



COUNTY OF HUMBOLDT

For the meeting of: 3/2/2023

File #: 23-265

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

SUBJECT:

Enchanted Springs Farm, LLC
Assessor Parcel Numbers (APN) 524-201-030
Record No.: PLN-13141-CUP
Willow Creek area

A Conditional Use Permit for 4,292 square feet (sf) of pre-existing outdoor cannabis cultivation with 420 sf of ancillary propagation area. Light-deprivation techniques will be utilized without the use of supplemental lights and two harvests are anticipated annually. Water source is from the Willow Creek Community Services District. Annual water usage is estimated at 75,392 gallons per year (16 gal/sf/yr). Total water storage on-site will be 9,900 gallons. The site will be owner-operated with no employees, and processing will occur within the residence. Power source is PGE. The project also includes the request for a Special Permit to reduce the 600-foot setback to Public Lands, the Six Rivers National Forest.

RECOMMENDATION(S):

That the Planning Commission:

Adopt the resolution (Attachment 1) which does the following:

- a. Finds that 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 Enchanted Springs Farm, LLC project; 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 is located in the Willow Creek area, on the West side of State Highway 299, approximately .18 miles West from the intersection of Christian School Road and State Highway 299, on the property known as 200 Christian School Road.

Access: The site is accessed from Christian School Road, from State Highway 299.

Present General Plan Land Use Designation: Residential Estates (RE); 2017 General Plan; Density 2.5-5 units per acre; Slope Stability: Low Instability (2).

Present Zoning: Agricultural General (AG).

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: Enchanted Springs Farm, LLC seeks a Conditional Use Permit for 4,292 square feet (sf) of pre-existing outdoor cannabis cultivation with 420 sf of ancillary propagation area. Light-deprivation techniques will be utilized without the use of supplemental lights and two harvests are anticipated annually. Water source is from the Willow Creek Community Services District (WCSD). Annual water usage is estimated at 75,392 gallons per year (16 gal/sf/yr). Total water storage on-site will be 9,900 gallons. Power source is PGE. The project also includes the request for a Special Permit to reduce the 600-foot setback to Public Lands, the Six Rivers National Forest.

The site is equipped with a permitted septic system within the residence. The project was referred to the Department of Environmental Health (DEH) on January 5, 2020, and DEH submitted a recommendation of approval for the project on January 27, 2020. The site will be owner-operated with no employees, and processing will occur within the residence.

The parcel contains approximately 4,700 sf of Prime Agricultural Soils according to the Humboldt County Web GIS. The project has existing cultivation, and one (1) existing hoop house covers 440 sf of the Prime Agricultural Soils on-site, which is less than 20 percent (940 sf). The applicant's Site Plan shows a 400 sf personal cannabis cultivation area, and the applicant shall not have more than six (6) plants within their personal cannabis grow area.

The applicant will have seven (7) light-deprivation hoop houses for the 4,292 sf of outdoor cannabis cultivation. The site is owner operated and the residence will be used for drying, curing, trimming, storage and harvest storage area. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: seven (7) outdoor hoop houses, one (1) nursery hoop houses, and one (1) residence (**Condition A.6**).

Setbacks:

The project area is located within 600 feet of Public Lands, the Six Rivers National Forest (SRNF). According to a Property Survey that was prepared by Points West Surveying Co., dated August 2017, the nearest cultivation area to the SRNF lands is 45 feet to the shared parcel boundary. The applicant is requesting a Special Permit to approve a setback reduction from the SRNF parcel boundary to approximately 45 feet to the nearest cultivation area. The project was referred to the SRNF on January 26, 2023, and no comments were received.

The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). This property is located within the mapped Essential Habitat Connection corridor per the California Essential Habitat Connectivity Project that has been adopted by the State of California to help guide statewide transportation and land use planning projects. However, the setback reduction would not impact the ability of these public lands to continue to function for habitat connectivity as the property is located in a residential neighborhood, and approval of this project would not change the character of the surrounding area. The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological

resources and wildlife, as no lights or generators are a part of the proposed project. The parcel is connected to PG&E grid power, and the project will source water from the Willow Creek Community Services District. The project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related facilities.

The proposed cultivation area is located closer than 300 feet to two (2) residences on neighboring parcels. The applicant has obtained letters waiving the 300 foot setback requirement for the proposed project from all neighbors located within 300 feet of the proposed cultivation area.

Fire Safety:

There is one hoop houses that is within the 30-foot setback to the eastern property line, and per the Humboldt County Fire Safe Regulations, no structures shall be within the 30-foot setback. The applicant is required to either relocate the existing hoop house outside of the setback and submit an updated Site Plan, or is required to have a maintenance and open space easement recorded with the adjoining lot to the east (APN: 524-201-027) (**Condition A.7**). The project is located within an area designated to have a High Fire Hazard Severity, and is shown to be within the Willow Creek Volunteer Fire District. The applicant shall contact the local fire service provider (Willow Creek Volunteer Fire Protection District) and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an “ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES” for the parcel(s) on a form provided by the Humboldt County Planning Division (**Condition A.8**). The applicant is connected to the Willow Creek Community Services District, and no water storage is required for fire suppression.

Timber Conversion:

The parcel is zoned Agriculture General (AG), and no apparent timber conversion has occurred on the subject parcel. The project was referred to CalFire on June 16, 2021, and comments were received on July 7, 2021. Comments from CalFire stated that the Department had no comments at that time. No timber conversion has occurred in association with cannabis activities, and none is proposed as part of this project.

