



COUNTY OF HUMBOLDT

For the meeting of: 8/3/2023

File #: 23-1100

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Full Pardon Farms, LLC Special Permit

Assessor Parcel Number 216-081-008

Record No.: PLN-11692-SP

New Harris area

Full Pardon Farms, LLC seeks a Special Permit (PLN-11692) for 10,000 square feet (SF) of existing outdoor cannabis cultivation. Plants are propagated in a 1,500-SF nursery on an adjacent parcel under common ownership (APN 216-083-006). Irrigation water is sourced from one (1) 1,400,000-gallon rainwater catchment pond onsite. Estimated annual water use is 104,000 gallons (10.4 gal/SF). Water is stored in the pond totaling 1,400,000 gallons. Processing such as drying, curing, and bucking down flower occurs onsite in a 2,400 SF barn located in the parcel's southeast corner. Further processing such as trimming and packaging occurs offsite at a licensed third-party facility. Besides the owners/operators, no additional full-time employees would be required. Power demand is limited as cultivation occurs without power, and drying and curing of harvested cannabis occur using natural ambient heat and circulation. A 3-kilowatt (kW) generator is used to dry and cure cannabis when temperatures are low.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt the resolution (Resolution 23-___). (Attachment 1) which does the following:
 - a. Finds that the Zoning Administrator has considered the Mitigated Megative Declaration (MND) previously adopted for the Commercial Medical Marijuana Land Use Ordinance as well as the project specific Addendum to the MND that was prepared for the Full Pardon Farms, LLC project pursuant to Section 15164 of the CEQA guidelines; and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Special Permit subject to the recommended conditions of approval (Attachment

1A)

DISCUSSION:

Project Location:

The project is located in the New Harris area, on the west side of Bell Springs Road, approximately 0.9 miles north from the intersection of Harris Road and Bell Springs Road, the southeast on a private road for approximately 0.5 miles, on the property known to be in the southwest quarter of Section 30, Township 04 South, Range 05 East.

Present General Plan Land Use Designation:

Agriculture Grazing (AG); 2017 General Plan; Density: 20-160 acres per unit; Slope Stability: High Instability (3).

Present Zoning:

AE-B-5(160); Agriculture Exclusive (AE), Special Building Site (B), minimum parcel size 160-acres (160).

Environmental Review:

An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

State Appeal:

Project is NOT appealable to the California Coastal Commission.

Major concerns: None

Executive Summary:

Full Pardon Farms, LLC seeks a Conditional Use Permit (PLN-11692-CUP) for 10,000 square feet (SF) of existing outdoor cannabis cultivation. Plants are propagated in a 750 SF portion of a 1,500 SF nursery on an adjacent parcel under the same ownership (APN 216-083-006). Drying occurs onsite in a 2,400 SF barn. Further processing such as trimming and packaging occurs offsite at a licensed third-party facility. Besides the owners/operators, no additional full-time employees would be required. Power demand is limited as cultivation occurs without power, and drying and curing of harvested cannabis occur using natural ambient heat and circulation. A 3 kilowatt (kW) generator is used to dry and cure cannabis when temperatures are low.

Water Resources:

Irrigation water is sourced from one (1) 1,400,000-gallon rainwater catchment pond onsite. Estimated annual water use is 104,000-gallons (10.4 gal/SF). Water is stored in the pond. Total water storage is 1,400,000-gallons.

A Water Resources Protection Plan (WRPP) was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ (WDID No. 1B161473CHUM). The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB)

requirements for Tier 2 discharges of waste resulting from cannabis cultivation. There are six (6) stream crossings onsite, four (4) of which require remediation. Crossings at map points (MP) 10, 12, 13, and 14 require the installation of 3-6 inches of rock per the specifications of the WRPP.

A Lake and Streambed Alteration Agreement (LSAA Notification No. 1600-2019-0624-R1) has been filed with the California Department of Fish and Wildlife (CDFW) to address one (1) encroachment within the project area (Crossing 1). The LSAA authorizes the applicant to remove fill from the crossing and install a rocked ford, which shall be used only when the fording surface is dry.

