



# COUNTY OF HUMBOLDT

For the meeting of: 7/18/2024

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File #: 24-1121

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**To:** Zoning Administrator

**From:** Planning and Building Department

**Agenda Section:** Consent

SUBJECT:

**Larabee Farm, LLC, Special Permit**

Assessor Parcel Numbers (APN) 210-250-020-000

Record No.: PLN-11889-SP

Bridgeville area

A Special Permit for 9,460 square feet of existing mixed light commercial cannabis cultivation. The ancillary nursery area totals 900 square feet. Water for irrigation is sourced from a permitted well. Water storage totals 66,600 gallons and an additional 40,000 gallons of rainwater catchment is proposed. Annual water use for irrigation is 110,000 gallons (11 gallons per square foot). Processing occurs on site. Power is supplied by PG&E.

RECOMMENDATION(S):

That the Zoning Administrator:

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

DISCUSSION:

**Project Location:** The project is located in Humboldt County, in the Bridgeville area, on the North side of State Highway 36, approximately 0.97 miles Northwest from the intersection of State Highway 36 and Hidden Valley Road, and 0.42 miles East from the intersection of State Highway 36 and Larabee Valley Road, on the property known as 552 Larabee Valley Road.

**Present General Plan Land Use Designation:** Residential Agriculture (RA); 2017 General Plan; Density: 40 acres per unit; Slope Stability: Low Instability (1) & High Instability (3)

**Present Zoning:** Agricultural Exclusive (AE)

**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 Coastal Commission.

**Major concerns:** None

**Executive Summary:** A Special Permit for 9,460 square feet of existing mixed light commercial cannabis cultivation. The ancillary nursery area totals 900 square feet. Water for irrigation is sourced from a permitted well. Water storage totals 66,600 gallons and an additional 40,000 gallons of rainwater catchment is proposed. Annual water use for irrigation is 110,000 gallons (11 gallons per square foot). Processing occurs on site. Power is supplied by PG&E. Cannabis cultivation occurs in three (3) greenhouses: GH#1 30'x100' (3,000 square feet), GH#2 34'x95' (3,230 square feet), GH#3 34'x95' (3,230 square feet), for a total of 9460 SF. There will be up to three (3) flowering cycles per year. Water for irrigation and domestic use is sourced from a permitted well (permit# 01/02-921). Current water storage totals 66,600-gallons and an additional 40,000 gallons of rain catchment tanks will be added with funds received from the DCC water storage grant. Processing currently occurs on-site by the applicant utilizing a trim machine in an 8'x20' conex container. Power is provided by PG&E and a back-up generator utilized in only times of emergency.

Structures associated with the property include several agricultural exempt structures and one (1) 27x99' (2,637 square feet) commercial structure, a commercial fuel shed (400 square feet), and a commercial shed (400 square feet). Additionally, Structure #1 is 35' x 99'-6" (3,485.5 square feet) greenhouse, Structure #2 is 34'-0" X 97' (298 square feet) greenhouse, Structure #3 is 20' x 50' (1,000 square feet) greenhouse, Structure #4 is 20'4" x 64'3" (1,306 square feet) for drying and curing, Structure #5 is 30'x8" x 20'x8" (634 square feet), Structure #6 is 16'x4" x 16'-4" (257 square feet), Structure #7 is 16'x4" x 16'x4" (257 square feet), Structure #8 is 16'x4" x 16'x4" (257 square feet) drying and curing, Structure #9 8'0"x 12'0" (96 square feet) drying and curing, Structure #10 20'x50'(1,000 square feet) ancillary nursery area and 100 square feet of storage. The ancillary nursery, as a condition of approval, must be clearly delineated from the 100 square feet of storage (**Condition of Approval A16**). The applicant is conditioned to obtain building permits for existing structures and associated grading with a nexus to cannabis.

Fertilizers and pesticides are stored in an agricultural storage structure that meets all requirements for secondary containment. All fuel and hazardous materials are stored in secure areas with secondary

containment in accordance with applicable regulations. Solid waste and recycling are taken to the local transfer station.

The Department of Environmental Health (DEH) has requested that processing activities be supported by an approved onsite wastewater treatment system and that seasonal/outdoor cultivation sites be supported by portable toilets. As trimming of cannabis will be moved off site within two years of permit approval, the project is conditioned that the applicant provide portable toilets to cultivation areas for the seasonal employees.

