

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 Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section 15164 of the State CEQA Guidelines, make all required findings for approval of the Special Permit and adopt the Resolution approving the Bar 7 K Farms, LLC Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: A Special Permit for 20,000 square feet of new outdoor commercial cannabis cultivation with up to two harvest cycles using light deprivation. Solar panels provide electricity and an existing, permitted well provides irrigation. The annual water usage is 150,000 gallons with 50,000 gallons of storage. Within two years, rainwater catchment tanks totaling 100,000 gallons will be constructed to increase storage and reduce reliance on the well. There will be at least one employee with a maximum of two employees at peak operation. An ancillary nursery of 1,000 square feet is also proposed. Drying will occur onsite and all other processing will occur offsite. The legal parcel consists of APN 216-154-024 and a portion of 216-141-001. The cannabis operation will occur exclusively on APN 216-154-024 which is split zoned between Timber Production Zone (TPZ) and Agricultural Exclusive (AE). The existing permitted well is located within the TPZ and the cultivation operation is located within the AE zoned portion of parcel. A Biologist concluded that no sensitive natural communities or plant species of special concern are at risk from the project proposal. No prime soils are present, and an engineer has certified that cultivation sites are located on slopes less than 15%. The 1.5-mile access road from Alderpoint Road is equivalent to a road category 4 standard. While archeological sites are present on the legal parcel, a cultural resource survey and tribal consultation concluded they will not be impacted by the project.

Water Source

The 150,000-gallon annual water budget will be initially sourced from an existing, permitted, and hydrologically disconnected well. The water budget, including ancillary nursery, translates to 7.14 gallons per square foot per year. Within two years of permit approval, two, 50,000-gallon rainwater catchment tanks totaling 100,000 gallons will be constructed to increase storage and reduce reliance on the well. Once the catchment tanks are constructed, the applicant is required to provide an updated water budget and operations plan addendum (Condition of Approval A1). Water storage consists of ten, 5,000-gallons tanks for a total of 50,000 gallons. Total storage will increase to 150,000 once the rainwater catchment tanks are constructed. Per the project operations plan, a metered automatic drip irrigation system will be used. Additionally, the project operations plan commits to voluntary forbearance of the well between August 1st and October 31st. (Condition of Approval B6).

The project was referred to the Division of Environmental Health which recommended approval with conditions. Applicant must obtain a permit for and install an approved onsite wastewater treatment system associated with a permitted structure or provide portable toilet(s) for cultivation workers (Condition of Approval A2).

Natural Resources

The applicant provided a Biological Assessment dated May 18, 2020, prepared by Jack Henry from Timberland Resource Consultants. The assessment concluded that no sensitive natural communities or plant species of special concern are at risk from the project proposal. The assessment also notes that Northern Spotted Owl surveys have been conducted on and around the project parcels since 2015 as part of the timber harvest plan for the property. Mr. Henry concludes that the project as proposed will

not impact Northern Spotted Owls. The assessment recommends implementing an invasive species management plan and using only manual rodent traps which have been incorporated in the conditions of approval (Conditions of Approval C3 and C9). Artificial light will only be used in the ancillary propagation area. No artificial light will be used for the outdoor cultivation.

Humboldt County's WebGIS and the project plot plan show several streamside management areas (SMA) in the vicinity of project areas. Review by staff indicates that all cannabis related activities are outside the designated SMA setbacks.

Timberland Resource Consultants submitted a notification to the California Department of Fish and Wildlife in May of 2020 for the cannabis project. That notification stated no work was proposed. As described in the May 2020 notification as well as in the July 3, 2020, Site Management Plan, there is an existing Lake or Streambed Alteration Agreement (LSAA) (1600-2015-0106-R1) in place for the property. Of note from the Site Management Plan, is the recommendation that a culvert be extended in the area described as Unique Point #8. The project conditions of approval include implementation of the Site Management Plan recommendations and conformance with the issued LSAA (Conditions of Approval A3 and C18).

The main cultivation area in the southwest portion of the parcel is in an area that was graded without the benefit of county review. The applicant has submitted an after the fact grading permit application and issuance of the grading permit is a project condition of approval (Condition of Approval A7. The project parcel is known to contain slopes over 15% in most places. An evaluation, summarized in a September 28, 2021, letter was conducted by Whitchurch Engineering to certify that all proposed cultivation sites will be in areas of current or historic grades less than 15%. Additionally, no trees are to be removed to implement the project nor does the project area contain prime soils.

Energy

Electricity is provided by a solar system to support low wattage lights for propagation, water pump, and a small dehumidifier. No generator will be used in association with this project (Condition of Approval C5).

Noise

A noise assessment conducted by Clearwater Ag Services in June of 2021 establishes an average baseline of 40 decibels which has been incorporated into the noise standards described in the conditions of approval (Condition of Approval C1).

Access

Access to the site is via a 1.5-mile dirt road which connects to Alderpoint Road. A December 2019 road evaluation conducted by Clearwater Ag Services certified the entire 1.5 mile road segment is developed to the equivalent of a road category 4 standard. Additionally, a March 2020 road assessment conducted by Timberland Resource Consultants identified several points in the road segment that would benefit from improved drainage and recommended specific measures. The recommendations of the March 2020 road assessment are incorporated in the project conditions of approval (Condition of Approval A5).

The project was referred to the Department of Public Works which recommended approval with conditions which have been incorporated into the conditions of approval (Condition of Approval A4). The project was also referred to the Alderpoint Voluntary Fire Company and CalFire. CalFire responded and recommended approval. The project proposal includes a 2,500-gallon tank for fire suppression which is depicted on the project plot plan. The location of the State Responsibility emergency vehicle turnaround on the plot plan does not conform with the standards of the Fire Safe Regulations so a condition of approval has been added to revise the plot plan to include vehicle turnaround(s) that comply with applicable standards (Condition of Approval A6).

Tribal Consultation

The project is in the Bear River Band of Rohnerville Rancheria aboriginal territory. The project was referred to the tribe and the Northwest Information Center. A January 2020 Cultural Resources Investigation Report prepared by Nick Angeloff and Brianna King was provided by the applicant. The survey located two previously recorded sites and concluded this project will not affect significant prehistoric resources as long as mitigation measures are followed, and the sites are not disturbed. The report was reviewed by the Bear River Tribal Historic Preservation Officer who recommended an inadvertent discovery protocol which is included as a condition of approval (Condition of Approval C2).

Resolution 18-43 Consistency

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is 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 in this Planning Watershed would be 76 permits and the total approved acres would be 33.86 acres of cultivation.

Environmental Review and Staff Recommendation

Environmental review for this project was conducted and based on the results of that analysis, staff concludes that all aspects of the project have been considered in a previously adopted Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance. An addendum to the Environmental Impact Report has been prepared for consideration by the Zoning Administrator (Attachment 2).

Staff recommends that the Zoning Administrator make all the required findings based on the evidence in the record and approve the application subject to the recommend 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 it is unable to make all 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, staff does not recommend further consideration of these alternatives.