



COUNTY OF HUMBOLDT

Legislation Text

File #: 22-1586, Version: 1

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Ivan Stoyanov Conditional Use Permit

Application Number PLN-11928-CUP

Assessor's Parcel Number (APN) 212-201-009

950 Felt Road, Miranda, CA 95553

A Conditional Use Permit (PLN-11928-CUP) for a maximum of 11,900 square feet allowed per the existing cultivation area verification, the current application is for 11,500 square feet of existing mixed light cannabis cultivation within three (3) greenhouses, measuring: (1) 34 feet x 116 feet (3,944 SF), (2) 34 feet x 114 feet (3,876 SF), and (3) 34 feet x 108 feet (3,672 SF) in size. Greenhouses would be extended by up to 4 feet to total 11,500 square feet. Plants are propagated in a 1,190-square foot immature plant area/nursery. This allotment is consistent with the 10 percent maximum growing area. Irrigation water is sourced from an engineered 348,864-gallon catchment pond located on the parcel. Water is pumped from the pond and stored in hard tanks on site, consisting of five (5) 2,500-gallon tanks (12,500 gallons of storage total), with one (1) additional 15,000-gallon tank to provide 27,500 gallons total. Annual water use is estimated to be approximately 212,000 gallons per year (18.43 gallons/SF). Drying would occur onsite, and trimming would occur offsite. There would be three (3) family members as employees during peak harvest. Power is provided by one (1) WhisperWatt generator.

RECOMMENDATION(S):

That the Planning Commission:

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 Planning Commission has considered the Addendum to the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance that was prepared for the Ivan Stoyanov Conditional Use Permit; and
 - b. Finds that 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 site is located at 950 Felt Road on the east side of Highway 101, approximately .6 mile southeast from the intersection of School Road and Felt Road, in the unincorporated Miranda area in Southern Humboldt County.

Access: The project area is located at 950 Felt Road on the east side of Highway 101, approximately .6 mile southeast of from the intersection of School Road and Felt Road. The project area is accessed via a private road (driveway) for approximately 0.27 miles. A road evaluation was submitted on December 30, 2019, which determined the driveway from School Road to the project area is developed to Category 4 road standards (20 feet wide) or better, and thus is adequate for use without further review. The Road Evaluation Report is contained within the project file and is on-record with Humboldt County. Based on the referral record, Public Works recommended no additional Conditions of Approval.

Present General Plan Land Use Designation: Timberland (T) **Density:** 40 - 160 acres per dwelling unit; **Slope Stability:** Moderate Instability (2)

Present Zoning: Timberland Production Zone (TPZ)

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: No major issues/concerns were identified for this project.

Executive Summary: Ivan Stoyanov, seeks a Conditional Use Permit (PLN-11928-CUP) for a maximum of 11,900 square feet (SF) of mixed light cannabis cultivation, as allowed per the existing cultivation area verification. Plants would propagated in a proposed 1,190-SF immature plant area/nursery and dried in a 4,608 SF barn on site. This allotment of 1,190 SF is consistent with the 10 percent maximum growing area.

The current site plan (dated June 3, 2020) depicts an aggregate cultivation area of 11,492 square feet of existing mixed light cannabis cultivation within three (3) greenhouses, measuring: (1) 34 feet x 116 feet (3,944 SF), (2) 34 feet x 114 feet (3,876 SF), and (3) 34 feet x 108 feet (3,672 SF) in size. Plants are propagated in a 1,190-square foot immature plant area/nursery.

The parcel is zoned Timberland Production Zone (TPZ), as defined in the Humboldt County 2017 General Plan Update. The cannabis will be harvested fresh and dried onsite and then transported to a licensed processing facility to be trimmed. The project will utilize the applicant and up to three (3) family members for harvesting activities, as described below.

January	No cultivation activity - monitor site for erosion control etc.
February	No cultivation activity - ongoing site monitoring and water maintenance
March	Prepare garden beds, initiate propagation, ensure site maintenance up-to date
April	Initiate 1 st round starts, general maintenance of infrastructure etc..
May	Ongoing garden care, site maintenance

June	Ongoing garden care, site maintenance and initiate light dep
July	Ongoing garden care, start 1 st round harvest, dry.
August	Complete 1 st round harvest, initiate 2 nd round cultivation cycle
September	Ongoing garden care, site maintenance
October-December	Ongoing garden care, start 2 nd round harvest and full term, initiate site cleanup. Winterization BMP's implemented

Electrical power will be provided by a 25kw Multiquip WhisperWatt generator. The generator will be located at least 300 feet from any neighboring property line; and usage will be in compliance with all applicable regulatory requirements. Consistent with past actions of the Planning Commission, the project has been conditioned to either connect to a utility provider or have an alternative renewable power source starting January 1, 2025 (**Condition 15**).

