

**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 Cedar Farm West, LLC Special Permits as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Cedar Farm West, LLC seeks a Special Permit for 9,000 sq. ft. of pre-existing outdoor cannabis cultivation and 900 sq. ft. of ancillary propagation area. The applicant is not currently cultivating, and does not currently have a State License for commercial cannabis cultivation, and shall obtain a State License prior to commencing cultivation activities on-site (**Condition A.1**). The applicant is proposing greenhouses for light-deprivation methods without the use of supplemental lights, and up to two harvests are anticipated per cultivation season. Cultivation areas will be relocated to a central location on the parcel with environmental superiority. Water will be sourced primarily from a stream diversion under Water Right Certificate H100570, and supplemental water will be sourced from an on-site well. A Special Permit is being requested in order to allow the use of the stream diversion for cannabis irrigation. Total annual water usage is estimated at 117,000 gallons per year (11.8 gal/sq. ft./yr.). There is currently a total of 105,000 gallons of water storage on-site, and the applicant is proposing to add a 150,000-gallon rainwater catchment pond. Power will be sourced from one on-site generator.

A maximum of five (5) employees will be utilized for cultivation activities. Portable toilets and hand washing stations will be available at the cultivation area on-site. Trimming will occur off-site at a licensed processing facility. The project was referred to the Department of Environmental Health (DEH) on April 14, 2021, and comments were received on April 14, 2021. Comments from DEH stated that seasonal cultivation without processing may use portable toilets to serve the operation, and that the permittee shall provide portable toilets to cultivation areas. The applicant shall provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service, unless a permitted onsite wastewater treatment system has been obtained (**Ongoing Condition B.1**).

The applicant is proposing to have six (6) 5' x 60' light-deprivation greenhouses, eighteen (18) 5' x 80' light deprivation greenhouses, and one (1) 20' x 40' ancillary propagation greenhouse. The project was referred to the Building Division on April 9, 2021, and a building inspection was conducted on April 23, 2021. Comments from the Building Division included a recommendation of approval based on the condition that all required permits are obtained. There are a total of twenty-four (24) light-deprivation greenhouses proposed, one (1) ancillary propagation greenhouse proposed, and one (1) proposed generator shed. Drying will occur within temporary carport structures that will be removed during the winter season. The applicant shall submit an updated Site Plan to the Planning Division to show the location for any temporary drying structures (**Condition A.5**). Trimming will occur off-site at a licensed processing facility, and the applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility to be furnished during an annual inspection (**Ongoing Condition B.2**). The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: twenty-four (24) light-deprivation greenhouses proposed, one (1) ancillary propagation greenhouse proposed, and one (1) proposed generator shed (**Condition A.7**). Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams. (**Condition A.8**). Grading occurred on the site between 2016 and 2018 in association with the

proposed cultivation area. The applicant is conditioned to permit the historic grading that occurred on-site with the Building Division (**Condition A.9**).

### **Water Resources**

The project will source water primarily from the stream diversion under Water Right Certificate H100570, and supplemental water is proposed from an on-site permitted well. Water Right Certificate H100570 allows for the diversion of up to 0.69 acre-feet per year (224,837 gallons), and storage designated for diverted water shall not exceed 0.77 acre-feet (250,900 gallons). The applicant shall adhere to the limitations and conditions set forth within the Water Right Certificate H100570 for the life of the project (**Ongoing Condition B.3**). Estimated annual water needed for irrigation is 117,000 gallons (11.8 gal/sq. ft./yr.). The applicant has a total of 105,000 gallons of existing water storage on-site in two (2) 2,500-gallon water tanks, and two (2) 50,000-gallon water bladders. The applicant plans to replace the water bladders with a 150,000-gallon rainwater catchment pond, and is conditioned to discontinue the use of the two (2) water bladders, and permit the proposed rainwater catchment pond with the Building Division, within two years of the date of approval (**Condition A.10**). The applicant plans to utilize the stream diversion to fill up the rainwater catchment pond in the event that the pond is not sufficiently filled with rainwater, or snowfall, at the beginning of the cultivation season. The applicant shall comply with all forbearance requirements set by the Water Board and the California Department of Fish & Wildlife (CDFW) (**Ongoing Condition B.4**).

The applicant also plans to utilize the existing permitted well on-site (Permit 19/20-0138) for supplemental water if needed. A site visit was conducted in March 2022, and a well assessment is being obtained by licensed geologist David Lindberg to determine if the well is connected to surface waters, discuss its effects on neighboring water sources, and to determine the sustainability of the well for long term use. The applicant shall submit the final Well Assessment produced by David Lindberg, to the Planning Division, and may not utilize the well for supplemental water during a forbearance period in the event that the well is considered diversionary, or to have a negative impact to surrounding water sources. If the well is found to be non-diversionary to surface waters, not to have a negative effect on neighboring water sources, and is determined to meet the needs for the life of the project, the applicant shall be able to utilize the well for supplemental water source throughout the year (**Condition A.11**). The applicant shall meter water diverted and used from the stream diversion, and water used from the well separately, and keep records on-site (**Condition A.12**).

