (Flint, 2013) found that approximately 34% of precipitation in Northern California percolates into groundwater and that the mean annual precipitation is 57.7 inches per year, meaning that 19.8 inches, or 1.65 acre-feet (also expressed as 530,000 gallons of water) of recharge per acre of ground area per year is available in a typical year. During a drought year, where as little as 1/3 of the average rainfall is recorded, at least 175,000 gallons of water is recharged into the groundwater per acre of ground area. The project site is a 269.50 acre parcel and even in a substantial drought year would be providing as much as 47 million gallons of groundwater recharge. Therefore, the amount of ground water proposed to be used would likely be extremely minor in comparison to potential recharge occurring on the property. In the document titled "Humboldt Cannabis Reform Initiative, Amended Analysis and Recommendations" prepared by the Humboldt County Planning and Building Department in 2023, staff identified and documented that the irrigation needs of cannabis cultivation are nominal in relationship to the typical groundwater recharge occurring over properties that might seek to cultivate cannabis.

Public Trust Resource Analysis: The well to be drilled on site is likely to be hydrologically disconnected from surface waters. The applicant submitted a Well Hydrologic Connectivity study prepared by David Lindberg (**Attachment 4A**) a certified engineering geologist with Lindberg Geologic Consulting. Based on their observations, research, and professional experience, they found the new well has a low likelihood of being hydrologically connected to nearby surface waters, springs, wetlands, or wells in a manner that might significantly have a negative impact or effect on such surface waters, springs, wetlands, or wells. The nearest surface waters are more than 525 feet from the location of the proposed well and there are no mapped springs within 1,000 feet. Given that there is unlikely to be any direct hydraulic connection to surface waters, the use of the well is unlikely to have any adverse impacts on public trust resources and is likely to be non-diversionary.

Resolution No. 18-43 - Impacted Watersheds: The existing project is located in the Butte Creek Sub-watershed, an impacted watershed according to Resolution No. 18-43. This sub-watershed is

identified by the County as an “impacted” watershed because low stream flows have been observed and linked to a high concentration of cannabis cultivation operations. Resolution 18-43 temporarily restricted permits for new Open Air Cultivation Activities Indoor Cultivation Activities or expansion of lawful pre-existing sites within these sub-watersheds until all known pre-existing cultivation have either been suspended, permitted, or are under a compliance agreement. Although no expansion is proposed and the well has been determined to be non-diversionary, it is pertinent to be aware that the request for the increased water demand is within the boundaries of an impacted watershed. It should be noted that the parcel is large, assessed at 269.50 acres, and the amount of water requested is minor compared to the potential groundwater recharge on the parcel, however the Planning Commission may want to consider imposing a more reasonable cap on the amount of irrigation water to be used. It is unusual for cannabis applicants to seek to increase their water use, as most of the industry has made efforts to reduce water use through water conservation measures. At a more reasonable 15 gallons per square foot the operation would require approximately 500,000 gallons.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment 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 the project if unable to make all the required findings. At a typical cultivation amount closer to 15 gallons per square foot, the existing and proposed rainwater catchment reservoirs could provide all of the annual irrigation needs rendering the well unnecessary.

Staff has concluded that the required findings in support of approval can be made, although the Planning Commission may consider that the amount of water requested to be used is excessive and impose a condition limiting the irrigation to a more reasonable amount.

ATTACHMENTS:

1. Resolution
 - A. Conditions of Approval Revised 11.7.2024
 - B. Cultivation Operations Plan
 - C. Site Plan
2. CEQA Addendum
3. 12468 PC Resolution with Conditions of Approval
4. Applicant’s Evidence in Support of the Required Findings
 - A. 19013 Well Hydrologic Report Final July 22, 2024

5. Referral Agency Comments and Recommendations
6. Watershed Map

APPLICANT AND OWNER INFORMATION:

Applicant:

Laura Muzzy
1315 I St #7
Eureka CA 95501

Owner:

Erik Sordal
2248 Rundown Acres
Bridgeville CA 95526

Agent:

Same as Owner

Please contact Collin Slavey, Planner, at cslavey@co.humboldt.ca.us or 707-268-3716 if you have questions about this item.