

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 Permits and adopt the Resolution approving the Tina Colafranceschi project as recommended by staff subject to the recommended conditions.

Executive Summary: Tina Colafranceschi seeks a Special Permit to allow the continued cultivation of 9,998 square feet (SF) of existing outdoor cultivation and 960 SF of ancillary propagation, 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). An additional Special Permit is requested for development within the Streamside Management Area (SMA) for continued use and maintenance of a point of diversion. The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). Cultivation takes place within the eastern portion of the property, including 6,480 SF grown within three (3) 24-foot x 90-foot greenhouses utilizing light deprivation techniques and 3,518 SF of full-sun outdoor cultivation grown within three (3) areas within beds and pots. Ancillary propagation (960 SF total) occurs within a separate greenhouse located north of the full-sun outdoor cultivation. Two (2) harvests are anticipated annually for the light deprivation greenhouses and one (1) harvest for the full-sun outdoor cultivation for a growing season that extends from February through October.

Drying and curing occurs onsite in two (2) existing 788.5 SF (83' x 9.5') 75' x 9.5') and 712.5 SF (75' x 9.5') drying and storage hoop houses located northwest and south of the three (3) light deprivation greenhouses. Currently, all other processing occurs offsite at a licensed processing or manufacturing facility. However, onsite processing is proposed once the proposed 1,000 SF (50' x 20') prefabricated steel garage is constructed and fully permitted, proposed east of the light deprivation greenhouses. A maximum of two (2) people may be onsite during peak operations. The operation is secured behind a locked gate, locked buildings and structures, and utilizes motion-sensor lighting and guard dogs. An informal community watch is also in place in the neighborhood.

Power is provided by two (2) Honda EU3000 generators. While the Site Plan shows there are four (4) existing solar panels on the subject parcel, they are noted to not be utilized for the cannabis operation. Per the Cultivation and Operations Plan (Attachment 3), one (1) generator is used for powering a dehumidifier and trimming machine "when seasonally appropriate" and is stored adjacent to the light deprivation greenhouses, with the other generator used in the winter and spring months for powering the lights in the propagation area and stored adjacent to the onsite residence. The applicant has long-term plans to add additional solar to support the project if financially feasible and the applicant is able to obtain grant funding. Conditions of approval require the applicant to submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than required to meet operational needs. The plan shall also describe how the operation will transition to use of 80% renewable energy (e.g., solar, wind, and/or hydropower) sources by the end of 2026 (**Condition of Approval A.6**).

Timber Conversion

Review of aerial imagery dating back to 2004 indicates the site contained an existing open area in the eastern portion of the property, which contained the residence (noted to be constructed in 2000 per the Site Plan) and associated structures. Per review of the imagery, it appears a small amount of timber conversion occurred between 2005 and 2009 within the southeastern portion of the parcel, with additional conversion occurring between 2009 and 2010 in the southern portion of the property. Additional conversion appears to have occurred between 2010 and 2012 for cultivation in the central portion of the site, with additional conversion in the northeastern and southern corners of the property, and expanded between 2012 and 2014, and 2016 and 2020, after the CMMLUO environmental baseline date of January 1, 2016. No additional tree removal is proposed or authorized by this permit.

A Timber Conversion Evaluation was prepared by Timberland Resource Consultants in December 2018 (Attachment 3) to assess potential timberland conversion on the subject property. Per the Report, the property consists of second growth Douglas-fir and tanoak, with a minor component of madrone, with a stand age of approximately 55-60 years in age. Review of imagery from 1968 suggests the property was harvested in the late 1950s/early 1960s. The current landowner participated in the Fire-Adapted and Landscapes and Safe Homes (FLASH) Program in 2016 and 2017, where heavy thinning occurred on over 1.4 acres in February 2016 and on over 4.8 acres in February 2017, as part of a wildfire mitigation and hazardous fuel reduction project funded by a USDA grant received by the County. Observations of the Registered Professional Forester (RPF) indicates that all slash created by this program was chipped.

As noted in the Report, 0.43 acres of timberland conversion occurred onsite, which is under the three-acre conversion exemption maximum:

- Cultivation Area 1: 0.07 acres – development of the site occurred concurrent with home site development which occurred between 1998-2005
- Cultivation Area 2: 0.10 acres – initial development occurred between 2005 and 2009, and expanded between 2010 and 2016
- Cultivation Area 3: 0.06 acres – the site is nearly indiscernible in 2012 imagery, and appears to have slightly expanded between 2012 and 2016
- Cultivation Area 4: 0.20 acres – this site, consisting of the hoop houses, was initially developed between 2010 and 2012, and was expanded between 2016 and 2017 to increase sunlight.