The applicant is not currently cultivating, and the project is not currently enrolled in the State Water Resources Control Board's (SWRCB) General Order (No. WQ 2019-0001-DWQ) for Waste Discharge Requirements and Water Quality. The project is conditioned to enroll in the SWRCB's General Order prior to commencing cultivation activities on-site, and shall submit a Notice of Applicability letter or Notice of Receipt as proof of enrollment before cultivation activities can occur (**Conditions A.13**). As well, the project is required to have a Site Management Plan prepared within 90 days of enrollment to outline on-site measures required to meet the standards of the SWRCB's General Order. The applicant shall submit to the Planning Department the final Site Management Plan, and shall adhere to the measures and recommendations within the final SMP (**Condition A.14**).

There is one (1) known stream crossing that needs replacing, and a point of diversion from a Class II stream named Big Creek on-site. The applicant has obtained a Streambed Alteration Agreement for the in-stream work and continued maintenance required for the stream crossing (STX-2) and the point of diversion (SAA No. 1600-2019-0817-R1, dated April 2, 2021). The applicant is conditioned to abide by the project description and work outlined within the SAA No. 1600-2019-0817-R1 for STX-2 and the POD (**Ongoing Condition B.5**).

### **Fire Hazard**

The parcel is located in an area known to have a Very High Fire Hazard Severity, and was hit by the Blake Fire in 2015, which burned down up to 55 acres in the southeastern corner of the parcel. The parcel is located outside of the Bridgeville Fire Protection District, and the Kneeland Fire Response Area. Pursuant to the Humboldt County General Plan the applicant is required to cause to be recorded an

“ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES” for the parcel(s) on a form provided by the Humboldt County Planning Division (**Condition A.17**). The project is located within the State Responsibility Area for CalFire, and was referred to the agency on April 9, 2021. Comments were received by CalFire on April 26, 2021, and the agency stated that they had no comments regarding the project at that time. The project site shows ample room for a firetruck turnaround, and is required to have a minimum of 2,500 gallons of water storage designated for fire suppression needs. The applicant shall designate a minimum of 2,500 gallons of on-site water storage for emergency fire suppression and is conditioned to provide an updated Site Plan to the Planning Division to show designated fire water on-site (**Condition A.5**).

### **Timber Conversion**

The applicant had a Timber Conversion Report (TCR) that was prepared by Timberland Resource Consultants, dated November 19, 2018. The TCR states that there is one (1) area on-site where timber conversion occurred, totaling 2.51 acres of timber conversion, which is less than the 3-acre maximum. All conversion areas were determined to be outside of any streamside management areas, had no presence of rare or threatened species, nor were any presence of cultural resources found during the site visit conducted on October 19, 2018. The existing cultivation site where cannabis will be centrally relocated, was expanded from a 0.25-acre historic log landing site to its current size of 2.51 acres, between July 2016 and March 2017, for a total of 2.26 acres of post-2016 timber conversion. Abandoned cultivation site 1 was a 0.08-acre area site, which has been naturally regenerated with Douglas-fir and white fir seedlings, and meets minimum stocking standards, and was therefore not considered a conversion site. Abandoned cultivation site 2 is a 0.11-acre area that was expanded to its current size between December 2017 and July 2018. No future cultivation is proposed at abandoned cultivation site 2, and the TCR recommends replanting the site with conifers to minimum restocking requirements. The applicant shall adhere to the following recommendations made within the TCR (**Condition A.15**):

1. Remove all cultivation infrastructure, materials, and waste within Abandoned Cultivation Site 1, while preserving the naturally regenerating conifer seedlings.
2. Replant Abandoned Cultivation Site 2 with native trees to California Forest Practice Rules stocking standards (14 CCR 1071) within the western portion of the site located on APN 317-055-001. Though restoration methods may vary, the RPF recommends the following:
  - o Replant locally-sourced Group A commercial species (Douglas-fir seedlings, CA Seed Zone 312, Elevation 4,000-4,800 feet recommended) at a level of 450 trees per acre (approximately 10-foot uniform spacing between seedlings). The site is approximately 0.12 acres so RPF recommends planting 55 trees at this location.
  - o Monitor growth and success of planted seedlings to ensure a 300-point count stocking level is maintained 2-3 years after planting.
    1. If seedling success is low, repeat the replanting process.
    2. Consider consulting an RPF for continued timber management in this area.
3. Along the eastern edge of the Cultivation Site, treat all slash piles and woody debris as soon as possible (and during appropriate time of year) using one of the following methods: burying, chipping and spreading, piling and burning, or removal from site.

