

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 of the required findings for approval of the Special Permit and adopt the Resolution approving the JC Consultants, LLC Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary:

JC Consultants LLC seeks a Special Permit for an existing 9,800-square-foot (SF) cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The 161-acre parcel site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Timber Production Zone (TPZ). The cannabis cultivation consists of 9,800 SF of full-sun outdoor cultivation in five different areas on the parcel; two of these areas extend into the property to the west and will only remain if a lot-line adjustment with the adjoining neighbor is completed within one year, otherwise these two areas will be relocated to existing cultivation areas and the retired locations will be remediated. Two existing graded sites will be used for a total of 1,800 SF of immature plant nursery areas. One annual harvest is expected from the outdoor cultivation for a growing season that extends from April through October. Three Honda EU2000i generators will be used onsite. Two generators operate daily during the growing season from approximately 10 a.m. to 6 p.m. to pump well water to storage tanks; the generators are stored following harvest. A third generator is reserved as an emergency backup. Two portable toilets will be continuously supplied to two full-time and up to six seasonal cultivation staff and receipts furnished to the Division of Environmental Health as a condition of approval. Drying of harvested cannabis occurs in existing storage containers and further processing will occur offsite at a licensed processing facility. The cultivation areas are located behind two locked gates. Lighting and surveillance-motion sensor lighting and game cameras are installed around the facility. Full-time occupancy of the parcel during the cultivation season will be maintained.

Lot-Line Adjustment/Site Remediation

A recently surveyed parcel boundary indicated Cultivation areas 1 and 2 are partially within the adjoining parcel owned by Hunter Ranch (APN 315-164-001). Provided correspondence between the applicant and Hunter Ranch indicate that a lot-line adjustment is preferred and acceptable by both parties. Approval of the lot-line adjustment is required within 1-year as a condition of approval; if not approved, the applicant shall proceed with Onsite Relocation: Environmental Superiority Analysis and Remediation Plan prepared by Mother Earth Engineering in January 2021 (Attachment 3). The Remediation Plan identified that relocation of cultivation areas 1 and 2 could be accommodated at existing cultivation site 5. If relocation is chosen, a total of 4,208 SF (0.09 acre) shall be remediated and cultivation relocated to a pre-existing flat, one of proposed nursery sites, on the southwestern corner of the property. The accessory storage containers are proposed to be relocated to the portion of cultivation area 1 that is not on the neighboring property. The canopy areas shall be remediated by the removal of cultivation infrastructure and reseeding the area with native seed mix and monitoring until establishment. The relocation site is a pre-existing flat with no watercourses, wetlands, or other sensitive resources. Currently, there is no active cultivation at this site although cultivation is planned for the 2021 season as the lot-line adjustment proceeds. Currently, there are remains of unused, remnant smart pots and a 2,200-gallon water tank. The Remediation Plan noted several best management practices—removal of cultivation infrastructure, revegetation, and monitoring—which are all made conditions of approval should the lot-line adjustment not move forward within 1-year.

Water Resources

A permitted well (15/16-0479) supplies all water onsite. Water storage included one 175-gallon tank, three 300-gallon tanks, three 500-gallon tanks, one 2,500-gallon tank, and one 2,200-gallon tank dedicated for fire use. Total storage is 7,275 gallons in nine tanks, of which 5,075 gallons are available to store irrigation water drawn from the well. Peak demand occurs June through October. Irrigation water for the property is sourced from a well that yields 4 gallons per minute; the well is more than 500 feet from the nearest mapped ephemeral watercourse.

The Humboldt County's WebGIS shows one mapped stream: Grouse Creek (Class II watercourse) that flows north through the eastern area of the parcel, approximately 900 feet from the nearest immature plant cultivation area. The reach of Grouse Creek north of the parcel is listed by the U.S. Environmental Protection Agency as a 303(d)-Listed Impaired Waters. The 2021 Site Plan shows three additional Class III ephemeral watercourse reaches flowing east to Grouse Creek. Cultivation sites are more than 150 feet from the four watercourses known from the parcel. There are three culverted ephemeral stream crossings.

A Site Management Plan (SMP) prepared by Mother Earth Engineering in June 2020 evaluated if the site met the best practicable treatment and control measures listed in Attachment A, Section 2 of the State Water Resources Control Board (SWRCB) Order WQ 2019-0001-DWQ. As a condition of approval, the applicant shall implement the recommended corrective measures detailed in Table 13 of the SMP. In addition, those recommendations and requirements developed under any future amended SMP to be developed for the parcel, pursuant to continued Tier 2 – Low Risk enrollment under the SWRCB Cannabis Cultivation Policy, shall also be followed. The SMP described the property containing seven ditch relief culverts and three stream crossings. Proposed improvements include replacement of one culvert (CV-3) with a larger size culvert, installation of a new proposed culvert (CV-4), and replacement of one ditch relief culvert (DRC-4). While this ditch relief culvert is outside the property's boundaries, it is observed to be clogged with sediment and debris. It is recommended to be replaced with permission from the landowner. In addition, several water bars and rolling dips shall be installed on the private access road. The applicant is required to abide by the existing and any additional Streambed Alteration Agreement from California Department of Fish and Wildlife (CDFW; 1600-2016-0105-R1).

Biological Resources

There are no mapped sensitive species onsite and although the nearest northern spotted owl (NSO) activity center is approximately 0.87 mile from the site, lands surrounding the site are forested and provide NSO habitat. The parcel is not within, but is immediately adjacent to, NSO critical habitat. Marbled murrelet designated critical habitat is known from the public lands adjacent to the parcel to the west and northeast. Because no forested habitat will be removed as part of the proposed project and aerial images suggest the parcel consists of a forest recovering from recent logging, disturbance is limited to noise associated with vehicles on the private access road to the parcel, intermittent use of small equipment for cultivation purposes, and generator noise associated with pumping water during the summer cultivation season. A site visit conducted June 11, 2020 measured noise produced by a single Honda EU2000i generator model as 44.8 A-weighted decibels (dBA) at 100 feet from the generator. This level of noise does not exceed the 60 dBA at the property line and does not exceed the noise level threshold for NSO harassment of 50 decibels at 100 feet. All cultivation areas are more than 800 feet from public lands managed by Six Rivers National Forest to the west and northeast of the parcel.

Appropriate facility setbacks from Class II and III watercourses on the parcel will be followed, and measures described in the SMP, Cultivations and Operations Plan, and Streambed Alteration Agreement to protect aquatic and upland resources will be adhered to. Furthermore, the project is conditioned to adhere to Dark Sky Association standards for 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 NSO or other sensitive species.

Tribal Cultural Resource Coordination

The project was referred to the Bear River Band of the Rohnerville Rancheria and Northwest Information Center. The Tribal Historic Preservation Officer Assistant of the Bear River Band of the Rohnerville Rancheria requested that the project be conditioned with the standard inadvertent discovery language. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.

Access

The parcel known as 19265 U.S. Forest Service (USFS) Route 1 (APN: 317-191-001) is accessed from USFS Route 1 and a private road. Both the private road and USFS Route 1 have a road category of 4, which is "adequate for the proposed use without further review by the applicant." Per the photo-documented Road Evaluation Form received August 31, 2020, the private drive is maintained by local residents; USFS Route 1 is maintained by USFS. The site plan received April 2, 2021 shows two emergency vehicle turnaround areas. Per the Public Works Land Use Division comments, the project is accessed on USFS-maintained roads. The USFS did not respond to project referrals.

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 of 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 the Zoning Administrator is 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.