



COUNTY OF HUMBOLDT

For the meeting of: 11/30/2023

File #: 23-1556

To: Planning Commission
From: Planning and Building Department
Agenda Section: Consent

SUBJECT:

Slow and Steady LLC Special Permit
Assessor Parcel Number 210-061-008
Record No.: PLN-12408-SP
Bridgeville area

A Special Permit for 7,400 square feet of existing outdoor commercial cannabis cultivation supported by a 600 square foot ancillary nursery. Annual irrigation water usage is estimated at 35,700 gallons sourced from a point of diversion and supported by proposed storage totaling 55,775 gallons. Processing will occur offsite, energy is provided by a generator, and a maximum of two employees will be present during peak operation.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt resolutions (Resolution 23-__) (Attachments 1) which does the following:
 - a. Finds that 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 Slow and Steady, LLC project (Attachment 3); and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Slow and Steady LLC Special Permit subject to the recommended conditions of approval (Attachments 1A).

DISCUSSION:

Project Location:

The project is in Humboldt County, in the Bridgeville area, on the south side of State Highway 36, approximately 1.33 miles southwest from the intersection of Larabee Buttes Road and Little Burr Creek Road, on the property known to be in the south half of the northeast quarter of Section 28, Township 01 North, Range 04 East.

Present General Plan Land Use Designation:

Residential Agriculture (RA40), 2017 General Plan, Density: 40 acres per unit, Slope Stability: High

Instability.

Present Zoning:

Unclassified (U)

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 for 7,400 square feet of existing outdoor commercial cannabis cultivation supported by a 600 square foot ancillary nursery. Annual irrigation water usage is estimated at 35,700 gallons sourced from a point of diversion and supported by proposed storage totaling 55,775 gallons. Processing will occur offsite, energy is provided by a generator, and a maximum of two employees will be present during peak operation. Processing may occur onsite once the location and feasibility of the processing building and associated septic system are approved. The project shall transition to renewable energy by January 1, 2026, such that generator use may be reserved for emergency use only.

This project was originally scheduled for the Zoning Administrator in October 2022. The Zoning Administrator referred the project to the Planning Commission because a letter was received from the Bureau of Land Management (BLM) stating the applicant did not have access rights across BLM lands. The applicant has since obtained a Right of Way from the BLM which is included as Attachment 4D.

Water Resources:

The annual irrigation water budget of 35,700 gallons is sourced exclusively from a subsurface point of diversion. The State Water Resources Control Board Division of Water Rights recognizes the right to divert and use water through Registration H502204 / Certificate H100239. The point of diversion is located at 40.437941, -123.733661. Including the ancillary nursery, water usage is projected to be 4.46 gallons per square foot. The Lake or Streambed Alteration Agreement for the point of diversion (1600-2020-0369-R1) requires forbearance for cannabis irrigation from April 1 to October 31 with a maximum diversion rate of nine gallons per minute when sufficient flows exist. Total water storage capacity will be 55,775, which exceeds the annual irrigation water budget. A combination of drip irrigation and hand watering is used. Wastewater services are provided by portable toilets. Per the recommendation of the Division of Environmental Health, the pit privy shall be decommissioned **(Condition of Approval A7)**.

Biological Resources:

A review of the California Natural Diversity Database did not indicate any known rare or endangered species on or near the project area. The project proposal is for pre-existing cultivation with no onsite relocation. No grading or tree removal is required to implement the project.

The nearest mapped Northern Spotted Owl activity center is 3,800 feet away from the cultivation area and artificial light will only be used in the ancillary nursery which is equipped with light shielding covers to eliminate light from escaping the structures from a half hour prior to sunset and a half hour after sunrise. Use of the generator is subject to the standard condition limiting noise to 50dB at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer (**Condition of Approval C2**). The project is recommended to be conditioned such that the applicant will develop an alternative renewable (e.g., solar, wind, micro-hydro) that will be fully implemented by January 1, 2026 (**Condition of Approval A4**). As proposed and conditioned, the project is consistent with CMMLUO performance standards and Department Policy Statement 16-005 and will not negatively impact Northern Spotted Owl or other sensitive species.

Invasive species will be monitored around the cultivation area at least once annually and if identified will be removed by hand or mechanical means. Herbicides or other chemicals will not be used to manage invasive species.

Energy:

Electricity for the ancillary nursery will be provided by a Honda 2000i generator. The applicant will develop an alternative renewable energy plan that will be fully implemented by January 1, 2026. After January 1, 2026, the generator will be allowed for emergencies only.

Access:

Access to the parcel is taken from Little Burr Creek Road from Larabee Buttes Road, both privately maintained for most segments. Larabee Buttes Road intersects with state highway 36. The project was referred to CalTrans which did not respond. A portion of Little Burr Creek Road crosses lands managed by the Bureau of Land Management (BLM). The project was referred to the BLM which responded with a comment that the applicant did not possess a right of way to cross BLM lands. The applicant has obtained a right of way and is included as part of applicant's evidence in support of the required findings. Approval of this permit does not authorize transportation of cannabis across federal lands. The applicant submitted a road evaluation self-certifying that the entire road segment is developed to the equivalent of a category 4 road. The plot plan depicts a hammerhead turnaround for emergency vehicles as well as a dedicated 2,500 gallons water tank for fire suppression.

Geologic Suitability:

The project parcel is mapped as high instability. The existing cultivation area is in an area mapped as 15% slope or less.

Timber Conversion:

The existing cultivation area occurs in a clearing that was created between 2006 and 2009. The project was referred to CalFire which responded with "No comment."

Security and Safety:

The security plan for the operation includes locked gates and surveillance cameras.

Tribal Consultation:

The project is within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria. The project was referred to the Northwest Information Center at Sonoma State and Bear River. A Cultural Resources Investigation dated March 2021 was performed by William Rich. The investigation final report was reviewed by the Bear River Tribal Historic Preservation Office which recommended the standard inadvertent discovery protocol which has been incorporated into the project as a condition of approval (**Condition of Approval C1**).

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

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 in the Lower Eel Planning Watershed, which under Resolution 18-43 is limited to 336 permits and 116 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 81 permits and the total approved acres would be 35.98 acres of cultivation.

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 approval if unable to make all the required findings. Staff has concluded the required findings in support of the proposal can be made. Consequently, Staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Cultivation Operations Plan
 - C. Site Plan
2. Location Maps
 - A. Topo Map
 - B. Zoning Map
 - C. Aerial Map
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Right to Divert Water
 - B. Lake or Streambed Alteration Agreement
 - C. Road Evaluation

D. BLM Right of Way
5. Referral Agency Comments and Recommendations
A. DEH Response

Owner

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Applicant

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Agent

Rain & Zepp, PLC
517 3rd Street, Suite 30
Eureka, CA 95501

Please contact Steven A. Santos, Senior Planner, at sasantos@co.humboldt.ca.us or 707-268-3749 if you have any questions about the scheduled item.