

Rusinov

Record Number: PLN-2018-15298
Assessor's Parcel Number: 107-136-005

Recommended Zoning Administrator Action:

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 a part of the consent agenda:

Find that the Zoning Administrator has considered the Addendum to the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and adopt the Resolution approving the Rusinov, project as recommended by staff subject to the recommended conditions.

Executive Summary

The applicant is seeking a Special Permit for 10,000 square feet of existing outdoor cannabis cultivation. The operation will achieve up to two harvest cycles with the use of light deprivation methods. Propagation is on-site in a proposed 1,000 sf nursery area within a proposed cultivation greenhouse. Irrigation water is sourced from a proposed rainwater catchment system. Estimated annual water use is 70,000 gallons due to an irrigation practice of watering every other to every third day. Proposed water storage totals 70,600 gallons in fourteen (14) five-thousand-gallon hard tanks and two (2) three hundred gallon hard tanks. Up to 10 workers are estimated to be on-site during peak operations, in addition to the residents. Drying, curing and processing is proposed on-site in a proposed building that will be constructed to meet commercial building standards. The applicant is proposing a solar array to provide for energy needs with generators as a backup energy source.

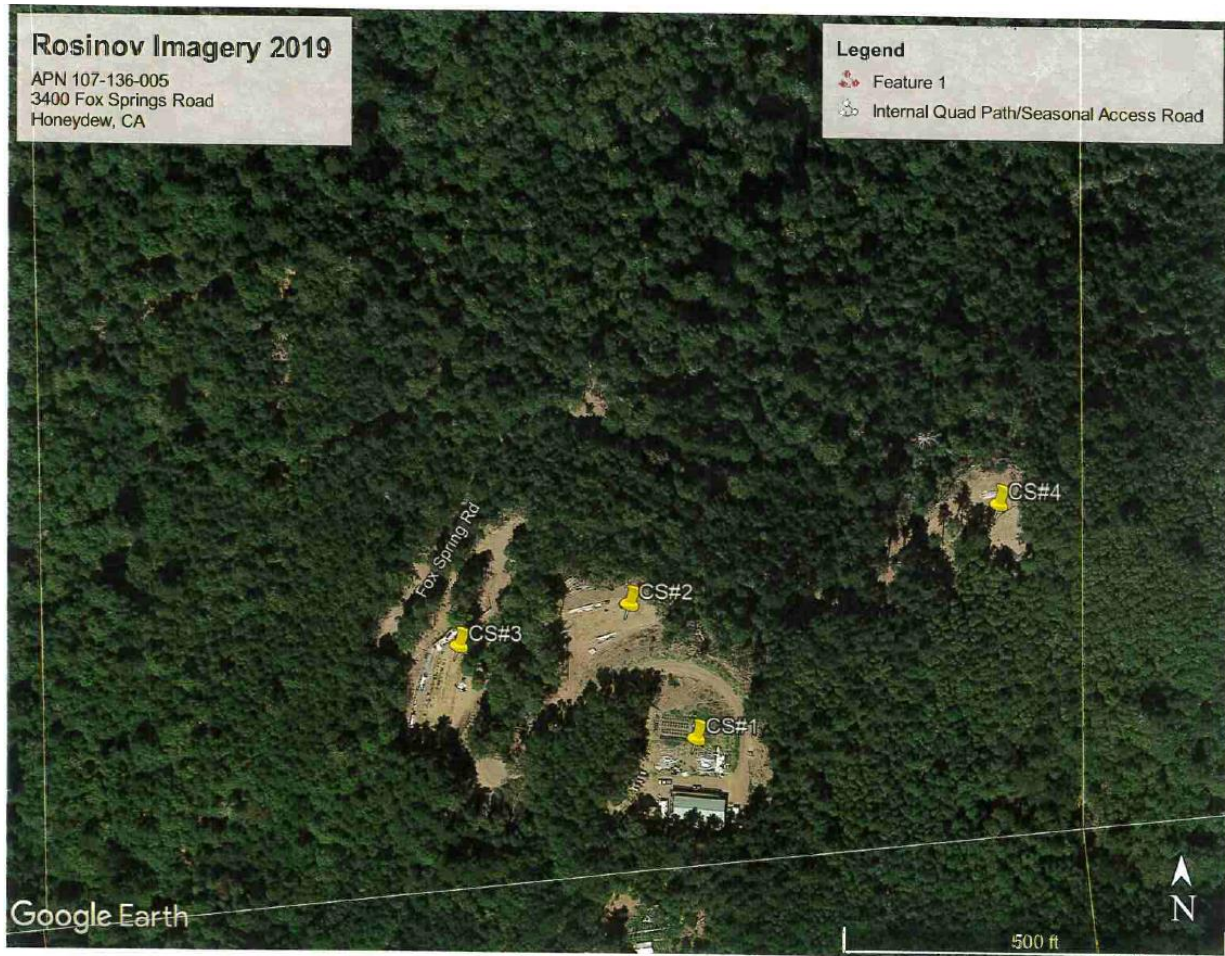


Figure 1: Current conditions on APN 107-136-005. Cultivation areas are labeled CS#1-4 and are referred to in the Cultivation Operations Plan using the same identifiers.

Water Resources

The applicant projects an annual water usage of 70,000 gallons (6.7 gal/sf), roughly 15,000 gallons per month at peak use occurring in July and August. The water source for the project is a proposed rainwater catchment system. The residence on-site will be outfitted with a rainwater catchment system and can collect an estimated 116,047 gallons annually. Existing available water storage is 70,600-gallons.

The applicant is not currently cultivating, and the project is not currently enrolled in the State Water Resources Control Board's (SWRCB) General Order (No. WQ 2019-0001-DWQ) for Waste Discharge Requirements and Water Quality. The project is conditioned to enroll in the SWRCB's General Order prior to commencing cultivation activities on-site, and shall submit a Notice of Applicability letter or Notice of Receipt as proof of enrollment before cultivation activities can occur. The project is also required to have a Site Management Plan prepared within 90 days of enrollment to outline on-site measures required to meet the standards of the SWRCB's General Order. The applicant shall submit to the Planning Department the final Site Management Plan, and shall adhere to the measures and recommendations within the final SMP.

