

Chris Dazzi

Record Number: PLN-2022-17744

Assessor's Parcel Number: 208-201-011-000

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 Chris Dazzi, project as recommended by staff subject to the recommended conditions.

Executive Summary

An application has been submitted to the Planning Division for a Special Permit for new commercial cannabis cultivation. This commercial cannabis activity is authorized by Section 314-55.4.6.1.2 of the Commercial Cannabis Land Use Ordinance No. 2599 (CCLUO). The application meets the requirements of zoning, siting criteria (55.4.6.4.1, 55.4.6.4.2, 55.4.6.4.3), setbacks from property lines and listed incompatible uses (e.g., schools), and is accompanied by the documentation, plans, descriptions, and agency clearances set forth in the CCLUO.

The subject parcel comprises approximately 40 acres and sets on a north-facing hillside with a mix of hardwoods and grassland. The project is located within the Bear Creek watershed, approximately three (3) miles northwest of the town of Dinsmore, CA. Watercourse features are shown on the Site Plan and were taken into consideration in the overall development plan for the subject parcel. Where applicable, these features are addressed in associated state filings/documents. Water watercourse crossings are specifically addressed within the final Lake and Streamside Area Agreement with the California Department of Fish and Wildlife dated December 10, 2021. The subject parcel is accessed from Bear Creek Road from highway 36 near Dinsmore, CA.

A Special Permit for 10,000 existing square feet (SF) of outdoor commercial cannabis cultivation on APN 208-201-011-000. The proposed Special Permit is to cultivate 10,000 SF within five (5) greenhouses utilizing light deprivation cultivation methodology. The parcel is accessed by a series of private access roads (Bear Creek Road 3.9 miles, Canyon Road 0.8 miles, and Canyon Court 0.3 miles) off State Highway 36. The private access roads do not meet the functional equivalent of a Category 4 road standards. Pursuant to the Commercial Cannabis Land Use Ordinance (CCLUO) Section 55.4.12.1.8(C)(2) Performance Standard – Road systems that do not meet the functional equivalent of a Category 4 road require a Special Permit. Cultivation is proposed to be enclosed within eight (8) 20'x100' greenhouses, one (1) 20'x100' greenhouse, and one (1) 10'x100' ancillary nursery greenhouse. Cultivation (3) locations on the project parcel, as shown on the site plan and below in Figure 1. Up to two (2) cultivation cycles per annum are proposed. All cultivation work is completed by the resident-operator and no employees are proposed. Drying will occur in an onsite barn. The applicant proposes to utilize a third-party off-site party processing facility for all processing beyond drying and curing.



Figure 1: Current conditions as of June 2022 on APN 208-201-011-000 sourced from Planet satellite imagery and mapped with the Humboldt County California WebGIS mapping interface. Cultivation areas are labeled here as A, B, & C which are referred in the Cultivation Operations Plan and Site Plan without numerical/alphabetical identifiers. Coordinates displayed are for the centroid of the parcel.

Water Resources

The applicant projects to require 62,000 gallons annually, which is approximately 5.64 gal/sf for the 10,000 SF of primary cultivation area and 1,000 SF of ancillary nursery area. Peak water use occurring June through September (Table 1).

Table 1. Annual water usage by month in gallons.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
0	0	0	0	7,000	10,500	12,500	13,500	12,500	6,000	0	0

The irrigation water source for the project is a rainwater catchment system from the roof-top of two (2) existing structures: a 32'x40' agricultural building and a 26'x28' cabin. The combined square footage of the two rooftops is 2,008 SF. There is currently 23,000 gallons of water storage capacity on the project parcel. An additional 40,000 gallons is proposed with the addition of eight (8) 5,000-gallon hard plastic tanks. Current water storage specifically for commercial cannabis irrigation consists of two (2) 5,000-

gallon tanks, two (2) 2,500-gallon tanks, one (1) 1,500-gallon tank, one (1) 1,000-gallon tank, and one (1) 500-gallon tank.

