



COUNTY OF HUMBOLDT

For the meeting of: 1/18/2024

File #: 24-92

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

SUBJECT:

Lost Coast Cannabis, LLC Conditional Use Permit
Assessor's Parcel Numbers: 220-272-022
Record Numbers: PLN-12795-CUP
Whitethorn area

A Conditional Use Permit for 18,953 square feet of existing outdoor commercial cannabis cultivation supported by a 1,700 square foot ancillary nursery. Estimated annual irrigation water usage is 175,960 gallons and sourced from a point of diversion on APN 220-311-004. Water storage for irrigation is 66,000 gallons in existing tanks and 110,000 in proposed tanks for a total of 176,000 gallons of irrigation storage. Drying occurs onsite and additional processing occurs offsite at a licensed facility. Power is provided by solar panels with backup from a propane generator.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt resolutions (Resolution 24-__) (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 Lost Coast Cannabis, LLC project (Attachment 3); and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Lost Coast Cannabis, LLC Conditional Use Permit subject to the recommended conditions of approval (Attachments 1A).

DISCUSSION:

Project Location:

The project is in the Whitethorn area, on the North side of Briceland Road, approximately 700 feet

East from the intersection of Briceland Road and Elk Ridge Road, on the property known to be in Section 1 of Township 04 South, Range 02 East, Section 6,7 of Township 04 South, Range 03 East Humboldt Base & Meridian.

Present General Plan Land Use Designation:

Residential Agriculture (RA), 2017 General Plan, Density: 40 acres per unit; Slope Stability: Low Instability (2), High Instability (3)

Present Zoning:

Forestry Recreation (FR); Special Building Site (B-5(40))

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 Conditional Use Permit for 18,953 square feet of existing outdoor commercial cannabis cultivation supported by a 1,700 square foot ancillary nursery. Estimated annual irrigation water usage is 175,960 gallons and sourced from a point of diversion on APN 220-311-004. Water storage for irrigation is 66,000 gallons in existing tanks and 110,000 in proposed tanks for a total of 176,000 gallons of irrigation storage. Drying occurs onsite and additional processing occurs offsite at a licensed facility. Power is provided by solar panels with backup from a propane generator.

The amount of water authorized under the water right equals the estimated annual irrigation need. The amount of existing and proposed water storage totals 100% of annual usage. Therefore, there is adequate eligible irrigation water available and storage. The LSAA requires a longer forbearance period than the water right, therefore Adherence to the LSAA is a condition of approval. Portable toilets will be used until the septic system is permitted or certified to the satisfaction of the Division of Environmental Health. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect the northern spotted owl or other sensitive species. While in peak use, the backup generator may not emit more than 50dB of sound at 100 feet or forest edge, whichever is closer.

The approximately 2.8-mile access route of private roads are maintained through a road association. The project was referred to Public Works which recommended standard conditions relating to encroachment and visibility. The existing cultivation is in areas ranging from 15% slope or less to 15% to 30% slope. No new grading is proposed to implement the project. After the fact grading permits are required for grading that was done previously without permits. Historic timberland conversion is

associated with this project. A Less Than 3 Acre Conversion Exemption was granted on October 7, 2015, by CalFire. The Bear River Tribal Historic Preservation Officer requested the standard inadvertent discovery protocol.

Water Resources:

The estimated annual irrigation water usage of 175,960 gallons is sourced from a point of diversion from an unnamed spring. The spring is on the adjacent parcel to the north, APN 220-311-004, which is under the same ownership as the project parcel. The diversion is associated with State Water Resources Control Board Right to Divert and Use Water certificate H100776 (Registration H512839) (**Attachment 4A**). The water right grants total annual water diversion at 0.54-acre feet per year or 175,960 gallons for irrigation purposes which equals the annual estimated annual water usage for cannabis irrigation. The project is conditioned to require water meters and water usage logbooks which must be kept and made available during annual inspection of the cannabis operation (**Condition of Approval A2**). Final LSAA (HUM-22388-R1) (**Attachment 4B**) requires forbearance from April 1 to November 15, which includes 80% bypass flow at all times of the year. The LSAA requires a longer forbearance period than the water right, therefore Adherence to the LSAA is a condition of approval (**Condition of Approval C16**). Water storage for irrigation is 66,000 gallons in existing tanks and 110,000 in proposed tanks for a total of 176,000 gallons of irrigation storage. Once fully installed, water storage will be equal to 100% of annual water usage. Because not all the water storage has been constructed, a condition of approval limits cultivation to the proportion of onsite water storage (**Condition of Approval B1**).