There are no streams or stream crossings located on the subject parcels, and the project will not utilize any stream diversion, therefore no Lake or Streambed Alteration Agreement with the California Department of Fish & Wildlife (CDFW). The applicant shall submit to the Planning Department a letter from the CDFW stating that no Lake or Streambed Alteration Agreement is required for the project, and in the event that one is needed the applicant shall submit the Final LSAA to the Planning Department and shall adhere to the work described within the Agreement. The project is located in the Cape

Mendocino Planning Watershed which under Resolution 18-43 is limited to 650 permits or 223 acres, whichever occurs first. With the approval of this project the total approved permits in this Planning Watershed would be 214 permits and the total approved acres would be approximately 75.57 acres of cultivation.

Energy Resources

The project's main source of energy will be delivered by solar power. The applicant proposes installing a solar array to support project needs. A generator will be kept on-site for emergency power use. The project is conditioned such that generators will be stored in enclosed structures.

Biological Resources

A *Biological Assessment* prepared by Pacific Watershed and Associated dated December 2019 outlines the potential for sensitive species presence on-site, as well as recommended mitigation measures for the project. The biologist recommendations include the following:

- No vegetation removal or any ground disturbance activities shall occur outside of proposed cultivation areas and the 150-foot buffers without a survey by a qualified biologist.
- No ground disturbance activities shall occur within the northern unoccupied portion of the property without a survey by a qualified biologist.
- The landowner shall reduce and control all surface runoff from cannabis cultivation related activities to ensure that runoff does not discharge to or enter any streams on the property so as to protect water quality and salmonid critical habitat.
- The landowner shall have a qualified biologist conduct NSO surveys to determine presence or absence on the parcel. The landowner shall comply with all county mitigation efforts for the NSO until determined otherwise.

The applicant will be conditioned to adhere to the three initial biologist recommendations, however the final measure recommending Northern Spotted Owl surveys is not recommended by staff to be required, as there are no mapped occurrences of Northern Spotted Owl activity centers within roughly two miles of the project area and tree clearing is not proposed. As there are no nearby mapped activity centers or NSO occurrences within 0.7 miles of the pre-existing cultivation site, Humboldt County Code does not require protocol level surveys for the Northern Spotted Owl as outlined in Resolution 18-40, the Resolution Certifying the Environmental Impact Report.

