

**Green Flash Farms, LLC**  
 Record Number: PLN-12366-CUP  
 Assessor's Parcel Number: 221-131-001 and 221-121-007

**Recommended Commission Action:**

1. Describe the application as a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and adopt the Resolution to take the following actions:

*Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) pursuant to Section §15164 of the State CEQA Guidelines, making all of the required findings for approval of the Conditional Use Permit and Special Permits and approve the Green Flash Farms, LLC, project subject to the recommended conditions.*

**Executive Summary:** Green Flash Farms, LLC seeks Conditional Use and Special Permit(s) to allow the continued operation of an existing 19,780-square-foot (SF) cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CCMLUO. Assessor's Parcel Number (APN) 221-121-007 and APN 221-131-001 are one legal parcel. Cultivation would include a total of 6,000 SF of existing mixed-light and 13,780 SF of mostly-relocated outdoor cultivation across the two parcels. According to the revised 2021 Operations Plan (**Attachment 3a**), APN 221-121-007 would include 4,000 SF of mixed-light cultivation and 8,100 SF of relocated outdoor cultivation and APN 221-131-001 would include 2,000 SF of mixed-light cultivation and 5,680 SF of partially-relocated outdoor cultivation as detailed in **Table 1**. The project site currently features a total of 3 cultivation areas which would increase to a total of four cultivation areas pending approval for 11,000 SF of relocation.

**Table 1. Proposed reallocation of outdoor guerilla-grow cultivation on Green Flash Farms, LLC.**

APN	APN 221-121-007		APN 221-131-001	
Cultivation Method	Mixed-Light	Outdoor	Mixed-Light	Outdoor
<b>Existing</b>	2 @ 20' X 100'		1 @ 100' X 20'	1 @ 30' X 98'
<i>Existing Total</i>	4,000 SF		2,000 SF	2,880 SF
<b>Proposed</b>	-	1 @ 10' X 35'	-	7 @ 10' X 30'
		1 @ 10' X 40'		1 @ 10' X 70'
		3 @ 10' X 45'		
		3 @ 20' X 100'		
		8,100 SF		2,800 SF
<i>Proposed Total</i>	4,000 SF	8,100 SF	2,000 SF	5,680 SF
<b>Total by APN</b>	12,100 SF		7,680 SF	

Two harvests are anticipated annually from the 6,000 SF of existing mixed-light greenhouses during the growing season of April to October. Outdoor cultivation typically begins in mid-June. The applicant is no longer using the existing 576 SF residence for any cultivation activities and is proposing a new drying, processing, and storage structure (800 SF) adjacent to the main road at the west of the parcel. All existing and proposed buildings and grading are to be permitted by the Humboldt County Building Division prior to construction or onsite processing, as a condition of approval (**COA #A6-9**).

Power for the cultivation operation is provided by 10 solar panels and 2 generators (Honda 5000-watt and 2000-watt). The proposed processing and storage building would support the owner/operator and up to four family members during peak processing activities. No other employees are expected, and no housing will be provided. Portable toilets will be used until a permitted onsite waste-water treatment system can be installed (**COA #A10**). APN 221-121-007 includes a primary residence and auxiliary agricultural structures that support the site. The site also features a 2,400 SF greenhouse adjacent to the residence that supports the propagation of nursery stock; this shall be limited to 10% of the permit area

(i.e., 2,000 SF) as a condition of approval (**COA #A11**). Security measures include exterior lighting, alarms, cameras and video capture, and the hardening of doors, windows, entrance gates, and fencing. The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan and zoned Agriculture Exclusive (AE-B-5[160]).

### **Relocation and Restoration**

Overall, approximately 11,000 SF would be relocated to environmentally superior cultivation locations on the project's legal parcel. However, a total of 30,000 SF of scattered historic grow areas are proposed for restoration and revegetation to natural conditions. Restoration of all historic cultivation areas would include removal of all pots, containers, fencing, imported soil and irrigation components, and seeding with native grass and mulching of all disturbed areas prior to December 31, 2022.

