

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 4, 2022	Special Permit and Lot Line Adjustment	Michael Holtermann

**Project Description:** The applicant is seeking a Special Permit for 15,480 square feet of new mixed light commercial cannabis cultivation. Cultivation will occur in seven (7) 2,040 square foot greenhouses. Ancillary propagation will occur in one (1) 1,200 square foot greenhouse. The applicant anticipates obtaining two cultivation cycles annually. Water for irrigation will be provided by a proposed 350,000-gallon rainwater catchment pond which is shared with the adjacent parcel under the same ownership (APN 107-103-015). The projected annual water usage totals 142,000 gallons. The proposed water storage for this project and the project on the adjacent parcel (PLN-2021-16943) totals 441,000 gallons in hard sided tanks and the proposed pond. The applicant proposes drying, harvest storage, waste storage, and chemical storage to occur in a proposed 2,560 square foot ag exempt building. The applicant proposes to conduct trimming onsite within a proposed 256-square-foot commercial processing facility. The applicant anticipates a maximum of five (5) employees will be required for operations. Power for the project will be provided by PG&E. A generator will be kept on site for emergency backup use.

The applicant is also seeking the completion of a LLA between two parcels (APN 107-103-014 and APN 107-103-015) resulting in two parcels. The purpose of the LLA is to create one approximately 10.38-acre parcel and one approximately 27.62-acre parcel. This will allow APN 107-103-014 to meet minimum parcel size standards for commercial cannabis cultivation. The adjacent parcel, APN 107-103-015, has an approved cannabis application (PLN-2019-16133), and a commercial cannabis application that is being processed currently (Application PLN-2021-16942).

**Project Location:** This project is located in Humboldt County, in the Honeydew area, on the west side of Mattole Road, approximately 1.57 miles west from the intersection of Mattole Road and Etter Road, on the property known to be in the northeast quarter of the southwest quarter of the southwest quarter of Section 2 of Township 03 South, Range 01 West, Humboldt Base & Meridian.

**Present Plan Land Use Designation:** Residential Agriculture (RA5-20), Density: Range is 5 to 20 acres per unit, 2017 General Plan, Slope Stability: Moderate Instability (2) and High Instability (3)

**Present Zoning:** Unclassified (U)

**Record Number:** PLN-2021-16943

**Assessor Parcel Number:** 107-103-014 & 107-103-015

**Applicant**

VZIR, LLC  
Valentin Valkov  
42458 Mattole Rd  
Petrolia, CA 95558

**Owner**

Valentin Valkov  
42458 Mattole Rd  
Petrolia, CA 95558

**Agent**

PR Professional Services  
3034 H St. Ste B  
Eureka, CA 95503

**Environmental Review:** An Addendum to a previously adopted Environmental Impact Report has been prepared for consideration per §15164 of CEQA Guidelines.

**Major Issue:** None.

**State Appeal Status:** Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

**VZIR, LLC**

Record Number: PLN-2021-16943  
Assessor's Parcel Number: 107-103-014

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

*Find that the Zoning Administrator has considered the Addendum to the adopted EIR for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and Lot Line Adjustment, and adopt the Resolution approving the VZIR, LLC Special Permit as recommended by staff subject to the recommended conditions.*

**Executive Summary:** VZIR, LLC, is seeking a Special Permit for 15,480 square feet of new mixed light commercial cannabis cultivation. Cultivation will take place in seven (7) 2,040 square foot greenhouses, and ancillary propagation will occur in one (1) 1,200 square foot greenhouse. The applicant anticipates there will be two cultivation cycles annually.

The applicant proposes drying, harvest storage, waste storage, and chemical storage to occur in a proposed 2,560 square foot ag exempt building. The applicant proposes to conduct trimming onsite within a proposed 256-square-foot commercial processing facility. The applicant anticipates a maximum of five (5) employees will be required for operations. The applicant anticipates a maximum of five (5) employees will be required for operations. Artificial lighting used for project activities will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO (**General Condition B.2**). Energy for the operation will be provided by PG&E. A 25kW generator will be kept on site for emergency backup use.

