



COUNTY OF HUMBOLDT

For the meeting of: 12/1/2022

File #: 22-1600

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Avenue of the Giants Farm, LLC Special Permit Modification

Application Number: PLN-2021-17095

Assessor's Parcel Number: 211-384-013

Miranda area

A Special Permit modification to an already approved Special Permit (Case No. SP 16-525 Application No. 12447) for 8,235 square feet (SF) of cannabis cultivation in one cultivation area consisting of 5,610 SF of outdoor and 2,625 SF of mixed-light cultivation. The modification includes the relocation of cultivation and propagation areas to increase property buffers and community church setbacks and the enclosure of cultivation within 3 greenhouses and propagation within a 4th greenhouse. The modification will decrease total cultivation area by 10 SF, from 8,245 SF to 8,235 SF and consolidate mixed-light cultivation into a single greenhouse. Irrigation water for cultivation is supplied by a 350,000-gallon rainwater catchment pond. Two 1,500-gallon hard-sided water tanks are used as additional storage for domestic water supplied from a stream diversion registered with the California Department of Fish and Wildlife. The applicant is requesting a continued reduction to the required 600-foot setback from public lands to the west. There will be no employees; all cultivation and processing activities will continue to be performed by the applicant and the applicant's family. Power is provided by Pacific Gas and Electric Company.

RECOMMENDATION(S):

That the Zoning Administrator:

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 part of the Consent Agenda; and
4. Adopt the resolution (Resolution 22-___). (Attachment 1) which does the following:
 - a. Finds that the Zoning Administrator has considered the Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance that was prepared for the Avenue of the Giants Farm, LLC Special Permit Modification); and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Avenue of the Giants Farm, LLC Special Permit Modification subject to the recommended conditions of approval (Attachment 1A)

DISCUSSION:

Project Location:

The project site is located in Humboldt County, in the Miranda area, on the west side of Cathey Road,

approximately 1.6 miles northwest from the intersection of State Route 254 and Cathey Road, on the property known as 1550 Cathey Road, Miranda, CA 95553.

Present General Plan Land Use Designation:

Timberland (T) (Humboldt County General Plan, 2017), Density: 40 to 160 acres per dwelling unit, Slope Stability: Moderate Instability (2)

Environmental Review:

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

State Appeal:

Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Major concerns:

None.

Executive Summary:

A Special Permit was heard before the Zoning Administrator on January 24, 2019, authorizing the establishment of 8,245 square feet (SF) of cannabis cultivation with two cultivation areas consisting of 5,620 SF of outdoor and 2,625 SF of mixed-light cultivation in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). This project proposes a modification to the approved Special Permit (Record Number PLN-2021-17095) in compliance with the CCLUO. The modification would allow the applicant to relocate the cultivation and propagation areas to increase property buffers and to maintain a 600-foot setback from a community church. The cultivation and propagation area will be in four greenhouses, three approximately 26 feet by 97 feet, and one approximately 20 feet by 100 feet. The modification will decrease total cultivation area by 10 SF, from 8,245 SF to 8,235 SF. The two mixed-light greenhouses will be consolidated to one 2,625-square-foot greenhouse. Appurtenant nursery propagation will be limited to 10% of the total cultivation area (i.e., 825 SF) in 1 of the 4 greenhouses. The energy source for the project is Pacific Gas and Electric Company. Restoration work detailed in the 2018 Remediation Plan has been completed as documented in the November 2020 Restoration Work Completion Report (Attachment 3).

The project would continue to use a point of diversion located on the subject parcel for domestic use. This unnamed headwater spring source is a tributary to the South Fork Eel River for which a final Lake or Streambed Alteration Agreement with California Department of Fish and Wildlife is on file (Attachment 3). Parcels to the west are owned by California State Parks. These State-owned public lands are located 338 feet from the nearest existing cultivation area; however, no developed or designated recreational facilities are within 600 feet of any cultivation or processing area. The modification would relocate the cultivation areas more than 600 feet away from the church on the adjacent parcel to the south.

There will still be no employees; all cultivation and processing activities will still be performed by the applicant and applicant's family. Processing will still occur onsite, with drying and trimming occurring in the 500-SF shop in the northwest section of the property, near the manufactured residence. Trimming will still be done by hand, with a supplemental mechanical trimmer used when needed. All greenhouses have pervious floors (bare soil), and do not contain perimeter foundations. The applicant will still adhere to the International Dark Sky Association standards. All greenhouses will still be covered with blackout tarps to prevent nocturnal light emissions. No mechanical tarp pullers will be utilized in this operation; the tarps will be installed and maintained manually.

Based on the 2019 Site Management Plan (Attachment 3), the anticipated annual water use for this project was 180,000 gallons. Irrigation water for cultivation continues to be supplied by a 350,000-gallon pond in the northwest corner of the parcel, more than 600 feet from the nearest watercourse. Additional water storage is still located on the parcel, in the form of two 1,500-gallon hard-sided water tanks used for domestic water supply provided by the point of diversion.

The conditions of approval for the project will require the applicant to adhere to any remaining initial conditions of approval outlined in the approved Special Permit (Case no. SP16-525 Application No. 12447). Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the CCLUO and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information). 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 there are no requests for discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

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 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 they 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 Division staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. 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
5. Referral Agency Comments and Recommendations

Owner

SK Home & Property Solutions LLC
3385 Bennett Valley Rd.
Santa Rosa, CA 95404

Applicant

Avenue of the Giants Farm, LLC

File #: 22-1600

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Agent
Margo Advisors
Kelly Flores
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Eureka, CA 95501

Please contact Jordan Mayor, Senior Biologist and Planner, at 707-683-4711 or by email at jordan.mayor@icf.com <<mailto:jordan.mayor@icf.com>>, if you have any questions about the scheduled public hearing item.