A Relocation of Historic Cultivation Memorandum prepared by Stillwater Sciences included a memo titled Evidence of Existing Cannabis Cultivation from an archaeologist documenting the extent of the historic guerilla-grow sites (**Attachment 3a**). The Relocation Memorandum concluded that proposed relocation of numerous scattered outdoor cultivation sites within woodland habitats should be relocated alongside existing cultivation sites, on previously disturbed soil and the historic cultivation areas. Restoration of the historic sites to natural conditions would be an environmental benefit. The historic cultivation was located on the steep and rocky native slopes and under a dense tree canopy. The relocation areas are in upland nonnative grassland habitat with low potential for special-status plants and wildlife and are outside of any wetland buffers or stream setbacks. Additionally, the relocation areas are on previously disturbed soils on more gentle slopes and have less potential for erosion than the original cultivation areas. As a result, the applicant shall abide by the recommendations in the Relocation of Historic Cultivation Memorandum for the implementation and restoration of the historic sites (**COA #A12**).

### **Setbacks**

One of the proposed cultivation areas that would receive 2,100 SF relocated from the east, would require a Special Permit to reduce setbacks to approximately 50 feet from public lands managed by the Bureau of Land Management (BLM) to the west. This area is selected to receive some of the relocated cultivation because it is an existing flat parking area with existing ranch road access and would require no grading. No artificial lights are to be used at this location and no generators are placed in the vicinity of this proposed cultivation area as a condition of approval. These publicly owned lands are not mapped as part of the California Essential Habitat Connectivity Project (2012) and the setback reduction is consistent with management goals of these public lands as there are no lights or generator in this location. In addition, this parcel boundary is required to be surveyed by a licensed professional surveyor to assure that no cannabis operations are occurring on public lands (**COA #A13**). The next nearest cultivation-related activity is the proposed 800 SF processing building at approximately 150 feet, and an existing 2,400-SF immature plant cultivation area approximately 175 feet from the BLM-managed parcel boundary. Any future generator use in the processing building will be audibly shielded as a condition of approval (**COA #A13, B1**). The immature plant nursery area is east of the driveway accessing the parcel from the south and adjacent to the parking area and existing residence. No light spillage from any nursery greenhouse is a condition of approval (**COA #B2**). The residence, which is not used for cultivation activities, is just 5.4 feet from the southern parcel boundary according to the 2021 Plot Plan.

### **Water Resources**

The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project, the total number of approved permits in this Planning Watershed would be 279, and the total approved acres of cultivation would be 52.0.

Water for irrigation is sourced from a 300,000-gallon lined rainwater catchment pond constructed in July of 2019. Water is also sourced from a spring/small pond, which supports domestic, and cultivation uses. Water from both sources is diverted to 24 water storage tanks with a combined capacity of 108,500 gallons. Water is diverted from the spring/small pond only during the non-forbearance period under

Small Irrigation Use Registration H503697 and all water sources will be monitored and separately metered as a condition of approval (**COA #A14**). A 200,000-gallon pond was determined to be hydrologically connected to surface waters by CDFW and its use for irrigation water was retired. Annual estimated water usage is estimated at 261,000 gallons (13.1 gallons/SF/year) with peak demand occurring in July and August at approximately 66,000 gallons per month. Total water storage is 408,500 gallons.

This Project Site falls within a Tier 1 category of the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy Order WQ 2019-0001-DWQ (General Order). A Site Management Plan has been prepared for the project (**Attachment 3b**) to identify conditions that may pose a threat to water quality and adoption of these recommendations are made a condition of approval (**COA #A15**). The SMP includes best practical treatment or control measures to be implemented for sediment discharge, fertilizers, pesticides, herbicides and rodenticides, petroleum, trash/refuse, wastewater, winterization.

