



COUNTY OF HUMBOLDT

Legislation Text

File #: 24-959, **Version:** 1

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Mikes Farm, LLC; Conditional Use Permit
Assessor Parcel Numbers (APN) 221-021-003
Record No.: PLN-11002-CUP
Ettersburg area

The applicant seeks a Conditional Use Permit for an existing 19,026 square foot outdoor light deprivation cannabis cultivation operation. Cultivation includes 2 harvest cycles per year. Irrigation water is sourced from an off-stream rainwater catchment pond. Total water storage for the project is 291,715 gallons, including the 273,715 gallon capacity pond and 18,000 gallons of hard tank storage. Annual water use is estimated to be 155,500 gallons (8.17 gallons per square foot per year). The applicant is proposing to dry and cure cannabis onsite, with all further processing proposed off site at a third-party licensed processing facility until the proposed processing building has been constructed to commercial standards. Energy is provided by a 45kw generator and a 25kw generator. The applicant has proposed to install a solar system to supply 13kw of electricity for the project and retaining a generator on site for as needed emergency use.

RECOMMENDATION(S):

That the Planning Commission:

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

DISCUSSION:

Project Location: The project is located in Humboldt County, in the Ettersburg area, on the East side of Thomas Road, approximately 3 miles North from the intersection of Dickson Butte and Thomas Road. On the property located in Section 4 of Township 03 South, Range 02 East, Humboldt Base & Meridian.

Present General Plan Land Use Designation: Residential Agriculture (RA); 2017 General Plan; Density: 40 units per acre; Slope Stability: High Instability (3).

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: The applicant seeks a Conditional Use Permit for an existing 19,026 square foot outdoor light deprivation cannabis cultivation operation. Cultivation includes 2 harvest cycle per year. Irrigation water is sourced from an off-stream rainwater catchment pond. Total water storage for the project is 291,715 gallons, including the 273,715-gallon capacity pond and 18,000 gallons of hard tank storage. Annual water use is estimated to be 155,500 gallons (8.17 gallons per square foot per year). Based on the surface area of the pond and historic precipitation data the applicant can collect 263,281 gallons of rainwater for irrigation. The applicant is proposing to dry and cure cannabis onsite, with all further processing proposed off site at a third-party licensed processing facility until the proposed processing building has been constructed to commercial standards. Conditions of approval require the applicant to implement light and noise attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, eradicate invasive species near cultivation sites, 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. The project has been conditioned to enroll in a Road Maintenance Association to share costs associated with the maintenance and improvements of the access roads. Energy is provided by a 45kw generator and a 25kw generator. The applicant has proposed to install a solar system to supply 13kw of electricity for the project and retaining a generator on site for as needed emergency use.

Water Resources: Irrigation water is sourced from an off-stream rainwater catchment pond. Total water storage for the project is 291,715 gallons, including the 273,715-gallon capacity pond and 18,000 gallons of hard tank storage. Annual water use is estimated to be 155,500 gallons (8.17 gallons

per square foot per year). The average rainfall for the three lowest precipitation years from 1991 to 2023 is approximately 46.41 inches annually. Given the surface area of the pond (9,100 square feet), the applicant can collect approximately 263,281 gallons per year in a low rainfall year.

A groundwater well is utilized for domestic purposes, and an additional pond is present on the parcel for aesthetic and fire protection. The project has been conditioned to utilize water meters to track water use for cannabis irrigation separate from domestic and aesthetic use (**Condition A9**).

Biological Resources: Per review of CDFW's California Natural Diversity Database (CNDDDB) no rare or endangered plant or animal species are mapped on the subject parcel. The nearest NSO activity center located approximately 1.65-miles away. Mapped marbled murrelet habitat is approximately 0.8 miles from the cultivation area. Power at the site is provided by generator, and the applicant has proposed to install a solar array to transition from generator use. The project is conditioned to restrict generator noise to 50 decibels (dB) at 100 feet or nearest tree line, whichever is closer (**Condition B1**). Additionally, project conditions require the applicant to transition from supplemental generator use to full solar power to support the project within two years of project approval, after which the generator may be kept on site for emergency use only (**Condition A13**). Conditions of approval require the applicant to implement light and noise 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 (**Conditions B1-3, B7-10**).

Referral comments from CDFW include recommendations requiring the applicant to complete remaining restoration work under the approved LSAA, submit annual water monitoring reports, a project completion report, invasive species report, notify for a new culvert, implement an Invasive Species Management Plan, change the project description to reflect the use of only one pond for cannabis irrigation, and refrain from use of monofilament netting. Recommendations from CDFW have been included as conditions of approval (**Conditions A8, B7, B11**). 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.

Energy: Energy is provided by a 45kw generator and a 25kw generator. The applicant has proposed to install a solar system to supply 13kw of electricity for the project and retaining a generator on site for as needed emergency use. The project has been conditioned to install the proposed solar array within two years, after which time the generators may be used for emergency backup power only (**Condition A13**).

Access: The project site is accessed via a driveway intersecting Serendipity Road via Upper Samuels Ranch Loop Road via Thomas Road via Salmon Creek Road, the latter two of which are County maintained and identified by the County Public Works Department as suitable for commercial cannabis operations. The majority of the access road has been evaluated by an engineer in May of 2023 for a separate cannabis permit and found to be the functional equivalent of a category 4

roadway. There will be a maximum of three employees onsite during peak operations. As this is an existing operation, a significant increase in traffic is not expected under the project.

The project has been conditioned to enroll in a Road Maintenance Association to share costs associated with the maintenance and improvements of the access roads (**Condition B12**). The permit holder has been conditioned to complete the engineer recommendations contained in the Road Evaluation prepared Omsberg and Preston dated May 26, 2023 (**Condition A14**).

Geologic Suitability: The subject parcel is in an area with mapped high instability; however, no areas of potential liquefaction or historic landslides are mapped on the property. There are no mapped earthquake faults or earthquake fault hazard zones on the property. Recommended conditions of approval include obtaining building permits for all structures and grading (**Condition B6**).

Tribal Consultation: The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkyone Wilderness Council. Referral responses recommended inadvertent discovery protocol, which has been included in recommended conditions of approval (**Condition B15**).

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 South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 305 permits, and the total approved acres would be 86.44 acres of cultivation.

Environmental Review: Environmental review for this project was conducted and based on the result of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). Staff has prepared an addendum to the Mitigated Negative Declaration for consideration by the Planning Commission.

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 conditions of approval. The Planning Commission could deny the project if unable to make all of 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
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Notice of Applicability
 - B. Site Management Plan
 - C. LSAA
 - D. Road Evaluation Form
 - E. Erosion Remediation Technical Memorandum
5. Referral Agency Comments and Recommendations
 - A. Building Inspection Division
 - B. Division Environmental Health
 - C. Public Works Land Use Division
 - D. California Department of Fish and Wildlife
6. Watershed Map

Applicant:

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ETA Management Group

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