**Water Resources**

Water for irrigation will be provided by a proposed 350,000-gallon rainwater catchment pond that is shared with the cannabis operation on the adjacent property (APN 107-103-015). The projected annual water usage is 142,000 gallons. Water use on the neighboring parcel (APN 107-103-015) is estimated at 214,000 gallons annually for a total annual water use of 356,000 gallons across both parcels. The applicant submitted a memo detailing the expected water loss due to evaporation prepared by Northpoint Consulting Group dated June 21, 2022. The memo projects approximately 21% of the pond depth to be lost due to evaporation. It is estimated that the rainwater collection system and proposed pond can collectively capture approximately 367,500 gallons of water for irrigation.

Prior to commencing operations, the applicant is required to construct the 350,000-gallon rainwater catchment pond. Photo documentation or a site visit from Planning Staff, documenting that there is adequate rainwater stored in the pond and onsite to support the operation will satisfy this requirement (**General Condition A.19**).

**Biological Resources**

The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 219 permits and the total approved acres would be 77.36 acres of cultivation. The proposed parcel has a mapped summer-run steelhead trout CNDDDB occurrence surrounding the Mattole River. The nearest NSO activity center

(HUM1012) is approximately 0.68 miles northwest of the cultivation area, and another activity center (HUM0536) is approximately 1.17 miles southwest of the cultivation area. Due to the proximity of NSO activity centers, the project has been conditioned to limit project related noise to 50db 100 feet from the noise source or edge of habitat, whichever is closer. Prior to commencing operations, the applicant will submit a Noise Source Assessment documenting average ambient noise levels (**General Condition A.12**).

The applicant submitted a Biological Assessment prepared by Timberland Resource Consultants dated May 20, 2020. The report found that the Biological Assessment Area had suitable habitat for a number of sensitive species, however with recommended mitigation measures project activities would result in less than significant direct and indirect impacts. Biologist recommendations have been included as a condition of approval for the project in Attachment 1 below (**Condition A.12**).

The applicant submitted a report prepared by a Registered Professional Forester to address CalFIRE referral comments. Based on the attached report dead fir trees were removed from the adjacent parcel under the same ownership. No trees were removed from the subject parcel.

The applicant submitted a *Botanical Survey* dated June 3, 2022. The report did not locate any special status plant species or sensitive natural communities. Prior to commencing operations, the applicant will submit an Invasive Species Management Plan, to the Planning Department, documenting the invasive species onsite and provide a timeline for their removal on an annual basis (**General Condition A.20**).

### **Access**

The property is accessed via private driveway from Mattole Road, a County-maintained Road with a centerline stripe. The Department of Public Works recommended approval of the project with conditions. The conditions include relocation of any gates out of the County right-of-way, paving the driveway apron for a minimum width of 18 feet and a minimum length of 50 feet, and to maintain the driveway intersection with Mattole Road in accordance with the County Sight Visibility Ordinance. These have been included in the recommended conditions of approval (**General Conditions A.14-16**).

### **Tribal Consultation**

The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to Northwest Information Center, Bear River Band, and Sinkyone tribe. No referral responses were received. The applicant submitted a Cultural Resource Inventory Report included in the application materials, evaluating the subject properties. The survey was positive, resulting in the location of a previously recorded artifact. No new resources were observed, and the report concluded the current and proposed cannabis operation will have no effect to any historic resources from the project.

### **Lot Line Adjustment**

The applicant proposes a Lot Line Adjustment (LLA) between two parcels resulting in two parcels. The purpose of this LLA is to accommodate proposed cannabis improvements associated with APN 107-103-014. A complete application has been submitted to the Planning Department.

	<b>Current APN</b>	<b>Area Before LLA</b>	<b>Area After LLA</b>
Parcel A	107-103-014	2.5 acres	10.38 acres
Parcel B	107-103-015	35.55 acres	27.62 acres

## **Environmental Review**

Based on the results of the analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information).

**RECOMMENDATION:** Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

**ALTERNATIVES:** Several alternatives may be considered: 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 done 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 you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.