**Water Resources:** Water for domestic and agricultural use is provided by a non-hydrologically connected permitted groundwater well (permit# 01/02-921). On June 10, 2022, Lindberg Geologic Consulting assessed the project well and it's likelihood of being hydrologically connected to adjacent surface waters. Lindberg concluded that, given the assessment criterion, the well has a low likelihood of being hydrologically connected. There is currently 66,600-gallons of hard storage onsite site within 13 5,000-gallon plastic tanks, two (2) 550-gallon, and one (1) 500-gallon mix tank. The application was awarded an DCC Water Storage Grant and with those funds will purchase and install an additional 40,000-gallons of rain catchment storage. Irrigation water use is between 90,000-110,000-gallons annually depending on weather and strains. Water for both and cannabis are metered separately. Irrigation infrastructure and meter placement must be designed to demonstrate no interconnectivity during the forbearance season. Per the Operations Plan, watering is conducted manually. Current water storage on the project parcel is 66,600-gallons of hard storage located on the parcel. (13) 5,000-gallon plastic tanks, (2) 550-gallon and (1) 500-gallon mix tank. One tank is used for domestic storage, and one is used only as a mix tank for nutrients.

Larabee Farm, LLC is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and State Order WQ 2017-0023-DWQ. A Site Management Plan (SMP) was prepared for the site by Elevated Solutions, LLC (WDID# 1\_12CC412048) in accordance with the NCRWQCB's recommendations in November of 2019 (Attachment 4A), which details existing site conditions and remediation efforts needed to comply with the best practical treatment or control (BPTC) measures listed in Attachment A of the Cannabis General Order. The project is conditioned to implement all remaining corrective actions detailed in the SMP to minimize any potential impacts associated with the project and minimize runoff into SMAs. The project is further conditioned requiring the application to provide documentation demonstrating enrollment in the State Water Board General Order by providing a copy of the Notice of Applicability and Site Management Plan **(Condition of Approval A10)**.

The applicant has submitted a copy of a Lake or Streambed Alteration Agreement (LSAA) (No. 1600-2017-0703-R1) (Attachment 4B) that describes four encroachments. The four proposed encroachments are to upgrade undersized culverts and improve an onstream pond spillway. Work for these encroachments will include excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

The project was referred to CDFW on September 9, 2017. On September 6, 2023, CDFW commented on the project and informed the County that the applicant was in violation of the LSAA. The recommended conditions are to be met for approval include that the applicant complete the requirements of the LSAA. These conditions are included in Attachment 1A and can be referenced in Attachment 5.

### **Public Trust Resources**

The common law Public Trust Doctrine protects sovereign lands, such as tide and submerged lands and the beds of navigable waterways, for the benefit, use and enjoyment of the public. These lands are held in trust by the State of California for the statewide public and for uses that further the purposes of the trust. The hallmark of the Public Trust Doctrine is that trust lands belong to the public and are to be used to promote publicly beneficial uses that connect the public to the water. Tributaries in the vicinity of this permitted well on the project parcel are ephemeral and drain to Butte Creek, which is a tributary of the Van Duzen River. Lindberg Geologic Consulting assessed the existing well on the project parcel to estimate its potential for hydrologic connectivity with adjacent springs, wetlands and or surface waters, and if pumping this well could affect surface waters in such nearby water courses. Based on the findings of the research, it was the professional opinion of the Consultant that the potential for hydrological has a low likelihood of being hydrologically connectivity to surface waters in any manner that could affect adjacent springs, wetland, and/or surface waters in the vicinity, or to any of the Public Trust resources associated with the Van Duzen watershed.

**Fire Hazards:** The project is in an area designated to have High Fire Hazard Severity. The project is located within the State Responsibility Area (SRA) for fire protection and the Bridgeville Fire Protection District (BFPD) response area. BFPD responds to structural fires and medical emergencies. The applicant is proposing several improvements to comply with SRA requirements including management of vegetation around existing structures to meet the 100-foot defensible space requirement, adding a designated emergency vehicle turn-around, and pull off area along the access road for emergency vehicles, and making sure all existing structures meet the 30-foot setback from property lines requirement. There is a 5,000-gallon fire suppression tank currently on site.

The project was referred to CALFIRE responded to the referral with no comment at this time. A review of historic imagery indicates that no timber removal has occurred on the parcel, and no removal of timber is proposed as part of the project.

### **Biological Resources:**

According to the California Natural Diversity Database (CNDDDB), there is no mapped potential habitat for any special status species nearby or on the parcel. The project is located approximately 1.63 miles to the nearest Northern Spotted Owl (NSO) activity center. The project is for existing mixed light cannabis cultivation, water will be sourced from a hydrologically connected well outside of times of the required forbearance period, and a PG&E will provide the power. A back-up emergency generator is on site and only operated in the event of an emergency. The project has been conditioned to ensure

supplemental lighting associated with the onsite nursery and mixed light cultivation 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.