Water Resources:

Projected annual water usage is approximately of 75,392 gallons per year, (16 gallons/sf/year). Water for cannabis irrigation will be provided by the Willow Creek Community Services District (WCCSD), and the applicant has a will-serve letter from the WCCSD allowing the continued use of 536,000 gallons of water to be used annually for residential and agricultural purposes. The WCCSD has a Drought Ordinance in its Board Policy, and in the event of a drought the water usage may be restricted per the policy and the applicant shall adhere to any restrictions set forth by the WCCSD (**Ongoing Condition B.1**). The applicant shall also install a meter in order to meter the use of water used for cannabis irrigation separate from residential uses (**Condition A.9**). There is a total of 7,400 gallons of existing water storage on-site, and an additional 2,500 gallons is proposed for a total of 9,900 gallons.

The site was historically enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R-1-2015-0023, under WDID 1B171472CHUM. A Water Resource Protection Plan (WRPP) was prepared for the site by Natural Resources Management (NRM), dated November 11, 2017. The WRPP states that there are no watercourse crossings on the parcel, and the nearest watercourse is located off the property more than 200 feet south of the nearest cultivation area. This corrects the location of the stream that is shown on the Humboldt Web GIS. The applicant shall adhere to the corrective actions listed in Table 2 of the WRPP, along with Winter Site Preparation and Monitoring requirements listed on page 10 of the WRPP (**Condition**

A.10 & Ongoing Condition B.2).

The site has enrolled under the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001, as a Tier 1 Low Risk site. The applicant has obtained a Notice of Applicability (NOA) letter from the SWRCB dated September 6, 2019, showing enrollment under WDID: 1_12CC416155. The applicant has obtained a Site Management Plan (SMP) prepared by NRM, dated July 23, 2020. The SMP addresses site conditions and corrective measures required for the site to meet the standard conditions of the General Order. The SMP states that there is an orchard on the property, as well as an ornamental pond. The applicant shall adhere to all of the corrective actions and ongoing monitoring and BPTC measures listed in the SMP (**Condition A.10 & Ongoing Condition B.2)**

There are no streams or stream crossings located on the property and water is sourced from the WCCSD, therefore no Lake or Streambed Alteration Agreement with Fish & Wildlife is required for the project.

Biological Resources:

There are no mapped biological resources shown on the subject parcel in the CNDDDB database in Humboldt County Web GIS, and the nearest known activity center for Northern Spotted Owls is approximately 1.3 miles to the proposed project site. As the project is for pre-existing cultivation, and no vegetation removal is proposed as part of the project, no Biological Assessment was required. As the project will consist of outdoor cultivation, and power is provided by PG&E, no noise pollution is anticipated as a result of the proposed project. The applicant is conditioned to adhere to International Dark Sky Standards for security lighting and the propagation greenhouse (**Ongoing Condition B.5**). The project was referred to the California Department of Fish & Wildlife (CDFW) on July 17, 2017, and comments were received on January 15, 2020 and no comments have been received.

The project is located within the CDFW's Essential Habitat Connection, and is requesting a Special Permit to reduce the 600 foot setback to SRNF. The project is located in a residential neighborhood where three (3) approved cannabis permits exist, and the site is located approximately 890 feet to State Hwy 299. The project will not be utilizing generators, or employees, and receives water from the WCCSD. No significant impacts to wildlife are anticipated as part of this project.

Tribal Cultural Resource Coordination:

The proposed project is located within the mapped ancestral aboriginal territories for the Hoopa and Tsnungwe tribes. The project was referred to the Hoopa and Tsnungwe tribes, and the Northwest Information Center (NWIC) on January 15, 2020. The NWIC commented on the project on January 28, 2020, recommending that the lead agency contact the local Native American tribes regarding traditional, cultural, and religious heritage values. A comment was received from the Tsnungwe tribe on June 16, 2021, stating that they had no objection to the project. No Cultural Resource Investigation was required for the project. The project is conditioned to adhere to inadvertent discovery protocols (**Informational Note 3**).

Access:

The project is accessed off of Christian School Road, which is a non-county maintained road located off of State Hwy 299. The project was referred to the Department of Public Works on January 15, 2020. Comments from Public Works included that the project is accessed by a non-county maintained road off of Hwy 299, and recommended that the application be sent to Caltrans for review. The project was referred to Caltrans on January 15, 2020, and no comments were received. The project is the only cannabis project that is accessed by Christian School Road, and no road maintenance association is required for the project. As the project is owner-operated and there are no employees, no increase in traffic is anticipated by the approval of this application.

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 cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Lower Trinity Planning Watershed, which under Resolution 18-43 is limited to 169 permits and 58 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 60 cultivation permits and the total approved acres would be 25.9 acres of cultivation.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and most responding agencies have either responded with no comment or recommended approval or conditional approval. The US Forest Service responded with the general recommendation of denial as cannabis is a federally illegal substance. (Attachment 5)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect not to approve the project, or to 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.
2. The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Cultivation Operations Plan & Addendum
 - C. Site Plan
2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Notice of Applicability Letter
 - B. Water Resource Protection Plan
 - C. Site Management Plan
 - D. Willow Creek Community Services District Will-Serve Letter
 - E. Property Survey
5. Referral Agency Comments and Recommendations

File #: 23-265

Applicant Enchanted Springs Farm, **Owner(s)** Sarah Roberts PO **Agent** N/A
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Please contact Megan Acevedo, Planner II, at 707-441-2634, or by email at macevedo@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.