The Report notes there are downed logs requiring treatment south of Cultivation Site 3, and slash and downed logs located south, west, and east of Cultivation Site 4 that require treatment. A condition of approval is recommended to require all remaining treatment measures identified in the Timber Conversion Evaluation be implemented by the applicant (**Condition of Approval A.11**).

In addition, the project is conditioned to require the property be evaluated by a RPF to determine the amount of timber conversion that occurred prior to and after the CMMLUO baseline date of January 1, 2016. The applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO. The applicant/owner shall be required to restock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. Additionally, the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection (**Condition of Approval A.12**).

Water Resources

Estimated annual water usage is 43,000 gallons (4.3 gal/SF) with peak demand occurring from May through September at approximately 8,000 gallons, respectively, per the table below. As noted in the

Cultivation and Operations Plan (Attachment 3), plants are grown in bags or beds and are watered by hand every four (4) days using hoses with low-flow nozzles.

Table 1. Monthly Water Usage Estimates (in gallons)

Projected Water Use in gallons of Existing and Proposed Cultivation												
Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
0	0	500	1500	8000	8000	8000	8000	8000	3000	0	0	43000

Water for irrigation is currently provided by a permitted groundwater well (17/18-1355) and a spring diversion, for which a Right to Divert and Use Water (Registration ID H504798; Certificate No. H100403) was issued by the State Water Resources Control Board in January 2019. The onsite well is also registered with the California Department of Water Resources (WCR2019-015584).

As shown on the Site Plan, the well is located southeast of the light deprivation greenhouses, approximately 268 feet west of the nearest Streamside Management Area and 10 feet lower in elevation. According to the Well Completion Report (see Attachment 3), the well is 180 feet deep and drilled through sandstone and shale. A blank is installed for the first 25 feet of the well, with screening for the remaining depth of the well.

The point of diversion is located south of the well, near the southern property boundary, as depicted on the Site Plan. Per the Right to Divert and Use Water, the spring is a tributary to Blue Slide Creek, thence the Mattole River, and is registered for irrigation use. The appropriative right allows for 0.08 acre-feet (or 26,068 gallons) to be diverted annually and the total storage capacity cannot exceed 0.08 acre-feet (26,028 gallons). The diversion is also subject to the forbearance period of April 1 through October 31 annually.

Under the project, the applicant proposes to discontinue use of the well and utilize rainwater catchment to meet annual water demand. An assessment of the rainwater catchment potential of the proposed rainwater catchment was completed to determine if adequate water supply would be available to serve the project. The average rainfall for the project area is 81.19 inches, based on averaging rainfall values from 2010 through 2020 as recorded by PRISM Climate Group. Impermeable surfaces such as roofs, driveways, etc. in general allow for about 620 gallons of rainwater catchment per 1,000 SF for every inch of rainfall or 0.62 gallons per 1 SF. Based on information provided by the applicant in August 2022 (Attachment 3), the applicant plans to collect rainwater from the gutters of the existing cabana (approximately 900 SF, as per the Site Plan). Based on the impermeable rainwater catchment area of 900 SF, and an average rainfall amount of 81.19 inches, the site's potential capture amount totals 45,304 gallons per year, on average. Use of the spring diversion will also continue under the project. As such, when compared to the estimated annual water usage amount (43,000 gallons), Planning staff believes there will be sufficient water available from the rainwater catchment system, once installed, and the point of diversion to serve the project. As described by the applicant, rainwater from the roof of the cabana will be transported via a downspout to a minimum of three (3) 55-gallon barrels, where it will then be poly-piped to tanks with gravity. Under the project, 26,000 gallons of existing water storage will remain dedicated to the spring diversion, as permitted under the Right to Divert and Use Water, with the remaining existing water storage (25,500 gallons) available for rainwater catchment. Conditions of approval require that use of the groundwater well cease prior to the 2023 cultivation season (**Condition of Approval A.7**).

Existing available water storage is 51,500 gallons in a series of hard-sided tanks and two (2) 8,000-gallon bladders. Conditions of approval require the applicant to replace the two (2) existing 8,000-gallon water storage bladders with hard-sided water storage tanks equal to 16,000 gallons of water, which shall be placed on a previously disturbed area (**Condition of Approval A.8**). Conditions of approval also require the applicant to monitor water use from the well (until use ceases prior to the 2023 cultivation system), the rainwater catchment system (once operational), spring diversion, and water storage tanks annually

to demonstrate there is sufficient water available to meet operational needs (**Condition of Approval A.23**).

