

**Mezzrow Farms, LLC (formerly God's County, LLC)**

Record Number: PLN-2020-16621

Assessor's Parcel Number: 104-281-004, 104-121-020, and 104-311-020 (One Legal Parcel)

**Recommended Planning Commission 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 Planning Commission has considered the Addendum to the adopted Environmental Impact Report for 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 Permits and adopt the Resolution approving the Mezzrow Farms, LLC project as recommended by staff subject to the recommended conditions.*

**Executive Summary** Mezzrow Farms, LLC (formerly God's Country, LLC) seeks a Special Permit for 43,560 square feet (SF) of new outdoor cannabis cultivation, which occurs within twenty-two (22) 2,000-SF greenhouses. Greenhouse (GH) 1 through 21 consist of 2,000 SF of cannabis cultivation; GH 22 consists of 1,560 SF of cannabis cultivation and 44 SF of agricultural storage. Propagation occurs in two (2) 3,500-SF nursery structures (7,000 SF total). The application shall be conditioned to revise the nursery area to comply with the Humboldt County standard of 10% of the cultivation area; therefore, no more than 4,356 SF of nursery area is allowed (**Condition 20**).

The project area is generally level and disturbed from past agricultural activities (grazing). Slopes in the area of the proposed project are less than five percent (5%), and moderate hill slopes surround the project area. Saunders Creek flows through the property, and Mattole River is located at the far northeastern corner of the property. Furthermore, the project area is in an area of rural residential and agricultural uses, including grazing. Extensive cannabis cultivation activities have been present within the area since 1996. The project area is currently used for production of apples and seasonal cattle grazing.

The present land use designation is Agricultural Grazing (AG) and Residential Agricultural (RA), as defined in the Humboldt County 2017 General Plan Update; and the parcel is zoned as Unclassified (U). Drying and further processing occur onsite in two (2) 2,400-SF barns (4,800 SF total). The project requires up to ten (10) employees, both full-time and part-time, overseeing the cultivation and drying operations. Employees will be local residents and do not require on-site housing.

PG&E or Redwood Coast Energy Authority (RCEA) will provide electrical power. A generator would be used only in emergencies. The Commercial Cannabis Land Use Ordinance (CCLUO 2.0) requires the applicant to source electricity exclusively from a renewable source. This can be accomplished in one of three ways: (1) Using grid power supplied from 100% renewable source; (2) Using an onsite renewable energy system with 20% net non-renewable energy use; or (3) Using grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits. Within six (6) months of project approval, the applicant shall demonstrate compliance with this condition by submitting documentation of energy source to Humboldt County Department of Planning and Building (**Condition 9**).

**Water Resources**

All irrigation water will be provided from a proposed 1.2-million gallon rainwater catchment pond. Total estimated annual water use is 720,000 gallons (16.53 gallons/SF). Water storage would be provided in eight (8) 5,000-gallon hard plastic tanks (40,000 gallons). An existing well (Permit No. 16/17-0643) is proposed only for domestic use. The applicant is required to install water-monitoring devices on the well to ensure no water is drawn for irrigation purposes (**Condition 19**).

A Site Management Plan (SMP) was created in order to protect the water resources within the project area through annual site inspection, monitoring, and reporting of Tier 1 discharges to the North Coast Regional Water Quality Control Board (NCRWQCB) pursuant to Order No WQ-2019-0001-DWQ. Onsite monitoring shall occur during the following activities: 1) Prior to the start of the water season on October 15, in order to evaluate site winterization and preparedness for storm water runoff; and 2) Following any rainfall event with an intensity of 3 inches of precipitation within 24 hours. The applicant is conditioned to meet the monitoring requirements and recommendations outlined in the SMP (**Condition 10**).

A Lake and Streambed Alteration Agreement (LSAA) notification has been approved by the California Department of Fish and Wildlife (CDFW) (Permit No. EPIMS-HUM-13578-R1C), which authorizes the applicant to upgrade three (3) undersized stream crossings. The LSAA does not allow for water diversion or use of water wells. Corrective actions shall be completed by the deadlines identified in the LSAA (**Condition 11**).

