

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 Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Zoning Clearance Certificate and Special Permit based on evidence in the staff report, and adopt the Resolution approving the Emerald Triangle Medicinal, Inc., Zoning Clearance Certificate and Special Permit subject to the recommended conditions.

Executive Summary: The applicant is seeking a Zoning Clearance Certificate for 4,999 square feet of existing commercial cannabis cultivation of which 3,879 square feet is outdoor cultivation and 1,120 square feet is mixed light cultivation. The project is supported by 344 square feet of propagation space in two existing structures. All processing occurs onsite in an existing 120 square foot structure and a 240 square foot trailer. Onsite processing must take place in a permitted structure. The applicant must obtain a permitted structure for processing within two years from the date of permit approval or begin processing offsite at a licensed third-party facility. This requirement has been included as a condition of approval (**General Condition A.7**). Up to four family members will be onsite assisting with operations, no employees are required.

The project site is located in the FEMA mapped 100-year flood zone. The applicant will be required to either remove all trailers, greenhouses, tents, and shipping containers from the site each year from October 15th to April 16th or obtain flood elevation certificates (**General Condition A.8**).

Water Resources

The estimated annual water usage for the project is 31,829 gallons (6.3 gal/SF). Water for irrigation is sourced from the Myers Flat Mutual Water System. There is no onsite water storage. The project was referred to the Division of Environmental Health (DEH) and received a response that the project be approved with the added condition that the applicant install a permitted onsite wastewater treatment system, associated with a permitted structure, to support the needs of the project. Until such time that the wastewater treatment system is installed the applicant will provide receipt of portable toilets to be made available during their annual inspection (**General Condition A.9**).

Biological Resources

The project site adheres to the 150ft Streamside Management Area setback from the South Fork Eel River. No special status plant or animal species were documented in the CNDDDB. The project is not anticipated to impact special status species or sensitive natural communities. There is a known Northern Spotted Owl (NSO) activity center approximately 1.4 miles northwest of the project area. The project site is also within mapped Marbled murrelet habitat. Noise and light restrictions will be applied to this project and all other projects in the vicinity such that no cumulative impacts to the Northern Spotted Owl or Marbled murrelet habitat are anticipated. Generators will only be used in emergencies and will be held in a secondary containment unit. Noise levels may not exceed 50 decibels measured at 100 feet from the noise source or edge of habitat, whichever is closer.

Setback Reduction

The cultivation site would be approximately 370 feet from a parcel of land in the Humboldt Redwoods State Park. The portion of this parcel adjacent to the project parcel is not used as a developed and designated public park. The adjacent public land is subject to the Humboldt Redwoods State Park General Plan 2001 (HRSPGP). The HRSPGP identifies agriculture and ranching, resource extraction, activities on private lands that generate aesthetic or resource impacts, and highway maintenance as adjacent land uses that may cause impacts. The HRSPGP states that with road work and the potential for clear-cutting occurring so near the park's boundary, erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty, and the reduction of quality habitat for plants and animals remain issues that must be monitored. The HRSPGP also states that adequate buffering of development within the park from adjacent land uses or other mitigation measures must be utilized as potential remedies for adverse impacts to the park's prime resources.

The project is consistent with the HRSPGP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to prevent light and noise impacts and protect water quality. The project will not require substantial road improvements or the removal of trees. The project will maintain buffers from streams and all pesticides and fertilizers will be stored in a secondary containment unit. The applicant will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. The HRSPGP's provisions for cultural resource protection will be met through consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Additionally, a *Site Management Plan* will be developed for the project. The plan will be developed to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. As a result, there will not be any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty or reduction of quality habitat for plants and animals.

Staff analysis of the Humboldt Redwoods State Park Road and Trail Inventory and Assessment Existing Roads and Trails Map indicate that the Park's nearest developed facility to the project site is the Myers Plaque Trail – 1, located approximately .4 miles to the northwest. Also, upon review of the Humboldt Redwoods State Park Road and Trail Management Plan, Public Draft 2017 and the corresponding *Planning Recommendations Map Bull Creek- Southeast*, there are no existing or proposed developments within the park that would be impacted as result of the existing project. Therefore, the project is consistent with recreational use on public lands as the existing project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park.

The project was referred to the Humboldt Redwoods State Park. A response was received which stated their department had no comment for the project.

Tribal Cultural Coordination

The project is not anticipated to affect any tribal cultural resources. The project was referred to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkiyone Wilderness Council. A response was received from the Bear River Band which recommended that the applicant adhere to the inadvertent discovery protocol. This recommendation has been included as a condition of approval for the project (**Ongoing Requirement B.4**).

Access, Road Maintenance, and Fire Safety

The property is accessible from Myers Avenue which is a county-maintained road that is developed to the equivalent of the Category 4 road standard. The project was referred to the Department of Public Works which recommended that the applicant be required to adhere to the County Sight Visibility Ordinance,

improve the location where the applicants driveway meets Myers Avenue, and that all fences and gates be located out of the county right-of-way. This recommendation has been included as an ongoing requirement for the project (**Ongoing Requirement B.5**).

The project site is located in both the Myers Flat Fire Protection District and the State Fire Responsibility Area. Some components of the cultivation and cultivation related infrastructure do not meet the required 30-foot setback from the property lines, these areas include Outdoor Cultivation Area #7, Outdoor Cultivation Area #3, and Mixed Light Area #2. A condition of approval for the project will require the applicant to relocate or reconfigure these cultivation areas to meet the 30-foot setback requirement (**General Condition A.9**).

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 Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (see Attachment 2 for more information).

RECOMMENDATION: 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.