Water Resources: Irrigation water is sourced from an engineered 348,864-gallon rainwater catchment pond located on the parcel. Water is pumped from the pond and stored in hard tanks on site, consisting of five (5) 2,500-gallon tanks (12,500 gallons of storage total) and one (1) proposed 15,000-gallon tank to provide 27,500 gallons total storage. Annual water use is estimated to be approximately 212,000 gallons per year (18.43 gallons/SF), as shown below.

Month	Gallons
March	7,000
April	13,000
May	20,000
June	35,000
July	40,000
August	45,000
September	35,000
October	17,000

A Water Resources Protection Plan (WRPP) was prepared by Timberland Resource Consultants (TRC) to comply with State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation (WDID No. 1B171718CHUM).

The WRPP identifies the following requirements and recommendations: record the use of fertilizers, soil amendments, and pesticides for annual reporting; install meters to track water use for irrigation of cannabis; store in-use fertilizers in a small container adjacent to the mixing tanks; avoid frequent use of un-surfaced

roads, particularly when roads are soft/saturated after wet weather; regularly inspect culverts during winter months to check for plugging, blockage or other issues; maintain existing or newly installed road surface drainage structures such as water bars, rolling dips, ditch relief culverts, and intentionally in/out sloped segments of road to continue the function of capturing and draining surface runoff; and use spill trays when fueling portable generators or water pumps to prevent leeching, seepage or spillage. The project has been conditioned to comply with all requirements and recommendations contained within the WRPP (**Condition 8**).

A Lake and Streambed Alteration Agreement (LSAA) was filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (Notification No. 1600-2016-0057-R1). The LSAA is limited to five (5) encroachments (identified in Table 1 of the LSAA): allowance of water diversion (2 encroachments); removal of an existing culvert (1 encroachments); maintenance of a stream to reduce erosion (1 encroachment); and sediment removal and installation of a spillway for an off-channel pond (1 encroachment) (**Condition 9**).

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 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 299 permits and the total approved acres would be 91.27 acres of cultivation.

Biological Resources: The applicant did not prepare a biological resources report; however, the California Department of Fish and Wildlife (CDFW) reviewed the project on September 6, 2018 and identified the following conditions for Project approval: allow for a site inspection to comply with the final LSAA; contain all artificial light, such that no light escapes and structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise; prohibit the use of synthetic netting; leave wildlife unharmed; ensure that the noise containing structures for generators do not allow for noise released in excess of 50 decibels, as measured from 100 feet; and drain onsite irrigation ponds at the end of each growing season in order to avoid the recruitment of American bullfrog (an invasive species) (**Condition 11**).

Tribal Cultural Resource Coordination: A records search of the project area was conducted by the Northwest Information Center (NWIC) and indicated that no previous surveys had been conducted within ½ mile of the project area. Additional review was conducted by Erika Cooper, at the time the Tribal Historic Preservation Officer (THPO) for the Bear River Band, who recommended (via email on January 23, 2019) the use of Inadvertent Discovery Protocol (PRC 15064.5 (f)) by a qualified professional archaeologist, if any previously unidentified cultural resources or human remains are encountered throughout project implementation (**Condition 10**).

California Environmental Quality Act (CEQA): Environmental review for this project was conducted in October 2022. Based on the results of this analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) adopted for the Commercial Medical Marijuana Land Use Ordinance on January 26, 2016. Accordingly, staff has prepared an addendum to this document for consideration by the Planning Commission. See (**Attachment 3**) for more information.

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 not approve the project.
2. The Planning Commission could 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 of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

ATTACHMENTS:

1. Resolution
 - A. Conditions of Approval
 - B. Cultivation Operations Plan
 - C. Site Plan
2. Location Maps
 - A. Watershed Map
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Final LSAA
 - B. Bullfrog Management Plan
 - C. Water Resource Protection Plan
 - D. Road Evaluation Report
5. Referral Agency Comments and Recommendations

Owner/Applicant

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Please contact David Mack, Senior Project Manager (Harris & Associates) by email at david.mack@weareharris.com <<mailto:david.mack@weareharris.com>> or 831.320.0413, if you have any questions about the scheduled public hearing item.