

Hope Springs Farm
Record Number: PLN-12045-SP
Assessor's Parcel Number: 210-043-003

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 (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and adopt the Resolution approving the Hope Springs Farm project as recommended by staff subject to the recommended conditions.

Executive Summary: Hope Springs Farm seeks a Special Permit to allow the continued cultivation of 10,000 square feet (SF) of outdoor cannabis, including 600 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). The site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Agriculture Exclusive (AE) and Timber Production Zone (TPZ); however, the portion of the subject property where cultivation occurs is zoned TPZ. Outdoor cultivation occurs in the northwestern portion of the subject property, within six (6) greenhouses utilizing light deprivation techniques (8,780 SF) and one (1) area of full-sun outdoor cultivation (600 SF). Ancillary propagation occurs in a separate 600 SF greenhouse. One (1) harvest is anticipated annually for a growing season that extends from May through October.

Processing occurs within the northwestern portion of the property within an existing 1,200 SF, one-story shop building. A maximum of eight (8) people will be onsite during peak operations. Power is provided by a generator, as well as solar for the well pump only. Information provided by the applicant in February 2022 (Attachment 3) indicates very little power is required for the operation. Passive airflow is utilized and no fans are used. The generator is used only for drying and curing of the plants for one (1) month during the winter. A 400 SF residence is located near the cultivation area and houses one (1) onsite resident. The operation is secured behind a gated access, and security cameras and signage are also utilized. A neighborhood watch is also in place to identify and alert landowners of possible suspicious activity or vehicles.

The subject property is located adjacent to and near public lands, including several parcels (APNs 208-113-005, 208-121-003, 210-043-006, 210-044-007, and 210-062-001) owned and maintained by the U.S. Department of the Interior's Bureau of Land Management (BLM), the cultivation is located more than 600 feet from the public lands.

Timber Conversion

A Timberland Conversion Evaluation was prepared by Mark Distefano, Registered Professional Forester (RPF) #2781, in May 2018. The Report notes that the project site consists of second-growth tanoak and Douglas-fir, within a minor component of madrone. Review of historic aerial imagery dating back to 1947 revealed no signs of timber harvesting prior to 1968. Sometime between 1947 and 1968 the majority of the logging infrastructure (including roads and landings) were established. Post 1968, aerial imagery showed no signs of additional timber harvesting. Review of aerial imagery from 1947 to 2016 showed no signs of ground disturbance or changes in stand structure or composition, which suggests additional logging entries have not occurred since the original harvest (late 1950s to mid-1960s). Per the Report, the total area converted for cultivation use is 1.02 acres, which includes Cultivation Area #1 (0.81 acres), established in 2009, and the location of the previously proposed pond (0.21 acres). Additionally, conversion activities have not impacted water resources (located approximately 300+ feet from Cultivation Area #1). While the majority of the slash and woody debris has been chipped and the majority of logs processed into firewood, two (2) small log decks remain that require treatment. The onsite

conversion activities are noted to not comply with the California Forest Practice Act and the California Forest Practice Rules. The RFP recommends the following (3) recommendations occur:

1. Treat the log decks by cutting logs into firewood at lengths of 24 inches or less.
2. Pull back root wads and other debris from the location shown on map and utilize soil stabilization measures (i.e., seed and straw mulch).
3. Install 2 rolling dips and/or water bars at the flagged and mapped location of the segment of road between the pond site and the existing unstable area to ensure that concentrated run-off from the access road does not deliver to the existing unstable area.

No restocking is recommended in the Report. The project is conditioned to implement all remaining corrective actions detailed in the Report (**Condition of Approval #13**). No additional tree removal is proposed or authorized under this permit.

Water Resources

Estimated annual water usage is 90,000 gallons (9.0 gal/SF), with peak demand occurring in August at approximately 22,000 gallons, per the table below.

Table 1. Estimated Average Monthly Water Usage (in gallons)

Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	0	0	8,000	12,000	18,000	22,000	20,000	10,000	0	0

Total: 90,000 gallons

Water for irrigation is currently provided by a permitted groundwater well (17/18-0904, per DEH referral response dated April 2018). However, the applicant is proposing to switch to rainwater catchment and add additional water storage tanks by the end of 2024, after the 2024 growing season. Existing available water storage is 115,000 gallons in nine (9) existing hard-sided tanks ranging in size from 2,500 gallons to 10,000 gallons, with an additional 96,000 gallons proposed in twenty (20) 4,800-gallon tanks, for a total of 211,000 gallons of onsite water storage. The additional tanks shall be located in a previously disturbed area and no trees shall be removed (**Condition of Approval #20**). Per information provided by the applicant, a 300,000-gallon rainwater catchment pond was proposed on the subject property, but was not approved by the County.

Per the Site Plan, the well is located north of the eastern cultivation area, approximately 476 feet west of an onsite Class II tributary and 10 feet lower in elevation. A condition of approval requires the onsite well to be registered with the California Department of Water Resources and submit the well log and/or and a Well Completion Report (WCR) to the Planning Department (**Condition of Approval #15**). If the well log and/or WCR shows the existing well is hydrologically connected to surface waters, sufficient water storage, equal to the amount of water utilized during the forbearance period of May 15 – October 31 (approximately 90,000 gallons), will be available onsite to meet forbearance requirements. Additionally, conditions of approval require the applicant to monitor water use from the well (until replaced with the proposed rainwater catchment system) and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs (**Condition of Approval #23**).