According to Humboldt County Web GIS and depicted on the Site Plan with respective 100-foot Streamside Management Area (SMA) buffer, Blue Slide Creek (a Class II watercourse) traverses the very northeastern corner of the subject parcel. Based on the Site Plan, all cultivation activities and respective infrastructure are located outside of the respective SMA buffer.

A Site Management Plan (SMP; WDID 1_12CC405917) was prepared for the subject site by Mother Earth Engineering and signed by the applicant in October 2019 (Attachment 3) in compliance with the State Water Resources Control Board (SWRCB) Cannabis General Order. The SMP describes how the applicant is implementing the best practical treatment or control (BPTC) measures included in Appendix A of the Cannabis General Order. The access road is noted to be outsloped for a majority of the roadway length and contain rolling dips. Additionally, roads were noted to have been rocked with new surface gravel in October 2019, and no evidence of erosion was observed at the time of the SMP. It is further noted that the roadway and points of drainage will be inspected prior to the wet season, after large storm events, and at the end of the wet season. Erosion control measures are noted to include the use of straw mulch for winterization, and vegetation preservation, where the perimeters of the cultivation areas are "undisturbed and have well established, naturally occurring vegetative buffers." No stream crossings are located onsite, although stormwater from near the residence is conveyed via a 24-inch corrugated plastic culvert to where indicated on the Site Plan, where stormwater is dispersed "into a well established vegetative outfall, and allows for percolation back into the ground, velocity dispersion, and sediment entrainment by the vegetation." Conditions of approval require continued compliance with the BPTC measures identified in the SMP related to site maintenance, erosion control, winterization, use and storage of fertilizers, soil amendments, pesticides/herbicides, and petroleum products, and refuse and waste (**Condition of Approval A.15**).

A Final Streambed Alteration Agreement was issued by the California Department of Fish and Wildlife (CDFW; Notification No. EPIMS-04237-R1; Attachment 3) in November 2019 for the point of diversion (described above) and the existing 24-inch culvert (also described above). No work is proposed for each encroachment, and only minor maintenance, such as clearing the culvert by hand, is authorized under the Final SAA. The project is conditioned to require the applicant adhere to and comply with all applicable terms of the Final SAA (**Condition of Approval A.17**).

Biological Resources

Per review of CDFW's California Natural Diversity Database (CNDDDB) in May 2022, there are no mapped sensitive species onsite and the nearest Northern Spotted Owl (NSO) activity center is located approximately 1.40 miles from the nearest cultivation area, with the nearest NSO sighting located approximately 0.80 miles away. As previously described, power for the project is currently provided by two (2) Honda EU3000 generators. While the Site Plan shows there are four (4) existing solar panels on the subject parcel, they are not utilized for the cannabis operation. The applicant has long-term plans to add additional solar to support the project. Conditions of approval require the applicant to submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than required to meet operational needs. The plan shall also describe how the operation will transition to use of 80% renewable energy (e.g., solar, wind, and/or hydropower) sources by the end of 2026 (**Condition of Approval A.6**). The addition of additional solar power on the subject site will reduce impacts to NSO by discontinuing the use of generators, except for back-up power.

Additional conditions of approval require the applicant to implement light and noise attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife (**Conditions of Approval A.19-22**).

and Ongoing Conditions of Approval B.1-5 and 7). As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Access

Access to the site is via a driveway off Blue Slide Creek Road to China Creek Road to Briceland Thorne Road. Briceland Thorne Road is a County-maintained roadway that have been identified to meet or is equivalent to Category 4 road standards for cannabis projects, while Blue Slide Creek Road and China Creek Road are privately maintained. A Road Evaluation Report for an approximately 4.47-mile segment of Blue Slide Creek Road, from the private driveway to Briceland Thorne Road, was prepared by the applicant in October 2019 (Attachment 3), which indicates that the roadway meets a Category 4 road equivalent standard and is adequate for the proposed use. Planning staff believes the road evaluation includes the full route from Briceland Thorne Road to the private driveway, although it does not separate the two individual private road segments (Blue Slide Creek Road and China Creek Road). While the project was referred to the Department of Public Works, Land Use Division, in August 2017, this was prior to the Road Evaluation being prepared. As such, comments received from Department of Public Works, Land Use Division in February 2018 notes that a Road Evaluation Report is required for the project, but did not request the project be re-referred once the Road Evaluation Report was received. The project is conditioned to maintain all driveways and private road intersections onto the County road in accordance with the County's Sight Visibility Ordinance (County Code §341-1) and improve the access road that serves the project to current commercial driveway standards (**Conditions of Approval A.13-14**).

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

Planning staff determined 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 located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 221 permits and the total approved acres would be 76.71 acres of cultivation.

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).

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.