A Lake or Streambed Alteration Agreement (LSAA) (No. 1600-2017-0703-R1) (Attachment 4A) that describes four encroachments was submitted to the County. The LSAA lists four (4) proposed encroachment are to upgrade undersized culverts and improve an onstream pond spillway. Work for these encroachments will include excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. The project was referred to CDFW on September 9, 2017. On September 6, 2023, CDFW commented on the project and informed the County that the applicant was in violation of the LSAA. The recommended conditions to be met for approval include that the applicant complete the requirements of the LSAA. CDFW also requests that the encroachment work specified in the LSAA be completed no later than October 15, 2024 (**Condition A1.8**).

Trash and recycling containers are located by each greenhouse and axillary structure. Trash is stored in an enclosed fenced area to prevent animal intrusion. Solid waste and recycling are hauled off-site to Fortuna Transfer Station at least once per week.

Electricity is provided by PG&E for all cultivation and domestic uses. Use of the on-site generator is used only during power outages and follows all guidelines set up by Humboldt County and the State of California. The generator is located away from the property line and is enclosed in a shed to further control the noise level. The generator is a Whisper Watt DCA36SPXU4F or equivalent, rated for 45 kW. Decibel readings at 100 feet were recorded at 39.7 decibels. The generator and diesel fuel are located within an enclosed structure with secondary containment.

### **Security and Safety:**

The cultivation facilities include several security and safety proposed measures including enclosed greenhouses, privacy fencing, locked gated entry to the project parcel, limited access to the site by employees only, restricted access signage, and security lighting/cameras. The cultivation and drying/curing areas will have low intensity exterior lighting to illuminate the entrances and will include a small number of solar, motion activated, security lights. All lighting will be designed and located so that direct rays are confined to the property. Security cameras will be installed and located at the main access gates and at entrances to the facilities.

### **Tribal Cultural Resource Coordination:**

The project is located within the Bear River Band of the Rohnerville Rancheria aboriginal ancestral territory. The project was referred to the Northwest Information Center (NWIC) and the Bear River Band. NWIC replied recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. On February 27, 2018, the Bear River Band THPO requested a cultural Resource Survey be completed for the project parcel. The applicant submitted a Cultural Resource Study conducted on the project parcel in April of 2019 by William Rich and Associates. The study resulted in the identification of low-level concentrations of what appeared to be flaked stone debris. Inadvertent archaeological discovery protocols for the project. This has been added as a condition of approval.

**Access:** Access to the site is via Highway 36, which is a State-maintained Road. Approximately 33 miles east of Highway 101 is Larabee Valley Road on the left, which is a private Road. The applicant has submitted a Road Evaluation Report June 1, 2018 and prepared by the Six Rivers Construction & Consulting (Attachment 4D). The report found that Larabee Valley Road were developed to Road Category 4 standards. Improvement recommendations are included as a condition approval **(Condition B.10)**.

As the project will be run solely by the applicant and two (2) seasonal employees, it is determined that the project would not result in a significant increase in traffic, and it has been determined that the access road (with the implementation of the recommended improvements and maintenance) meets the functional capacity for the project's needs.

**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 cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Impacted HUC-12 Butte Creek Sub watershed in the Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 cultivation permits and 146 acres of cultivation. With the approval of this project the total approved cultivation permits in this Planning Watershed would be 216 167 permits and the total approved acres would be 44.5 acres of cultivation.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and responding agencies have responded recommending conditional approval. (Attachment 5)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be made before opening the public hearing on this project.
2. The Zoning Administrator could elect to add or delete conditions of approval.
3. The Zoning Administrator could deny approval of the requested permits if unable to make all of

the required findings.

**ATTACHMENTS:**

1. Draft Resolution
  - A. Conditions of Approval
  - B. 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. Lake or Streambed Alteration Agreement
  - C. Well Completion Report
  - D. Road Evaluation Report
  - E. Notice of Applicability
  - F. Hydrologic Isolation Report
  - G. Septic Review Letter
5. Referral Agency Comments and Recommendations

**Applicant**

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**Owner**

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**Agent**

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Please contact Portia Saucedo, Associate Planner, at 707-445-7541 or by email at ryandell@co.humboldt.ca.us, if you have any questions about the scheduled item.