### **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 Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 218 permits and the total approved acres would be 78.04 acres of cultivation.

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 Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

### **Biological Resources**

A "Biological Evaluation of Threatened and Endangered Species" report was prepared by Native Ecosystems, Inc., in January 2020. The project area was surveyed for special status plant and animal species, and none were observed. The project area is in a grassland that is seasonally grazed and does not contain ground-nesting bird habitat. The trees surrounding the cultivation site are not Northern-Spotted Owl (NSO) or marbled murrelet habitat. Surrounding areas consist of moderate hill slopes of mixed stands of Douglas fir, tanoak, California bay, and black cottonwood, red alder, and various willow species along the Mattole River. The Mattole River provides suitable habitat for anadromous salmonids, lamprey, foothill yellow-legged frogs, and western pond turtle. Table 1 of the biological assessment provides a detailed analysis of special status species, which could be present. Attachment A of the biological assessment includes a complete botanical survey of the project area.

Wildlife species research was conducted in consult with Dennis Halligan, Senior Fisheries Biologist of Stillwater Sciences in Arcata, California. Research included CDFW's BIOS database to verify information and search for other potential species and closest habitat for NSO. Research also included USFW's ECOS-IPac system to verify the search results of Mr. Halligan and confirm that "No Critical Habitats" were listed in the survey area(s).

The Assessment concludes, "no impacts on the river, creek, wetland, riparian areas, or biological resources therein are to be expected. No impacts on surrounding mixed conifer-oak woodlands or grassy meadow areas are to be expected". The Assessment also did not recommend any required conditions of approval to be implemented as part of the project. However, provisions have been made in the LSAA (described above) to ensure that no special status species are impacted as a result of construction activities required to upgrade the three (3) undersized stream crossings. The LSAA permit conditions include: conducting work during the dry season (June 1 through October 31); notification to CDFW of work 7 days prior to commencement; prohibition of live stream work; maintaining up and down stream fish passing(s); storage and clean-up requirements; implementation of escape ramps in trenches;

and prohibition of plastic netting; and other conditions for vegetation removal and staging/storage of equipment. The full list of conditions can be found in the LSAA, which is on file with Humboldt County.

### **Tribal Cultural Resource Coordination**

A Cultural Resources Investigation Report was prepared by James Roscoe, M.A., of Roscoe and Associates in March 2019. The report included assessment of resources within the project area and outreach to the Bear River Band of the Rohnerville Rancheria. The Tribal Historic Preservation Officer (THPO) for the Bear River Band requested a copy of the draft report be submitted to the tribe.

The project area was surveyed in March 2019. No significant artifacts, features, archaeological deposits or other historical resources, as defined in CEQA, Article 4, Section 15064.5(a), were identified within or adjacent to the project area. The report concluded that no substantial adverse changes to historical resources would occur because of the proposed project, as none were found in the project area.

Due to the possibility of inadvertent discovery of buried archaeological resources during ground disturbing activities associated with project implementation, the report recommended use of the Inadvertent Discovery Protocol (**Condition 12**).

### **Access**

The project area includes adjoining parcels on the north side of the Mattole River, between the unincorporated areas of Petrolia and Honeydew in southwest Humboldt County. The overall property is one legal lot comprising 141.5 acres, identified by three APNS: 104-121-020, 104-281-004, and 104-311-020. The address of the single lot is 36328 Mattole Road. Cultivation will only occur on APN 104-281-004 (70 acres). The project area is accessed via a private driveway directly from Mattole Road.

The Humboldt County Department of Public Works (DPW) recommended standard conditions of approval pertaining to proximity of farms (**Condition 13**), fences & encroachments (**Condition 14**), driveways (**Condition 15**), and driveway and private road intersection visibility (**Condition 16**).

### **Environmental Review and Recommendations**

Environmental review for this project was conducted in March 2022. 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 Planning Commission (See Attachment 2 for more information). Staff recommends that the Planning Commission 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 Planning Commission could elect to add or delete conditions of approval; 3) The Planning Commission 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.