Domestic water is provided to the residence from a permitted well. A well completion report completed by Fisch Drilling September 29, 2014 was provided by the applicant with their application materials. Domestic water storage totals 15,325 gallons in two (2) locations of as indicated on the site plan. In the northern part of the parcel there is one (1) 5,000-gallon tank and on the southern parcel adjacent to the project parcel there is additional domestic water storage consisting of one (1) 5,000-gallon tank, two (2) 3,000-gallon tanks, and one (1) 2,825-gallon tank. There is a single tank specifically designated for fire protection totaling 2,500 gallons located near the southern project parcel boundary. Irrigation water will be delivered via drip lines with flow regulated through timers. Hand-water may be utilized if needed. Water for cultivation irrigation will be metered separately of all domestic uses, as a condition of project approval.

The project parcel is only utilized seasonally for agricultural operations; it is not developed for regular domestic occupancy. Portable toilets equipped with handwash stations are proposed for usage until such time as approved sanitation infrastructure is deemed necessary.

The project has a previously approved Site Management Plan (WDID-1_12CC436386) prepared by Timberland Resource Consultants November 5, 2021, which meets the standards of the SWRCB's General Order (No. WQ 2019-0001-DWQ). The project is designated as Low Risk Tier 1. The applicant is also registered with the North Coast Regional Water Resources Quality Control Board (Reg. ID WDID-1B16502CHUM) for Cannabis Small Irrigation Use.

The project parcel is located within the Bear Creek subwatershed within the Mad River Planning Watershed. The project parcel contains two (2) unnamed intermittent watercourses with ephemeral tributaries present. A final A Lake or Streambed Alteration Agreement (LSAA) with the California Department of Fish & Wildlife (CDFW), Permit # EPIMS-HUM-20900-R1C, dated December 10, 2021, was received by the Planning Department May 5, 2022. The applicant shall adhere to the work described within the Agreement.

Energy Resources

Electrical power is proposed to be sourced from solar panels that will power water pumps and fans. A portable generator (Honda 2000/3000) is proposed to be utilized on occasion to operate hand tools and will have no nexus to the commercial cannabis operations.

Biological Resources

A Biological Report was prepared by Timberland Resource Consultants April 13, 2022. The report contains descriptions of existing site conditions with additional analysis on their relationship to animal species of special concern, plant species of special concern, sensitive natural communities, and potential environmental impacts prepared by a qualified biologist. The findings of the assessment found minimal risks to biological resources as result of the proposed project prior to recommended mitigations. Invasive species were not identified on the project parcel. In the event that a post project a post-inspection occurs and any invasive species are identified the owner/applicant shall manage such species in accordance with recommendations of the California Invasive Plants Council and Humboldt County Weed Management Area guidelines. These indirect impacts are disturbance-based. As a result, the report assessed potential presence and/or rare species and potential biological resources within a Biological Assessment Area (BAA). The BAA represents the largest area that disturbance impacts can be reasonably expected per the proposed project in association with potential species. The BAA encompasses the project parcel and portions of surrounding private parcels. The current land uses within the BAA consists of rural residences, cattle ranching, commercial cannabis cultivation, and non-industrial timber management. The California Natural Diversity Database (CNDDDB) was queried for any species detection within the nine (9) 7.5' USGS quadrangles in the vicinity of the project parcel. A general habitat assessment was made for the BSAA from observations made on the project parcel and the surrounding

areas. Lastly, given the habitat types present within the BAA, a species list was developed for animals using special animals list (Sept. 2021). The plant list uses information from the special vascular plants bryophytes and lichens list (Sept. 2021) and endangered threatened and rare plants (Sept. 2021). The cultivation areas proposed for this project are pre-impacted sites that do not host any natural communities or potential habitat for special status plant species. Further, since the project does not propose removal of any native vegetation, the project as proposed will not impact sensitive natural communities or special status plants. potential impacts to sensitive natural communities and special status plant species. The project proposes no new ground disturbance within the project parcel and will therefore not remove any potential nesting habitat for migratory bird species or any special status species. The project does not pose a risk to bird species of special concern. The Biological Report assessed the need for raptor and nesting bird surveys and the findings were concluded to be unnecessary.

