



COUNTY OF HUMBOLDT

For the meeting of: 8/3/2023

File #: 23-1099

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Full Pardon Farms, LLC Special Permit
Assessor Parcel Numbers (APN) 216-083-006
Record No.: PLN-11691-SP
New Harris area

Full Pardon Farms, LLC seeks a Special Permit (PLN-11691-SP) for an existing 10,000 square feet (SF) of outdoor cannabis cultivation. Plants are propagated in a 750 SF portion of the 1,500-SF nursery onsite. The ancillary nursery serves two projects under the same ownership. Processing such as drying, curing, and bucking down flower occurs in a 2,400 SF barn on an adjacent parcel under the same ownership (APN 216-081-008). Irrigation water is sourced from a 400,000-gallon rainwater catchment pond onsite. Estimated annual water use is 61,500 gallons (6.15 gal/SF). Further processing such as trimming and packaging are proposed to occur offsite at a licensed third-party facility. Besides the owners/operators, no additional full-time employees would be required. The primary source of electrical power is a solar array, with a 7-kilowatt (kW) generator serving as backup in times of limited insolation.

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 Negative Declaration (MND) for the Commercial Cannabis Land Use Ordinance and the Addendum that was prepared for the Full Pardon Farms, LLC Special Permit project; and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Full Pardon farms, LLC Special Permit subject to the recommended conditions of approval (Exhibit A); and

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 on Bell Springs Road from the intersection of Harris Road and Bell Springs Road, then southeast on a private road for approximately 0.80 miles, on the property known to be in the southwest quarter of Section 30, and the property known to be in the north half of Section 31, Township 04 South, Range 05 East.

Access:

The project is located in Humboldt County, 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 0.80 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.

Present General Plan Land Use Designation:

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

Present Zoning:

Agriculture Exclusive (AE), Special Building Site (B-5[160]), Timberland Production (TPZ).

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:

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curing, and bucking down flower occurs in a 2,400 SF barn on an adjacent parcel under the same ownership (APN 216-081-008). Further processing such as trimming and packaging are proposed to occur offsite at a licensed third-party facility. Besides the owners/operators, no additional full-time employees would be required. The primary source of electrical power is a solar array, with a 7-kilowatt (kW) generator serving as backup in times of limited insolation.

Water Resources:

Irrigation water is sourced from a 400,000-gallon rainwater catchment pond onsite. Estimated annual water use is 61,500 gallons (6.15 gal/SF). Water is stored in the pond and in two (2) 5,000-gallon tanks and four (4) 2,500-gallon tanks. Total water storage is 420,000 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. The applicant seeks a Special Permit for work within the Streamside Management Area (SMA) for crossing upgrades, as recommended by the WRPP. 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.

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, is located in two (2) habitat areas approximately 6,000 feet to the north and 11,000 feet to the west of the project area. The oval-leaved viburnum (*Viburnum ellipticum*) was observed in a wet area approximately 2,500 feet west of the project site, but the observation is over 100 years old. 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.

Tribal Cultural Resource Consultation:

Consultation letters were sent to affected tribal entities associated with the project area. 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 (216-083-006) and an adjacent parcel under the same ownership (216-081-008). 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 used to protect artifacts or remains that may be discovered during project work.

Geologic Suitability:

The project is located in an area mapped as high geologic instability, and an area also mapped with historic landslides. Development is existing and project conditions will require applicant to obtain building and grading permits for all existing structures with a nexus to the cannabis operation, including but not limited to the rain catchment pond, storage buildings greater than 120 SF, any structure used to attenuate generator noise, and all hoops or greenhouses for cultivation or ancillary nursery space. Any concerns pertaining to the high geologic instability of the area will be addressed and corrected via this permitting requirement.

Resolution 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 and the adjacent project is 41.61-acres. If this project gains approval along with the adjacent project (APN 216-081-008, Apps 11692), the number of issued permits will be 104, and the approved acreage will be 42.06-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. 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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