

**RONALD SHERR**

Application Number PLN-11668-SP  
Assessor's Parcel Number (APN): 218-071-005

**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 adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) 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 Ronald Sherr project as recommended by staff subject to recommended conditions of approval.*

**Executive Summary:**

The applicant is seeking a Special Permit to allow for an existing cultivation area of approximately 9,446 square feet (sf) comprised of 7,996 square feet of outdoor cultivation and 1,450 square feet of mixed light cultivation, appurtenant processing activities on the subject property and a Special Permit for restoration work in a Streamside Management Area (SMA) in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The subject parcel is located in the New Harris area, and the subject parcel is approximately 40 acres in size. Irrigation water is sourced from an off-stream man made pond. Estimated annual water use is 250,000 gallons, and total water storage is 676,000 gallons, including the 600,000 gallon rainwater catchment pond and hard sided tanks. The applicant proposes a maximum of eight employees will be required for the project. The applicant proposes PG&E power and generators to supply energy for the project.

**Water Resources**

Irrigation for cultivation is provided by a 600,000-gallon rainwater catchment pond. Total water storage is 676,000 gallons, and includes the 600,000-gallon rainwater catchment pond, two (2) 5,000 gallon hard sided tanks, eight (8) 2,500 gallon hard sided tanks, two (2) 3,000 gallon hard sided tanks, and one (1) 40,000 gallon hard sided tank. The applicant anticipates an annual water use of 250,000 gallons annually. Precipitation data from Garberville (approximately 11 miles northwest of the project area) shows approximately 68 inches of annual rainfall. The rainwater catchment pond with a length of 160 feet and a width of 70 feet should be capable of capturing over 400,000 gallons of rainwater in an average year. The projected rainwater catchment amounts and available water storage are capable of meeting the irrigation needs of the project while adhering to forbearance requirements. If enough rainwater is not captured to meet the irrigation needs of the project in a given year, the applicant will submit to the Planning Department a Cultivation Reduction form, and only cultivate amounts appropriate for the captured rainfall available for irrigation. 250,000 gallons of water needed to irrigate approximately 11,000 square feet is substantially more than what is typically seen (23 gallons per sf) and may be a high estimate. The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits would be 87 permits and the total approved acres would be 42.58 acres of cultivation.

**Biological Resources**

A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County

WebGIS shows no mapped sensitive species onsite or within one mile of cultivation sites. Mapped critical habitat for Marbled Murrelet is mapped approximately 0.3 miles south of the subject property line.

The project consists of pre-existing cultivation areas, and no tree removal or further habitat modification is proposed as a result of project activities. The applicant has submitted a SMP to protect water quality and ensure erosion control. Due to the proximity of Marbled Murrelet habitat, a recommended condition of approval has been included to limit noise levels to 50 decibels 100 feet from noise sources (**Condition B.1**).

Several cultivation areas have historically been located in the SMA, and the applicant proposes to relocate the cultivation areas out of the SMA and into an existing currently empty cultivation area. Submittal of a restoration plan has been included as a recommended condition of approval (**Condition A.12**).

### **Access**

The project is accessed via a private driveway from Island Mountain Road, a County maintained road. The project was referred to the Department of Public Works in August of 2018, who recommended approval of the project with conditions that would require the applicant to improve visibility where the private road meets the County maintained road. Public Works has also recommended the private road be paved where it intersects with the County maintained road for a length of 50 feet and a width of 18 feet. Prior to any work occurring within the County maintained right of way, an encroachment permit will be obtained from the Public Works Department. The project has been conditioned to include these recommendations (**Conditions A.7-A.9**).

### **Tribal Consultation**

The project lies in a region of the County outside mapped ancestral territories for local tribes. The project proposal was referred to the Northwest Information Center, who recommended a Cultural Resources Investigation be prepared. The applicant submitted a Cultural Resource Investigation prepared by Nick Angeloff of Archaeological Research and Supply Company which evaluated nineteen (19) parcels (approximately 410 acres were surveyed) and included results for multiple cannabis projects. The Cultural Resources Investigation identified three prehistoric isolates. Archaeologist recommendations include no further archaeological work and enhanced inadvertent discovery protocol be implemented on parcels containing the identified isolates. The subject parcel for this project did not contain isolates, and as such standard inadvertent discovery protocol has been included as a recommended condition of approval (**Condition B.11**).

### **Geologic Suitability**

A review of WebGIS determined that the project is located within a parcel that has been classified as High Instability. The project site is located within an area that has slopes ranging between 15-30 percent. All cultivation is proposed to take place on existing graded flats.

### **Fire Safety**

The subject parcel is located within 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 high fire hazard severity. The project was referred to CALFIRE in November of 2017, who responded with standard comments on the project.

### **Environmental review**

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.