

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 Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) 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 Fruitland Family Farms LLC Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: A Special Permit for expansion of the approved Zoning Clearance Certificate PLN-2019-16057. The project will expand from the approved 5,000 square feet of light deprivation outdoor cultivation to the proposed 10,000 square feet of light deprivation outdoor cultivation. The cultivation will occur in five (5) 2,000 square foot greenhouses. The applicant hopes to achieve two (2) harvests annually. All water will be sourced by rainwater catchment from an existing rooftop rainwater catchment system. The estimated water needed annually for irrigation is approximately 72,500 gallons (7.25 gal/sq.ft./yr). There are twelve (12) 5,000 gallon tanks connected to the catchment system, two (2) existing 2,500 gallon tanks, and three (3) proposed 5,000 gallon tanks for a total of 80,000 gallons of water storage. There is also an existing 21,000 gallon pond designated for fire suppression. Drying and curing will occur onsite in the proposed 1,040 square foot drying shed. Operations will be handled by family members living onsite, no employees are proposed. Power is sourced from PG&E. The project also requires a reduction of the 300 feet setback from an existing residence, and the owner of that residence has provided permission to waive this setback requirement.

There will be 10,000 SF of outdoor cultivation proposed to be within five (5) 5,000 square foot greenhouses which will be equipped with automatic light deprivation tarps. The applicant hopes to achieve two (2) harvests annually. Ancillary propagation is proposed to occur within a 1,000 square foot nursery. A permitted 1,040 square foot shed will be used for drying and curing. Further processing will occur at a licensed third-party facility. Two (2) shipping containers will also be utilized for storage. The applicant shall permit or acquire agricultural exemptions for all buildings with a nexus to cannabis, including but not limited to five (5) greenhouses, and one (1) nursery area.

The site is located in an area of Moderate Instability for seismic safety. The project is located on an existing flat with slopes of less than 15% and no grading is proposed.

There is an ADA-accessible portable toilet onsite.

The project is within the jurisdiction of Southern Humboldt Joint Unified School District. The project was referred to them on August 18th, 2021 and no response has been received. The project has not been found to be within 600 feet of a school or bus stop.

Water Resources

The project's water source is rainwater catchment. There is an existing rooftop catchment system on the residence, which provides a catchment area of 3,200 square feet. Water from rainwater catchment flows directly to six (6) existing 5,000 gallon tanks and will flow directly to a total of twelve (12) 5,000 gallon tanks. There are also two (2) existing 2,500 gallon tanks and three (3) additional proposed 5,000 gallon tanks, for a total of approximately 80,000 gallons of water storage available. There is also an existing 21,000 gallon pond designated for fire suppression and an additional 2,500 gallon tank for domestic water. By utilizing metered drip irrigation, the applicant estimates that annual water usage for irrigation

will be approximately 72,500 gallons (7.25 gal/sq.ft./yr). There is an existing well onsite, which is used exclusively for domestic water. No water sourced from wells will be used for irrigation.

The project site is not located in a wetland mapped by the National Wetlands Inventory and no wetland or riparian communities are located within the proposed footprint of the cultivation site. A Class III drainage goes through the parcel, but all sites are more than 50 feet from the drainage. It is unlikely that any wetland habitats have potential to be impacted by the proposed project.

The applicant is currently cultivating under the approved PLN-2019-16057, which was enrolled in the State Water Resources Control Board's (SWRCB) (Order WQ 2019-0001-DWQ) General Waste Discharge Requirements and Waiver of Waste Discharge Requirements. A Site Management Plan which matches the proposed project's description was developed outlining the measures required to meet the standards of the SWRCB's Order. The applicant shall adhere to the measures and recommendations within the SMP.

Fire Safety

The project is located within the State Responsibility Area in an area designated as High Fire Severity. The applicant has designated a 21,000 gallon pond for fire suppression. Additionally, the project is located in the Fruitland Ridge Fire Protection District.

Biological Resources

A biological resource survey was conducted in the study area on May 10th, 2022 by Corrina Kamoroff, a qualified biologist. This survey was used to inform the Biological Resource Assessment (BRA) prepared by biologist Corrina Kamoroff for Hohman & Associates Forestry Consultants on May 24th, 2022.

The subject parcel is within mapped range of certain rare or endangered plant species listed in the California Natural Diversity Database (CNDDDB) layer shown in Humboldt County's WebGIS. According to the BRA, the proposed greenhouses are sited on a graded barren flat on open grassland habitat and the surrounding area contains an abundance of non-native flora species. An invasive species management plan was prepared for PLN-2019-16057, and any invasive species onsite shall be removed prior to their bloom and seed periods each year, though a protocol-level Invasive Species Survey is recommended by the Biological Resources Assessment and required by the conditions (A.7 & B.8). Given that the expansion area is barren from pre-disturbance, there is no likely impact to special status plant species and a Botanical Study is unnecessary.

