



COUNTY OF HUMBOLDT

For the meeting of: 11/7/2024

File #: 24-1537

To: Zoning Administrator
From: Planning and Building Department
Agenda Section: Consent

SUBJECT:

Hogan Special Permit
Assessor Parcel Numbers: 208-241-018-000
Record Numbers: PLN-12162-SP
Dinsmore area

Hogan seeks a Special Permit (SP) for an existing 5,325-square-foot (SF) outdoor cultivation. Water for irrigation is sourced from an existing 38,000-gallon rain catchment pond. Estimated annual water usage is 50,000 gallons (11.04 gallons/SF/year). Total water storage is 51,500 gallons in a pond and hard tank storage with an additional 5,000 gallons of storage for fire suppression via (2) 2,500 storage tanks. Processing will be performed offsite at a licensed third-party processing facility. Power is provided by generators but is conditioned to convert to a renewable source by January 1st, 2026.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt the resolution (Resolution 24-___). (Attachment 1) which does the following:
 - a. Finds the Zoning Administrator has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Hogan project (Attachment 3); and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Special Permit subject to the recommended conditions of approval (Attachment 1A)

DISCUSSION:

Project Location:

The project is located in the Dinsmore area, on both sides of Ridge Road, approximately 5.3 miles northwest from the intersection of State Highway 36 and County Line Creek Road, on the property known to be in the south half of Section 36, Township 02 North, Range 05 East.

Present General Plan Land Use Designation:

Residential Agriculture (RA), 2017 General Plan, Density: 20-160 acres per unit, Slope Stability: High Instability (3).

Present Zoning:

Forestry Recreation (FR), Minimum Building Site Area 40 Acres [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: None

Executive Summary:

A Special Permit (SP) for an existing 5,325-square-foot (SF) of outdoor commercial cannabis cultivation. Water for irrigation is sourced from a 38,000-gallon rain catchment pond. Water storage totals 56,000 gallons and occurs in the pond and hard tanks, (3) 2,500-gallon tanks and (2) 3,000-gallon tanks. Additionally, there are (2) 2,500-gallon water storage tanks dedicated to fire suppression. Estimated annual water usage is 50,000 gallons which equals approximately 11.04 gallons per square foot. Drying and bucking will occur onsite within the existing facilities and processing, including trimming, will be performed off site at a third-party facility. Power is provided by generators but are conditioned to convert to a renewable source by January 1st, 2026.

Water Resources:

Estimated annual irrigation water is 50,000 gallons (11.04 gal/SF). Water for irrigation is provided by a 38,000-gallon rain catchment pond to (3) 2,500-gallon tanks and (2) 3,000-gallon tanks for a total of 51,500 gallons of storage. Additionally, one (2) 2,500-gallon tanks are used for fire protection.

The Department of Environmental Health requested as a condition of approval that the applicant provide an invoice, or equivalent documentation to DEH to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff (CoA B45).

Biological Resources:

Per review of CDFW's California Natural Diversity Database (CNDDDB) in December 2021, the foothill yellow-legged frog - north coast DPS (Rana boylei pop. 1) is a mapped sensitive species onsite; additionally, the steelhead - northern California DPS summer-run located in the Mad River which is

approximately 1,580.9 Feet from the area of cultivation. The nearest NSO activity center is located approximately 0.82 miles from the nearest cultivation area. Conditions of approval (**B14**) 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.

CDFW conducted a site inspection on May 9, 2024. On February 16, 2022, CDFW issued a Lake Streambed Alteration Agreement (LSAA, EPIMS-HUM-10484-R1C) to modify a reservoir spillway and for water diversion from an unnamed tributary to the Mad River. On May 14, 2024, the permittee is not compliant with all conditions in the LSAA. CDFW requested conditions of approval that the applicant completes and achieves and maintains compliance with the LSAA. Additionally, CDFW addressed concerns regarding synthetic netting (monofilament), secondary containment for generators and pumps, water for irrigation without lids, and poly pipe used to transport water located within a stream channel that needs to be relocated outside of the stream channel. These recommended conditions of approval are **A5, A7, A9-A15, B2, and B8**.

Energy:

Power is provided by generator power onsite. The project is conditioned to be powered by 100% renewable energy by January 1, 2026 (**Condition of Approval A6 and B2**).

Access:

Access to the site is via a driveway off a private road via Salyer Mad River Road. Per the Road evaluation report, performed by Humboldt County Department of Public Works, Salyer-Mar River 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. United States Department of Agriculture Forest Service recommends denial because transportation of cannabis over Forest Service Roads (in this case county line creek road) is illegal (**Informational Note 2**). The Department of Public Works stated that the addition of this permit will not degrade the existing roadway any further; however, they have requested an addendum to the previous road evaluation report, conducted by DTN Engineering & Consulting (**CoA 8**).

Tribal Consultation

The Project is within the ancestral territory of the Bear River Band of the Rohnerville Rancheria. The project was referred to the Northwest Information Center and the Bear River Band of the Rohnerville Rancheria in 2017. Bear River Band of the Rohnerville Rancheria requested a cultural resource survey. In August 2019, Archaeological Research and Supply Company concluded there were zero archaeological resources located during the survey and there are no previously recorded resources on the subject property. The Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources has been added as a condition of approval (**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 Mad River Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 72 permits and the total approved acres would be 27.1 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 1A)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Zoning Administrator 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 Zoning Administrator 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. Road Evaluation Report
 - C. Final Lake and Streambed Alteration Agreement
5. Referral Agency Comments and Recommendations

- A. Department of Environmental Health Comments
- B. Department of Public Works Comments
- C. California Department of Fish and Wildlife (CDFW) Comments

APPLICANT INFORMATION:

Applicant

Hogan
Kevin Hogan
2850 Little Pond St.
McKinleyville, CA 95519

Owner

Same as applicant

Agents

N/A

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.