The LSAA establishes specific recommendations that the applicant must apply to offset potential impacts to waterways within the area. The recommendations are summarized as follows: 1) Document all activities that occur within waterways at the project site; 2) All work shall be confined to the dry weather period, from June 15 through October 15 of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; 4) Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities; and 5) Project work was intended for completion by no later than October 15, 2021. If work was not completed, the applicant shall contact CDFW within sixty (60) days of project approval to formalize a new LSAA work deadline.

The project was referred to the Division of Environmental Health which responded that the applicant must demonstrate that processing activities must be supported by an approved onsite wastewater treatment system adding that seasonal/outdoor cultivation sites may be supported by portable toilets. Applicant must obtain a permit for, and install, an approved Onsite Wastewater Treatment System (OWTS) to support the processing location and either install approved septic systems or provide portable toilets to cultivation areas until such time as a permitted OWTS can be developed.

Biological Resources:

A list of potential special status species was generated in June 2022 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The foothill yellow-legged frog, a state-listed endangered species, was previously located in two (2) habitat areas approximately 6,000 feet to the north and 11,000 feet to the west of the project area. An observation from 1908 of the oval-leaved viburnum (*Viburnum ellipticum*) is located approximately 1,600 feet east of the project site. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area, the type of proposed activities, and the distance of the project area from the nearest special status species. Therefore, impacts to biological resources with project are considered low and unlikely, with implementation of the mitigation measures identified in the CMMLUO Mitigated Negative Declaration (MND) adopted on January 26, 2016.

Energy:

The applicant proposes cultivating without any power requirements. Drying and curing will occur within a portion of the 60 x 40 barn in the southeast corner of the parcel, with the remaining portion of the building used to support the adjacent project to the south, currently under common ownership. Applicant states all drying and curing are often completed without the use of any power, and in the

event power is needed for drying and curing the operation proposes a 3-kW generator. The generator is not supplemented with any renewable energy.

Access:

The project is located in the New Harris area, on the west side of Bell Springs Road, approximately 0.9 miles north on Bell Springs Road from the intersection of Harris Road and Bell Springs Road, then southeast on a private road for approximately 0.5 miles, in the Garberville area in southern Humboldt County. Using forms provided by Humboldt County Department of Public Works (DPW), the applicant evaluated an 8-mile segment of Alderpoint Road and a 1.4-mile segment of Bell Springs Road and found both to be developed to the equivalent of a road category 4 standard or better (January 8, 2019). Humboldt County Department of Public Works (DPW) recommended standard conditions of approval related to fences and encroachments, driveways, and private road intersections be applied to the project.

Security and Safety:

Per the project Operations Plan, the cultivation area is behind locked gates, the operators live onsite, and the outdoor cultivation area is behind a full fence with locked gate.

Tribal Consultation:

A cultural resources investigation report was prepared by Mark Arsenault, M.A., RPA, and John Flynn of Arsenault & Associates (February 18, 2021). The investigation covered the subject parcel (216-081-006) and an adjacent parcel under the same ownership (216-083-008). No historic or tribal cultural resources were identified as a result of the investigation. The report recommended implementation of the inadvertent discovery protocol. The standard inadvertent discovery protocol will be applied to the project to protect artifacts or remains that may be discovered during project work. Consultation letters were sent to Native American groups associated with the project area. The Bear River Band of the Rohnerville Rancheria expressed concern over the sensitivity of the study area due to its adjacency to a separate project site known to contain culturally sensitive archaeological deposits.

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43:

The project site lies within the Middle Main Eel River watershed. Currently 102 approved permits for commercial cannabis exist in this watershed, and the approved acreage not including this project is 41.61-acres. If this project gains approval, the number of issued permits will be 103, and the approved acreage will be 41.84-acres. The cap on this watershed is 360 permits and 125 acres.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval (Attachment 5).

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Zoning Administrator could elect to add or delete conditions of approval. The Zoning Administrator could deny approval if unable to make all the required findings. Staff has concluded the required findings in support of the proposal can be made. Consequently, staff

does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Cultivation Operations Plan
 - C. Site Plan
2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
5. Referral Agency Comments and Recommendations

Applicant

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