

**Dare Farms, LLC**  
Record Number: PLN-13225-CUP  
Assessor's Parcel Number: 215-172-031

**Recommended Commission Action:**

1. Describe the application as part of the consent agenda;
2. Survey the audience for any person that would like to discuss the application;
3. If no one requests discussion, make the following motion to approve the application as part of the consent agenda:

*Adopt the resolution finding that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) pursuant to Section §15164 of the State CEQA Guidelines, making all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the Dare Farms, LLC, subject to the recommended conditions.*

**Executive Summary:** The applicant is seeking a Conditional Use Permit for 10,249 square feet of existing outdoor commercial cannabis cultivation. Light deprivation techniques are utilized to achieve between two and five harvests annually. The project is supported by 1,025 square feet of propagation space. Until such time the proposed 2,400 square foot processing building is constructed, and permitted to commercial standards, all processing will continue to occur off site at a licensed third-party processing facility (**Ongoing Requirement B.8**). Between two and six employees are utilized during the harvest season. Upon completion of the processing facility, up to eight employees will be utilized in the operation.

**Energy Resources**

The subject parcel is equipped with P.G.&E. which is the primary energy source for domestic uses. Energy for the operation is supplied primarily by one 25-kW generator. Energy is required for the lighting in the propagation greenhouse, hand tools used for pest management, and fans in the greenhouses. The propagation greenhouse is located near the residence, and will utilize energy supplied by P.G.&E., however, the other equipment will utilize the generator.

**Water Resources**

Irrigation water was historically sourced from an existing permitted well, however, the applicant will be transitioning to solely rainwater catchment and utilizing the well for domestic use. Currently, the site has 135,000 gallons of stored irrigation water. The stored water will provide irrigation for the 2022 cultivation season. Prior to the 2023 cultivations season, the applicant will construct additional rainwater infrastructure to increase the catchment area. The projected annual water usage for the project totals 122,600 gallons (11.9 gal/sf) and existing water storage totals 135,000 gallons. An ongoing requirement for the project requires the applicant to meter irrigation water and maintain records onsite (**General Condition A.7**).

The Division of Environmental Health requested that the permittee be required to provide portable toilet(s) to cultivation areas or install a permitted septic system to serve the needs of the project. This recommendation has been included as a condition of approval (**General Conditions A.8**). Additionally, the applicant is required to install an accessible restroom with a permitted septic system should operations be modified to conduct processing onsite.

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 211 permits and the total approved acres would be approximately 74.8 acres of cultivation.

## Biological Resources

A review of the California Natural Diversity Database (CNDDDB) found that no species of special concern or special status plant or animal species have been mapped on the subject parcel. However, there is a mapped Northern Spotted Owl activity center approximately 1.5 miles southwest of subject parcel. The project was referred to the California Department of Fish and Wildlife (CDFW), no response was received. An ongoing requirement for the project will require the applicant to maintain cultivation related noise at or below 50 decibels as measured from the edge of the clearing or 100 feet, whichever distance is closer (**Ongoing Requirement B.1**). The applicant will also be required to adhere to International Dark Sky Standards (**Ongoing Requirement B.2**). The applicant has entered into a *Lake and Streambed Alteration Agreement* with CDFW. The applicant will be required to adhere to the provisions within the LSAA (**Ongoing Requirement B.17**).

## Timber Conversion

The project was referred to CAL FIRE which requested that the applicant submit a report prepared by a Registered Professional Forester to evaluate the tree removal that occurred between 2016 and 2018. The applicant submitted a *Timber Conversion Evaluation* report dated June 7, 2021. The report identified the conversion of 1.41 acres of timberland between May 2016 and July of 2016, and into 2019. The conversion areas are hosting cultivation and cultivation related infrastructure and are therefore subject to restocking at a 1:1 ratio. A condition of approval will require the applicant to submit a Restocking Plan equal to .38 acres to the Planning Department, within 6 months from the date of project approval, for review and approval (**General Condition A.8**).

## Tribal Cultural Resource Coordination

The subject parcel is located in the aboriginal territory of the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkiyone Wilderness Council. The project was referred to both tribes and the Northwest Information Center. The applicant submitted a *Cultural Resource Investigation Report* prepared by William Rich & Associates, dated June 2021. The report concluded that the project will not adversely impact cultural, Tribal, or historic resources with the existing footprint, and was forwarded to the tribes for review.

## Access and Fire Safety

Access to the site is provided by Briceland-Thorne Road, a county-maintained road that is developed to a Category 4 standard. The applicant submitted a *Site Management Plan (SMP)* prepared by Timberland Resource Consultants, dated April 24, 2020, which included recommendations to improve the access road and prevent discharge of sediment to nearby watercourses. On October 22, 2021, the applicant submitted a *Revised Site Management Plan* documenting the completion of each item outlined in the SMP which included repairing and installing rolling dips, applying erosion control materials to exposed soils, resurfacing the roadway, and properly containing soil and amendments.

The project was referred to the Department of Public Works Land Use Division which requested two conditions of approval be added to the project requiring the applicant to improve and maintain visibility where the applicants driveway intersects with the county-maintained road, Briceland-Thorne Road and that the applicant be required to improve the location where the driveway intersects with Briceland-Thorne Road. These recommendations have been included as conditions of approval for the project (**General Conditions A.11**).

The subject parcel is located in the State Fire Responsibility Area and is in an area designated as having high fire hazard severity. The project was referred to CAL FIRE which requested a report prepared by a registered professional forester be submitted. The applicant submitted the requested report. The *Site Plan*

also shows the required SRA turnaround, 2,500-gallon water tank dedicated to fire suppression, and all project components adhere to the setback of 30 feet from all property lines.

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 Planning Commission.

**RECOMMENDATION:** Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit.

**ALTERNATIVES:** 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.

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.