The resolution that certified the Environmental Impact Report (EIR) for the Commercial Cannabis Land Use Ordinance (CCLUO) includes all of the mitigation measures that were adopted with the EIR. Section 55.4.12.1.10 of the CCLUO references all of the biological resource mitigation measures in the EIR and the department needs to make the finding that our 2.0 cannabis projects are consistent with the EIR. The EIR includes a mitigation measure that no new cultivation will be permitted if northern spotted owls (NSO) (*Strix occidentalis caurina*) are present within 1.3 miles of the proposed cultivation areas. The Biological Report included an analysis of NSO in the project vicinity. The CNDDDB indicated that two (2) observations with the last detection in 2011 and the closest observation approximately 0.89 miles of the project site. The closest activity center is approximately 1.6 miles from the proposed project. Given this information, a Northern Spotted Owl surveys is not recommended by staff to be required. 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 given the findings of the biological report. Greenhouse structures utilizing artificial light shall be regularly monitored, ensuring they are covered adequately for adherence to Dark Sky International Association guidelines for Lighting Zone 0 and Lighting Zone 1.

Special status mammal species within the BAA that have moderate to high potential for impact are fringed myotis (*Myotis thysanodes*), long-eared myotis (*Myotis evotis*), long-legged myotis (*Myotis Volans*), North American porcupine (*Ethizon dorsatum*), pacific fisher (*Pekania pennanti*), Sonoma tree vole (*Aborimus pomo*), and western red bat (*Lasiusus blossevillii*). The project does not likely pose a risk to these special status species within the BAA.

Special status reptiles and amphibians that have potential to be within the BAA include red-legged frog (*Rana aurora aurora*), yellow-legged frog (*Rana boylei*), southern torrent salamander (*Rhyacotriton variegatus*), western pond turtle (*Emys marmorata*), and coastal tailed-frog (*Ascaphus truei*). The project does not contain any potential habitat for any reptilian or amphibian species of special concern.

The applicant submitted a Lake and Streambed Alteration with the California Department of Fish and Wildlife. The final LSAA was received by the Planning Department May 5, 2022. The applicant shall adhere to the work described within the Agreement and adherence to that work has been added to the conditions of approval.

Geologic Suitability

A review of WebGIS determined that the project is located within a parcel that has been classified as having low instability. The project cultivation areas are located within an area that has slopes less than 15% percent. All cultivation is proposed to take place on existing graded flats.

Tribal Cultural Resource Coordination

The project is located within the ancestral territories of the Intertribal Sinkyone Wilderness Council and the Bear River Band of the Rohnerville Rancheria. The previously approved project (PLN-2019-15824) had a Cultural Resource Study conducted in June of 2019 by Archaeological Research and Supply Company and was submitted to both tribes for review. 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

for this project as well as the previously approved project 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 Ruth Lake Community Service 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 very high fire hazard severity. Access to the parcel is restricted locking metal gates (photos included with Road System Assessment documents). The premises is normally occupied by the owner/applicant during the cultivation season.