The applicant is also required to address the 2.26 acres of post-2016 timber conversion that occurred between 2016 and 2017 at the existing cultivation site. The applicant has designated an area for restocking in the southeastern corner of the property where the Route Fire (Blake Fire shown in Humboldt Web GIS) occurred, shown on the Site Plan. The applicant shall comply with the restocking measures outlined in item 2 of the RPF recommendations above (at 2.26 acres, planting 1,017 trees is recommended for restocking this area). The submission of a document signed by the RPF stating that all restocking and monitoring for 2-3 years has been completed, shall satisfy this condition (**Condition A.16**).

### **Biological Resources**

The project is located approximately 1.38 miles to the nearest known Northern Spotted Owl (NSO) activity center. According to the California Natural Diversity Database (CNDDDB) for rare and endangered species, the project site is near potential habitat areas for animal species: hooded lancetooth, and southern goshawk. The project site is also shown to be near potential habitat areas for plant species: Pacific fuzzwort, running-pine, and South Fork Mountain lupine. The applicant had a Biological Report

(BR) prepared by Natural Resource Management, dated October 2020, for the project site. The BR states that no NSO nesting habitat or special status species were found on-site during the biological survey. The BR recommends the following mitigation measures: all generators in use will require noise-reducing containment with ventilation, propagation hoop-houses utilizing early-season low impact lighting will require tarps to block all potential light pollution from at least one hour prior to sunset through at least one hour past sunrise, no use of plastic support netting, and no use of rodenticides (**Ongoing Conditions B.6, B7, B9 & B12**).

The proposed project includes the central relocation of two (2) historic cultivation sites to an environmentally superior location where a future rain catchment pond is proposed. The parcel was effected by the Blake Fire in 2015, which burned approximately 55 acres of land in the southeastern corner of the parcel. The applicant removed approximately 2.26 acres of burned timberland in the center of the parcel, and conducted significant grading between July 2016 and March 2017. This site is the proposed location for all future cultivation activities. Post-2016 timber conversion of 0.11 acres occurred at one historic cultivation site located in the northeastern area of the parcel. Another abandoned cultivation site of 0.08 acres has been naturally revegetated. The applicant is required to restock the 2.26 acres of post-2016 timber conversion that occurred at the proposed cultivation site, and the 0.11 acres of post-2016 timber conversion that occurred at the northern historic cultivation site. The applicant is also required to retroactively permit the grading that was done at the proposed cultivation site, and to permit and install the proposed rain catchment pond within two years of the date of approval for the project.

The applicant is required to comply with International Dark Sky Standards, shall ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use, and generators shall be enclosed in permanent generator shed locations (**Ongoing Conditions B.6 & B.7 and Condition A.7**).

#### **Tribal Cultural Resource Coordination**

The project site is located in the Bear River Band and Tsnungwe Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), the Bear River Band Tribe, and the Tsnungwe Council on April 9, 2021. The NWIC replied on April 12, 2021, recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Tsnungwe Council commented on April 19, 2022, stating that the project was not within their territory, and the Bear River Band THPO replied on April 15, 2022 requesting that the applicant comply with Inadvertent Discovery Protocols during ground disturbing activities. The applicant shall adhere to Inadvertent Discover Protocols, and shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided (**Informational Note 3**).

#### **Access**

Access to the project site is from State HWY 299, from Titlow Hill Road which is County maintained for 4.7 miles, and then becomes US Forest Service Road for 34.5 miles to the project site. From the end of the County maintained portion of Titlow Hill Road, access to the site is obtained from USFS NF51, from USFS 6N01 (Friday Ridge Road), from USFS Route 3N33 to the project site. The applicant submitted a Road Evaluation Report for the 1.68 miles of USFS 3N33 to the project site, which included pictures and a route map. The applicant has self-certified that USFS 3N33 is developed to the equivalent of a Category 4 road standard. Up to five (5) seasonal employees will be utilized for activities on-site, and will carpool to and from the site to lower vehicle traffic on the access road. The applicant has stated that there will be a maximum of six (6) vehicle trips per day, for seasonal workers and potential visitors. The project was referred to the Department of Public Works on April 9, 2021, and comments were received by the agency on April 28, 2021. Comments from Public Works included that the access route utilizes a series US Forest Service Road, and recommended that the project be referred to the US Forest Service. The project was referred to the US Forest Service on April 9, 2021, and no comments were received by the agency. As

the access route utilizes Forest Service roads from the county maintained access road, no upgrades to the road are required, as the road is outside of the County's jurisdiction. The applicant shall be aware that it is federally illegal to transport cannabis across Federal lands, and the approval of this permit does not authorize transportation of cannabis across Federal lands (**Informational Note 4**).

**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 cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the South Fork Trinity Planning Watershed, which under Resolution 18-43 is limited to 86 permits and 29 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 19 cultivation permits and the total approved acres would be 8.58 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.