A copy of the Notification of Lake or Streambed Alteration submitted to the California Department of Fish and Wildlife (CDFW) in November 2016 for use of an existing point of diversion (POD) for residential and irrigation use was provided by the applicant. Please note water from the POD is no longer utilized for the existing cultivation. The project is conditioned to require the applicant finalize the Notification with CDFW and comply with all conditions and terms of the Final Streambed Alteration Agreement (**Condition of Approval #14**).

Per review of the County's GIS and as depicted on the Site Plan, two (2) tributaries to Little Larabee Creek traverse the northwestern, central, eastern, and southwestern portions of the subject parcel. Although respective Streamside Management Area (SMA) buffers are not depicted on the Site Plan, the cultivation areas located outside of the SMA buffers, due to the setback distances from the watercourses shown on the Site Plan.

Additional conditions of approval require the applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan and Notice of Availability (**Condition of Approval #16**). Furthermore, conditions require the applicant adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability, which will minimize any potential impacts associated with the project and minimize runoff into nearby SMAs (**Condition of Approval #16**).

Biological Resources

Per review of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) in September 2021, the subject parcel is located in close proximity to two (2) Northern Spotted Owl (NSO) activity centers, and is located within an area mapped for potential occurrence of a special status bird species, the American peregrine falcon (*Falco peregrinus anatum*). While the nearest Northern Spotted Owl (NSO) activity center is located approximately 0.51 miles from the nearest cultivation area, positive NSO sightings have been recorded as near as 0.18 miles from the nearest cultivation area. Power to the site is provided by a generator, as well as solar for the well pump. As described above, the generator is utilized for approximately one month during the year for drying and curing the plants. There is no use of artificial lighting authorized by this permit. While the project involves the installation of additional water storage tanks to switch from use of the well to rainwater catchment, conditions of approval require the additional tanks to be located within a previously disturbed area (**Condition of Approval #20**). Further, no additional tree removal is authorized by this permit.

The conditions of approval require the applicant to contain the generator and implement noise and light attenuation measures (**Conditions of Approval #18-19**), 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 #21-22**). 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 an unnamed private road off State Highway 36. Highway 36 is a State-maintained highway. The site is located at the end of the roadway. A Road Evaluation Report for the 4-mile segment of private road from Highway 36 to the property entrance was prepared by DTN Engineering and Consulting in May 2018 (Attachment 3), which indicates that the roadway is not developed to the equivalent of a Category 4 road standard. However, per Part B, completed by the registered professional engineer indicates the roadway is very low volume roadway and can accommodate the cumulative increase in traffic from this project and all known cannabis projects if the associated recommendations are addressed. A separate Roadway Evaluation Report was prepared by the engineer. This Report assessed both the access roads to the parcel from Highway 36 and on the subject property. On the subject site, the access road is approximately one mile in length, approximately 12 foot wide with 1-foot shoulders, and with grades up to 23 percent. This portion of the road has natural turnouts allowed by the terrain. The Report recommends the steep grades should be flattened to a 16 percent grade "if environmental impacts allows" and waterbars with rolling dips should be constructed.

For the portion of the access road from the property boundary to Highway 36, the roadway crosses three SMAs. A railroad car bridge, 8 feet in width, is located along the roadway. Most of the culverts observed were noted to be partially or fully clogged. The access road is noted to be gravel, 12 feet in width, with 1-2 foot shoulders. Most of the curves have turnouts at appropriate locations; however, there are two locations (at curves) where there are not currently appropriate turnouts, and are recommended. The roadway grade appears to vary, with a maximum of 25 percent. It is noted in the Report that "reducing the grade in this mountainous terrain with four SMAs is recommended so long as adverse environmental impact resulting from construction to environmentally sensitive areas does not occur." While this section of the roadway is not equivalent to a Category 4 roadway, completing the recommendations (i.e., adding two turnouts, unclogging culverts, removing trash, reestablishing roadside ditches, and grading the roadway) would address safety and drainage concerns, and improve the roadway's function so that the roadway could adequately accommodate the projected traffic associated with the project.

Per referral comments received from the Department of Public Works, Land Use Division, dated March 2018, all recommendations in the Road Evaluation Report shall be completed to the satisfaction of the Department. Additionally, the project was also referred to the California Department of Transportation (Caltrans), with comments received in June 2018. Per Caltrans' comments, the access road off Highway 36 does not currently meet standards for a commercial driveway, and shall be improved to Caltrans' commercial driveway standards. Additionally, Caltrans requests the sub-standard sight distance and non-standard geometry (skewed intersection angle) also be addressed. Conditions of approval require the applicant to make the required roadway improvements in accordance with Caltrans' comments (**Condition of Approval #12**) and implement all recommendations contained within DTN Engineering's Report (**Condition of Approval #11**).

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 Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 112 permits and the total approved acres would be 39.16 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.