Access

The parcel is accessed by a series of private access roads (Bear Creek Road 3.9 miles, Canyon Road 0.8 miles, and Canyon Court 0.3 miles) off State Highway 36 that do not meet the functional equivalent of a Category 4 road. Section 55.4.12.1.8 of the CCLUO specifies that roads that do not meet the functional equivalent of a Category 4 road, a Special Permit is required. Further, where three or more permit applications have been filed for commercial cannabis activities on parcels served by the same shared private road system, the owner of each property must consent to join or establish the appropriate Road Maintenance Association (RMA). Prior to operation of provisional permit approval. This requirement shall also apply to existing permittees seeking to renew their permit. Evidence shall be provided to the satisfaction of the County, and may include minutes from a meeting, written correspondence and confirmation from the RMA Secretary, or similar information (Section 55.4.12.1.8 (d)(1)). The applicant will join in an appropriate RMA to meet this requirement, as the number of commercial cannabis applications meets the threshold. The project was referred to the Department of Public Works. Public Works approved the project and reiterated the Section 55.4.12.1.8 (d)(1) CCLUO requirements. A Road System Assessment was completed by Timber Resource Consultants dated December 30, 2021 was submitted to the Department of Planning and Building May 5, 2022. The assessment evaluated the "roadshed" beginning from State Highway 36 near Dinsmore, CA and extend to the subject parcel. The roadshed included a segment of road approximately five (5) miles of private access road (Bear Creek Road 3.9 miles, Canyon Road 0.8 miles, and Canyon Court 0.3 miles). Where the assessment determined necessary improvements within the project's roadshed, the report specified upgrades render the roadshed Category 4 equivalent. The project has been conditioned to require these roadshed improvements be completed to meet Category 4, standards.

Noise

The subject parcel is essentially undeveloped and intended for seasonal agricultural use limited to outdoor cultivation. Detectable ambient noise occurring at property lines of the subject parcel in the off-site is dependent upon several variables that include topography, vegetation, and wind conditions. Other transitory localized spikes in sound pressure levels are expected to occur from various human activities: neighboring cultivation operations with fulltime occupancy, occasional road use, and prevailing weather conditions. The outdoor cultivation, as proposed would not contribute to an ambient level above that which occurs in the off season. The day-to-day operation does not use generators or other mechanical equipment. A Noise Evaluation was conducted by Timberland Resource Consultants March 31, 2022. The results of the evaluation indicated that noise from cultivation activities are not anticipated to exceed 3 Db above ambient baseline levels as measure at the parcel boundary lines.

Tribal Cultural Resource Coordination

The project is located within the Bear River Band of the Rohnerville Rancheria aboriginal territory. The project was referred to the Bear River Band Tribal Historic Preservation Officer (THPO) and the Northwest Information Center (NWIC) on May 5, 2022. The NWIC responded on May 25, 2022, with a recommendation that the lead agency contact the local Native American tribe(s) regarding tradition, cultural, and religious heritage values. A response was received from the Bear River Band THPO on May 11, 2022, requesting the applicant adhere to Inadvertent Discovery Protocols as a condition of approval (**Informational Note B.3**).

Site Inspection

A pre-site inspection was conducted by the Humboldt County Building Department on August 19, 2022. The inspection was approved without conditions.

Setback Reduction

A *Neighbor Authorization* for 270 setback reduction email from adjacent property owner Nick Erickson of Full Moon Farms APN 208-201-020-000 pursuant to Section 55.4.6.4.4 Setbacks, which requires a 270' setback from any adjacent undeveloped separately owned parcel. The authorization is included in Attachment 3.

Timber Conversion

A *Timber Conversion Report* was conducted by Timberland Resource Consultants (TRC) September 10, 2021. TRC inspected and evaluated the cultivation sites and associated areas contained within the subject property on June 18, 2021. The Registered Professional Forester (RFP) exercised due diligence in reviewing all sites and available resources to fully assess potential timberland conversion and consequential impacts. The Timber Conversion Report evaluated the cultivation sites and associated areas for timber operations only. The scope of the report did not include: all other land alteration (such as grading, construction, and other permit-regulated activities), all property features and sites unrelated to cultivation activities, or any proposed, planned, or absent cultivation-related project sites. The finding of the report concluded that 0.69 acres of unauthorized timber conversion occurred within APN 208-201-011-000. The total timberland removal did not exceed the three-acre conversion exemption maximum and therefore comply with the California Forest Practice Act and the California Forest Practice Rules. The RFP had no recommendations for the project. The project was referred to CALFIRE in May 12, 2022. The Department stated that the project does not involve Timberlands (reference PRC 4526). CAL FIRE stated does not have jurisdiction in the project.

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.