The subject parcel is located outside of any mapped ranges for rare or endangered fauna species listed in the California Natural Diversity Database (CNDDDB) layer shown in Humboldt County's Web GIS. The nearest northern spotted owl (NSO) activity center is approximately 0.8 miles from the proposed cultivation area and there are three (3) NSO observations which are approximately 0.6 miles from the proposed cultivation area and are associated with two (2) different NSO activity centers. The BRA determined that although the project site contains the NSO's preferred habitat, Northern Spotted Owl Surveys were conducted in 2022 for timber operations on an adjacent parcel and no NSO were detected within 0.75 miles of the project area, therefore the project is not expected to significantly impact the NSO. The parcel is connected to PG&E power, minimizing noise. The project will adhere to International Dark Sky Association standards, so no light shall escape the greenhouses between dusk and dawn.

The BRA concluded that although the project site has the potential to support special-status animal species, any negative direct impacts to sensitive habitats, and any foreseeable indirect impacts to the environment, surrounding habitat, or wildlife would be reduced to a less than significant level if the recommended mitigations are followed. Recommendations within the BRA include completing an Invasive Species Survey, conducting bird surveys pre-construction if vegetation removal for construction must take place during nesting season, following guidelines for reducing noise and light pollution, containing any generators in an insulated structure, limiting pesticide use to low-risk exempt substances, not spraying pesticides in the presence of any pollinators, and not allowing drift to any flowering plants

in the surrounding area. These recommendations have been included in the conditions of approval for the project, and construction activities shall only commence in the event that no rare threatened or special-status species are found onsite. If rare, threatened, or special-status species are found onsite, the biologist shall notify the Planning Director in consultation with CDFW. The Planning Director shall determine in consultation with CDFW whether modifications to the project design are possible to avoid removal of occupied habitat while still achieving project objectives, or if avoidance is not feasible.

The project was referred to the California Department of Fish & Wildlife (CDFW) on August 18th, 2021, and no comments were received. The applicant submitted a Notification of Lake or Streambed Alteration with CDFW in 2020. There are no stream crossings nor culverts onsite. Due to the pond onsite, the project will need to comply with the protocols addressed in the CDFW Bullfrog Management Plan.

Noise

Performance Standards required in the CCLUO, per section 55.4.12.6, states that noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of site. Because the power is sourced from PG&E, the greenhouses fans are quiet, and the electric pumps between the catchment tanks and the greenhouses are silent, the project is not expected to raise noise levels. A Noise Study was prepared for the project, showing that the average daytime ambient noise levels at the property lines are between approximately 35 dbA and 43 dbA. Due to its proximity to the road, the sound levels at the west property line are notably higher on average than the other property lines. Excluding the west property line, ambient noise levels are up to 39 dbA on average.

Energy Plan

The project's power source is PG&E and an existing solar panel array. Power supplied by PG&E will be from 100% renewable sources. There are no generators onsite.

Tribal Cultural Resource Coordination

The project is located within the ancestral aboriginal territories of the Sinkyone Intertribal Wilderness Council and the Bear River Band of Rohnerville Rancheria. The project was referred to the Sinkyone and Bear River Band tribes on August 18th, 2021. A cultural resources study which covered approximately 100% of the proposed project area had been completed in January 2020 and found no cultural resources in the proposed project area. No additional survey is required. NWIC also identified a building in the proposed project area from the US Geological Survey Myers Flat 7.5' quad map from 1969. This is likely the residence, which is not proposed to be used by the cultivation project, nor is it proposed for demolition. Inadvertent discovery protocols are in place for the project. In the event that cultural resources are encountered during project activities onsite, the applicant shall adhere to inadvertent discovery protocols, halt operations, and contact a qualified archaeologist.

Access & Parking

Access to the site is via a driveway off of Dyerville Loop Road, a paved County-maintained road. The applicant submitted a road evaluation report for Dyerville Loop Road with PLN-2019-16057 certifying that it is developed to the Category 4 road standard or better along the segment between the driveway and Elk Creek Road. The new project was referred to Public Works and comment was received September 2nd, 2021, indicating that previous comments for PLN-2019-16057 from May 4th, 2020 are still applicable. The department had recommended conditions of approval for the project, including: the applicant is advised that the County-maintained roads may generate dust and other impacts to farms and the applicant shall hold the County harmless from these impacts, all fences and gates shall be relocated out of the County right-of-way with appropriate setbacks, no materials shall be stored or placed in the County right-of-way, any existing or proposed driveways accessing the project shall be improved to current standards and will require an encroachment permit from the Department of Public Works, and all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility). The recommended conditions have been included in the Conditions of Approval for the project that must be met before commencing project activities onsite.

The project will be owner-operated with no employees and the owners reside onsite. The driveway parking is sufficient.

Summary

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 Environmental Impact Report that was adopted for the Commercial Cannabis 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.