Geologic Suitability

A review of WebGIS determined that the project is located within a parcel that has been classified as being moderately unstable. The project site is located within an area that has slopes ranging between 15-30 percent. All cultivation is proposed to take place on existing graded flats.

Timber Conversion

The applicant currently has four areas of cleared timberland on-site, labeled in the Cultivation Operations Plan and Site Plan as cultivation sites 1, 2, 3, and 4 (See figure 1 above). Cultivation areas 1 and 4 were both cleared before January 1, 2016, and areas 2 and 3 were cleared after January 1, 2016. The CCLUO requires that cannabis operations result in no net loss of timberland, and as such an acreage equivalent to the converted timberland in areas 2 and 3 (0.87 acres total) will be required. The applicant also proposes to relocate cannabis from cultivation area 4 to cultivation area 2 and restock cultivation site 4, with environmental justification for relocation prepared by Pacific Watershed Associates.

A *Timber Conversion Report* was prepared by Timberland Resource Consultants' Registered Forestry Professional, Chris Carrol dated November 26, 2018. The report details four (4) areas and an access route that have had conversion of timber prior to 2016 and the adoption of the Commercial Cannabis Land Use Ordinance. According to the report, approximately 1.8 acres of timberland have been converted on the project parcel. The report recommends that all slash and woody debris that occurred from timber removal be treated, as well as the removal of a fill-slopes at Cultivation Site #1 and the improvement of a segment of steep roadway to prevent erosion and sedimentation.

The project proposal and the Timber Conversion Report were referred to Cal Fire in January of 2020. Cal Fire reviewed the report and concurred with the mitigation recommendations of the Register Forestry Professional. The project will be conditioned to implement the recommended improvements made within the Timberland Conversion Report. Further, the applicant will be required to restock 0.87 acres of timberland that was converted after January 1, 2016. A Restocking Plan prepared by Timberland Resource Consultants dated January 12, 2022, was submitted to the Planning Department. Restocking recommendations have been included as recommended conditions of approval for this project.

Tribal Cultural Resource Coordination

The project is located within the ancestral territories of the Sinkyone, and Tribes represented by the Bear River Band of the Rohnerville Rancheria. The project proposal was referred to the Northwest Information Center, Sinkyone Intertribal Wilderness Council, and the Tribal Historic Preservation Officer (THPO) of the Bear River Band. The THPO representative for the Bear river Band recommended approval with the inclusion of inadvertent discovery protocol. The project will be conditioned as such.

Security and Safety

The subject parcel is located within both the Telegraph Ridge Fire Protection District and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. A review of the Humboldt County WebGIS showed the subject parcel as being located in an area deemed to have a high fire hazard severity. The project was referred to CALFIRE in January of 2020. The Department commented that the project should adhere to the mitigation recommendations of the Timber Conversion Report.

Access

The project is accessed via Fox Springs Road, approximately 0.6-mile road segment that intersects the county-maintained Wilder Ridge road. A Road System Assessment & Improvement Plan prepared by Rinehart Engineering dated April 19, 2019 was submitted to the Department of Planning and Building on December 9, 2019. The assessment evaluated a .6-mile road segment of Fox Springs Road that travels through two parcels prior to reaching the subject parcel, and details improvements required to bring the access road into congruence with Category 4 road standards. The project has been conditioned to implement these recommendations.

The project was referred to the Department of Public Works in December of 2019 who recommended approval of the project with conditions that would require the applicant to improve visibility where the private road meets the County maintained road. Public Works has also recommended the private road be graveled where it intersects with the County maintained road for a length of 50 feet and a width of 18 feet. Prior to any work occurring within the County maintained right of way, an encroachment permit will be obtained from the Public Works Department. The project has been conditioned as such.

Environmental Review and Recommendation

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 Commercial Cannabis Land Use Ordinance 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 no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

Alternatives

Several alternatives may be considered: 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 you 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 staff does not recommend further consideration of these alternatives.