Although Humboldt County's WebGIS shows no mapped streams, the Plot Plan shows three Class III intermittent streams with the associated 50-foot SMA buffers. All cultivation areas and ancillary facilities are outside the SMA buffers. A Final Lake and Streambed Alteration Agreement (LSAA #1600-2019-0461-RI) with the California Department of Fish and Wildlife (CDFW) (**Attachment 3c**) was obtained in August 2020 for six encroachments. Three encroachments are for water diversion from hydrologically connected ponds located on unnamed tributaries to Kinsey Creek and Mattole Canyon Creek. Water is diverted for domestic use and irrigation. Work for these water diversions will include facility retrofit, use, and maintenance of the water diversion infrastructure, for which a Special Permit is required. The three other proposed encroachments are to upgrade pond overflow spillways on one hydrologically connected rainwater catchment pond and two spring-fed ponds. Work for these encroachments will include excavation, fill recontouring, and rock armoring as necessary to minimize erosion.

### **Biological Resources**

Potential northern spotted owl (NSO; *Strix occidentalis caurina*) habitat exists within the project area. However, most of the project site is comprised of grassy fields, on ridgelines and mid-slope terraces, with areas forested in madrone trees, oak, and Douglas fir trees that do not provide NSO habitat. The nearest known NSO activity center was mapped approximately 2.5 miles to the northwest by BLM biologists in 1993. The nearest marbled murrelet (*Brachyramphus marmoratus*) critical habitat is approximately 1.3 miles to the west.

The parcel is in an area identified by the California Natural Diversity Database to be potential habitat for the coast fawn lily (*Erythronium revolutum*), as species most likely to occur within partially forested moist ravines and slopes with suitable light at ground level. Restoration of historic cultivation areas to the east that were within the tree line may improve overall habitat suitability for coast fawn lily. The applicant shall abide by the recommendation in the Relocation of Historic Cultivation Memorandum prepared for the project as a condition of approval (**COA #A12**), including the preparation of two revegetation monitoring plans by the end of 2021 and 2022 restoration seasons.

The project is conditioned to ensure the combination of background, generator and greenhouse fan or other operational equipment created noise meets the County noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service. Additionally, based on comments received from CDFW on January 4, 2019, the project is conditioned to meet the avoidance and minimization measures and the reporting measures of the issued Final LSAA #1600-2019-0461-RI as a condition of approval (**COA #A16**). Furthermore, the project is conditioned to adhere to Dark Sky Association standards for any proposed greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect NSO or other sensitive species.

### **Tribal Cultural Resources Coordination**

There are no known tribal cultural resources on the project site. The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria in August 2019. The NWIC responded that their office has no record of any previous cultural resource studies for the project area but that the project area has the possibility of containing unrecorded archaeological site(s), and a study is recommended prior to commencement of project activities. The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested that a survey be prepared for the project.

A Cultural Resources Investigation was prepared by William Rich and Associates in April 2021. The study concluded that "the background research and field survey methods were adequately matched to identify cultural resources at this project location. At this time, no further archaeological studies are recommended for permit approval." Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.

### **Access**

The project site is located at 69 Upper Thomas Road in Miranda, APN 221-131-001 and 221-121-007. To access the site, take the Salmon Creek Road exit from U.S. Highway 101, turn onto Salmon Creek Road and make a slight left onto Thomas Road, and 69 Upper Thomas Road is on the left. Two Road Evaluation Reports were prepared for the property. The first report includes the access road from Thomas Road to the last property on the road at the dead end, prepared by the applicant, and concludes that this road segment is developed to the equivalent of a road category 4 standard. The second report is for Salmon Creek Road from Maple Hills Road to Thomas Road by Joel Monschke, PE (**Attachment 3d**), which indicates that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects with implementation of the recommendations in the memorandum attached to the Road Evaluation Report. As a result, the project already meets the recommended conditions of approval. The applicant shall implement the recommendations made by Public Works and upgrade the access road curtain where it meets the County maintained road, if necessary, (**COA #A17**).

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 MND that was adopted for the CMMLUO and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

**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 and Special Permits (2).

**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 2 months later to give staff the time to complete further environmental review.