The project referral to the Division of Environmental Health (DEH) resulted in a request for certification of the existing septic system. The project is conditioned requiring the use of portable toilets for cultivation activities until the septic system is permitted or certified by DEH as having capacity to serve the cannabis operation (**Condition of Approval B2**).

Per the Operations Plan, irrigation methods include dripline systems and hand watering techniques to monitor and conserve water usage. Water is generally applied every three days during vegetative growth, and every two to three days during flowering, depending on weather conditions.

Biological Resources:

A review of the California Natural Diversity Database did not indicate any known rare or endangered species in the project area. The nearest mapped Northern Spotted Owl activity center (HUM0531) is 0.6 miles to the west. The project utilizes a pre-existing disturbed area and cultivation does not use artificial light except for the ancillary nursery. The project has been conditioned to ensure supplemental lighting associated with the onsite nursery and mixed light cultivation adheres to Dark Sky Association standards including security lighting (**Condition of Approval C3**). Permit conditions of approval also prohibit using synthetic netting (**Condition of Approval C5**), ensure refuse is contained in wildlife-proof storage (**Condition of Approval C6**), and prohibit use of anticoagulant rodenticides to further protect wildlife (**Condition of Approval C8**). As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect the northern spotted owl or other sensitive species.

Energy

Energy is provided by solar panels with a propane generator for backup. While in peak use, the generator may not emit more than 50dB of sound at 100 feet or forest edge, whichever is closer. **(Condition of Approval C2).**

Access:

From the County maintained Briceland Thorne Road, the subject parcel is accessed by Elk Ridge Road. The approximately 2.8-mile access route of private roads are maintained through a road association. The project was referred to Public Works which recommended standard conditions relating to encroachment and visibility **(Condition of Approval A8)**. The applicant provided a road evaluation concluding that the road segments are developed to the equivalent of a road category 4 standard. There will be up to 5 employees at peak operation. The site plan depicts adequate parking area.

Geologic Suitability:

The project parcel is mapped in the County GIS as moderate with some portion of the parcel high instability. The existing cultivation is in areas ranging from 15% slope or less to 15% to 30% slope. No new grading is proposed to implement the project. After the fact grading permits are required for grading that was done previously without permits **(Condition of Approval A6)**. A Site Management Plan has been prepared for this project **(Attachment 4D)**.

Timber Conversion:

Historic timberland conversion is associated with this project. A Less Than 3 Acre Conversion Exemption was granted on October 7, 2015, by CalFire (1-15EX-325-HUM) **(Attachment 4E)**. A CalFire referral on January 3, 2020, replied with no comment **(Attachment 5)**.

Security and Safety:

Per the project Operations Plan, access to the parcel is gated and locked and security cameras are used. The Site Plan depicts a 2,500-gallon tank dedicated to fire suppression as well as an adequate emergency vehicle turnaround. The project was referred to the Briceland Fire Protection District which did not respond.

Tribal Consultation:

The project was referred to the Northwest Information Center, the Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkyone Wilderness Council. A Cultural Resources Investigation was conducted by William Rich and Associates. The Bear River Tribal Historic Preservation Officer requested the standard inadvertent discovery protocol. **(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 South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of the project the total approved permits in this Planning Watershed would be 306 permits and the total approved acres would be approximately 87.0 acres of cultivation.

Environmental Review:

Environmental review for this project was conducted and based on this analysis, staff concludes that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration (MND) that was adopted for the CMMLUO. Staff has prepared an addendum (Attachment 3) to the MND 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 comments, comments, 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. Operations Plan
 - C. Site Plan
2. Location Map
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Water Right
 - B. LSAA
 - C. Road Evaluation
 - D. Site Management Plan
 - E. Less Than 3 Acre Conversion Exemption
5. Referral Agency Comments and Recommendations
 - A. Building Inspection Division
 - B. Division of Environmental Health
 - C. Public Works
 - D. CA Division of Water Rights
 - E. CDFW
 - F. CalFire

Applicant

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File #: 24-92

Owner

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Please contact Steven A. Santos, Senior Planner, at sasantos@co.humboldt.ca.us or (707)268-3749 for questions about this scheduled item.