

**Ambiguity Farm, LLC**

Record Number: PLN-12812-CUP

Assessor's Parcel Number: 223-011-009 and 223-011-007

**Recommended Planning 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 take the following action:

*Find that the Planning Commission 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 Conditional Use Permit and Special Permit, and adopt the Resolution approving the Ambiguity Farm, LLC, project as recommended by staff subject to the recommended conditions.*

**Executive Summary:**

Ambiguity Farm, LLC seeks a Conditional Use Permit to allow the continued operation of an existing 43,560 square foot outdoor cannabis operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO), and a Special Permit for restoration work within an SMA. The site is designated as Agricultural General in the Humboldt County 2017 General Plan Update and zoned Agricultural Exclusive (AE). Cultivation will occur in the following structures:

| <b>Cultivation Site</b>       | <b>Square feet</b>      |
|-------------------------------|-------------------------|
| 6 Greenhouses                 | 2,000 sf each=12,000 sf |
| Greenhouse                    | 1,600 sf                |
| Greenhouse                    | 1,200 sf                |
| Outdoor Full Sun A            | 6,000 sf                |
| Outdoor Full Sun B            | 6,000 sf                |
| Outdoor Full Sun E            | 10,960 sf               |
| Outdoor Full Sun P            | 5,800 sf                |
| <b>Total Cultivation Area</b> | <b>43,560 sf</b>        |

The applicant proposes full sun outdoor cultivation of 28,760 square feet, and 14,800 square feet of outdoor cannabis cultivation in light deprivation greenhouses. Ancillary propagation will occur in two (2) existing 1,250-square-foot greenhouses. The applicant proposes harvesting and drying on site, with all processing occurring offsite at a licensed third-party processing facility. The applicant anticipates four (4) employees will be required for operations. Power for the project will be sourced from solar with a backup generator.

The project parcel is subject to a Land Conservation Contract pursuant to the California Land Conservation Act of 1965, also known as the Williamson Act. The project, including cannabis cultivation and all associated cannabis improvements, is below the two-acre threshold approved by the Williamson Act Committee as not requiring review by the Committee. The total cultivation area of 46,060 square feet (appurtenant nursery space included), and hard water tanks totaling approximately 2,303 square feet equate to roughly 0.96% of the subject parcel area. The remainder of the property remains useable for agricultural purposes relative to the Williamson Act and therefore approval of this project will not conflict with the Land Conservation Contract.

**Water Resources**

Water for irrigation will be provided by an 800,000-gallon onsite instream pond and a rainwater catchment system. The applicant anticipates 400,000 gallons of water will be required annually

for irrigation (9.2 gallons/sf/yr). There are 100,000 gallons of water storage onsite occurring in two (2) 50,000 gallon rainwater catchment tanks, and 300,000 gallons of additional water storage is proposed for the project. The applicant will forbear from using the pond annually from April 1 to October 31. The applicant calculates that roughly 9,952 square feet of surface area can be utilized for rainwater catchment. Annual precipitation for Garberville is approximately 67 inches, which would result in roughly 413,400 gallons of captured rainwater input to storage. The applicant proposes to utilize rainwater catchment and the onstream pond for cannabis irrigation water for two years, after which the applicant proposes to utilize rainwater catchment with the onstream pond serving only as a backup water source.

### **Tribal Consultation**

The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria, and Intertribal Sinkyone Wilderness Council. The applicant is in the process of obtaining a completed Cultural Resource Study (CRS) prepared by Archaeological Research and Supply Company. In June of 2021 the applicant submitted an Interim Report prepared by Nick Angeloff of Archaeological Research and Supply Company that concluded there were no significant archaeological or historic period cultural resources that, for the purposes of CEQA (15064.5 (a)), would be considered an historical resource present in the limits of the project area. Additionally, tribal cultural resources were not present within the project area. The project has an ongoing condition to include inadvertent archaeological discovery language.

### **Biological Resources**

There are no mapped endangered or threatened species of concerns located on the subject APN, although the neighboring APN (223-011-007), which is part of the same legal parcel, has a mapped occurrence of foothill yellow-legged frog. The nearest Northern Spotted Owl (NSO) activity center (HUM0223) is located approximately 4.5-miles southeast of the cultivation site and the nearest NSO observation was observed over two-miles southeast from the cultivation site. Marbled Murrelet habitat is mapped approximately four miles east from the cultivation site. The applicant submitted a Biological Scoping Report prepared by Hohman and Associates. An *Initial Biological Scoping Report* was performed in February of 2019 by Kelsey McDonald of Hohman and Associates. The report recommended seasonally appropriate floristic surveys, a site visit, pre-construction bird surveys, and surveys for foothill yellow legged frog surveys within one week of beginning work on any stream crossings. These recommendations, if not already completed, have been included as conditions of approval.

The applicant has submitted a Botanical Survey completed by Kelsey McDonald of Hohman and Associates, dated July 2019. The results of the survey indicated that no special status plant species were present on the California Native Plant Society list ranked 1 or 2. Fawn lily was found on the project parcel, approximately 75 feet from the road and other human disturbance, and Lobb's aquatic butter cup occurred in a seasonal wetland near hard water tanks. Biologist recommendations include avoidance of the area where fawn lily is present, and that areas around the seasonal wetland is not disturbed further. Additional surveys are conditioned if expansion is planned in the future.

The Botanical Survey also identified invasive species in the area and recommends appropriate removal and mitigation methods that are included as conditions of approval for the project.

### **Access**

The property is accessed via a private driveway from Tooby Ranch Road. According to the Road Evaluation submitted by the applicant dated March 12, 2021, the entire segment of Tooby Ranch Road is developed to the equivalent of a road category 4 standard. The project was referred to the Department of Public Works who commented the applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance); and the applicant shall rock the surface of the access road where it intersects Tooby Ranch Road, for a minimum width of 20 feet and a length

of 50 feet. These conditions shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

### **Restoration Work**

The applicant proposes to complete remediation work within several Streamside Management Areas. The applicant submitted a Restoration and Monitoring Plan prepared by Hohman and Associates detailing three restoration areas, as well as recommended restoration measures. The restoration areas include an in-stream pond, greenhouses within a 50-foot SMA setback, and a small hoop house approximately 50 feet from a creek bank.

Restoration work for the in-stream pond include removing concrete riprap, rocking the inlet and outlet, implementing check dams to slow flow, and revegetating the channel with native species. Monitoring measures are also recommended over the course of a three-year period.

Restoration work for the greenhouses within a 50-foot SMA setback include removal of the fence and greenhouses from the SMA, engineering of a drainage system to prevent runoff from greenhouses into the watercourse, replanting with native species, removal of invasive species, and fencing off the restoration area. The Restoration and Monitoring Plan also recommended a wetland delineation, with further relevant recommendations contingent on the delineation results. The applicant has since submitted a wetland delineation report as recommended, which found that the area in question is not a wetland, and as such no further restoration was recommended for the area.

Restoration work for the hoop house 50 feet from a creek bank include removal of the hoop house and associated materials including bird netting and potting soil, removal of identified invasive species, and replanting of native riparian species.

A solar panel is currently located within a mapped Streamside Management Area approximately 85 feet west of an existing outdoor cultivation area. Relocation of the solar panel outside the SMA has been included as a condition of approval for this project.

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 (See Attachment 2 for more information).

**RECCOMENDATION:** 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 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.