

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 (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines, make all the required findings for approval of the Special Permit, and adopt the Resolution approving the John Mahony Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: John Mahony seeks a Special Permit to allow the continued operation of an existing 6,300-square-foot (SF) outdoor cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The 76-acre parcel is designated Residential Agriculture (RA60) in the Humboldt County General Plan and zoned Agriculture Exclusive (AE). Cultivation takes place in one raised bed outdoor garden area with slopes less than 15 percent. One harvest is anticipated annually for a growing season that extends from March through October.

Plants are harvested at peak ripeness and immediately transferred to the drying facility (garage) where they are hung to dry and undergo processing. Natural air flow may be supplemented with household fans and dehumidifiers to aid the drying process. All processing of harvested product is done by family members on the property with no additional employees. No supplemental lighting is used. Electricity is provided by Pacific Gas and Electric Company and emergency use generators are stored in an enclosed shed. No employees are proposed. The residence contains a permitted sewage disposal system (10/11-0624). Site security is achieved through use of locked gates preventing access into the property. Cultivation areas are fenced, and the premises are normally occupied and not left unattended.

Water Resources

Water for irrigation is provided by an existing permitted well (19/20-0503) drawing water at an estimated rate of 30 gallons-per-minute from depths of 120 to 230 feet (Attachment 3) and onsite storage. The well is also registered with the California Department of Water Resources (WCR2020-005728). Existing onsite water storage consists of 24 poly-plastic tanks each having 3,000-gallon storage capacity for a total of 72,000 gallons of water storage. Estimated annual water usage is 61,950 gallons (9.8 gallons/SF/year) with peak demand occurring between August and September at approximately 13,650 gallons per month. A Lake and Streambed Alteration Agreement (LSAA) was submitted to the California Department of Fish and Wildlife (CDFW) (Attachment 3) in April 2019 for two water diversion wells (one, now discontinued, is on a neighboring parcel owned by the same applicant). In a letter from CDFW dated August 14, 2019, CDFW concluded that the "Department did not meet that [response] date. As a result, by law, you may now complete the project described in your notification without an Agreement." The Site Management Plan (SMP) prepared for the project included a wet area fed by two ephemeral drainages and some headwaters of seasonal drainages that flow south off of the parcel. Two water tanks were identified as within the 50-foot setback from an ephemeral stream flowing into a wetland area and these have been relocated..

The SMP (Attachment 3) (WDID - 1_12CC415251) was prepared by Timberland Resource Consultants in February 2020 pursuant to the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, in congruence with Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities. The SMP was prepared under a Tier 1, Low Risk designation for parcel APNs 216-107-006 and 216-107-007. The SMP includes Best Practicable

Treatment or Control measures and an Implementation Schedule to achieve compliance that are made conditions of approval (COA #9).

Biological Resources

There are no mapped sensitive species onsite. CDFW's project referral comments dated April 30, 2019 requested that their standard conditions of project approval be included, which have been incorporated in the conditions of approval. A Biological Assessment was not prepared for the project and while there is the potential for some sensitive and protected species to be present onsite, the proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices, the SMP required by the SWRCB, and the recommend measures in the CDFW LSAA response. Therefore, expected daily activities will not produce noise levels great enough to affect northern spotted owl.

The project is conditioned to adhere to Dark Sky Association standards for propagation 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 northern spotted owl or other sensitive species.

Tribal Cultural Resources Coordination

The project was referred to the Northwest Information Center in June 2018. A Cultural Resources Investigation was prepared for the project in March 2019 by Archaeological Research and Supply Company. The study concluded that if "mitigation measures are followed, this project will not affect the site or other cultural resources." Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.

Access

From Garberville, the site is 22.7 miles east on Alderpoint Road to Bell Springs Road, left onto Island Mountain Road, left onto Road C (optional route), then left onto Lauffer Road to 2343 Lauffer Road. Road Evaluation Reports were prepared by Omsberg & Preston Engineers for Island Mountain Road, Road C, and Lauffer Road (Attachment 3), which indicate that each road is maintained to the equivalent of a road Category 4 standard. Public Works' recommendations to ensure all fences and gates be relocated out of the County right-of-way and if the County-maintained road (Lauffer Road) has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet. This is made a condition of approval (COA #11).

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 Zoning Administrator (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 the required findings for approval of the Special Permit.

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.