

SUPPLEMENTAL INFORMATION #1

For Zoning Administrator Agenda of:
June 17, 2021

<input checked="" type="checkbox"/>	Consent Agenda Item	No. C-11
<input type="checkbox"/>	Continued Hearing Item	
<input type="checkbox"/>	Public Hearing Item	
<input type="checkbox"/>	Department Report	
<input type="checkbox"/>	Old Business	

Re: Hog Trap Farms, LLC, Special Permit

Record Number: PLN-13356-SP
Assessor Parcel Number: 218-081-003
1131 Hogtrap Road, New Harris area

Attached for the Zoning Administrator's record and review is a revised resolution that was not included in the staff report for the hearing:

1. Revised Resolution for the proposed project updating hearing dates.

Staff response: The resolution was revised to update the date of the hearing to June 17, 2021 (date of hearing). Additionally, page 1 of the resolution has been revised to modify two erroneous references to the Planning Commission (corrected to Zoning Administrator). The revisions to the resolution does not change the findings or recommendations by staff.

***REVISED RESOLUTION OF THE ZONING ADMINISTRATOR ~~PLANNING COMMISSION~~
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 21-
Record Number: PLN-13356-CUP
Assessor's Parcel Number: 218-081-003**

Resolution by the Zoning Administrator ~~Planning Commission~~ of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Hog Trap Farms, LLC, Special Permit request.

WHEREAS, Hog Trap Farms, LLC, submitted an application and evidence in support of approving a Special Permit for an existing 10,000 square feet (SF) of outdoor cannabis cultivation that is cultivated using light deprivation techniques in four (4) greenhouses. No onsite propagation occurs. Irrigation water is sourced from a 2,000,000-gallon rainwater catchment pond. Existing available water storage is 2,008,500 gallons in three (3) HDPE water storage tanks and the rainwater catchment pond. Estimated annual water usage is 114,050 gallons. Drying and curing occurs onsite, and depending upon market conditions, processing may occur onsite using trim machines within the drying barn, off-site at a licensed facility, or sold directly for extraction. A maximum of four people will be on-site during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E); and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on **June 17, 2021** ~~June 3, 2021~~, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Special Permit for an existing 10,000 square feet (SF) of outdoor cannabis cultivation that is cultivated using light deprivation techniques in four (4) greenhouses. No onsite propagation occurs. Irrigation water is sourced from a 2,000,000-gallon rainwater catchment pond. Existing available water storage is 2,008,500 gallons in three (3) HDPE water storage tanks and the rainwater catchment pond. Estimated annual water usage is 114,050 gallons. Drying and curing occurs onsite, and depending upon market conditions, processing may occur onsite using trim machines within the drying barn, off-site at a licensed facility, or sold directly for extraction. A maximum of four people will be on-site during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E).

EVIDENCE: a) Project File: PLN-13356-SP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

- EVIDENCE:**
- a) Addendum prepared for the proposed project.
 - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
 - c) A Site Management Plan was prepared by the applicant to show compliance with the State Water Board Cannabis General Order for Waste Discharge. The applicant is required to provide a copy of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability.
 - d) California Department of Fish and Wildlife Resource Maps indicate no Special Status species are known to occur within the project area. A review of the California Natural Diversity Database (CNDDDB) Spotted Owl Observation Database showed that Northern Spotted Owl habitat exists in the vicinity and the nearest positive sighting and activity center is approximately 0.7 miles from the site. There is no use of artificial lighting authorized by this permit. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
 - e) Based on review of historic aerial imagery dating back to 2004, timber conversion has occurred onsite in order to accommodate the existing greenhouses, drying barn, and rainwater catchment pond. Per comments received from the California Department of Forestry and Fire Protection (CalFire), dated January 2021, it was noted that, based on airphoto review, that trees were removed in 2013 and that a CalFire harvest document should have been obtained prior to removing the trees. As a result, the project is conditioned to require the property be evaluated to determine the amount of timber conversion that occurred prior to the CMMLUO baseline date of January 1, 2016, if any, and any measures determined to be necessary by the RPF to mitigate for the unauthorized timber conversion shall be implemented. The applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO. To address comments received from CalFire, the applicant/owner is required to obtain a Timber Conversion Report from a RPF and/or a Less Than Three Acre Conversion Exemption or Timber Conversion Permit from CalFire, as determined necessary by the RPF, to address previously unpermitted timber conversion. Additionally, the applicant/owner shall be required to re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date. Further the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a

period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan, as described in the recommended conditions of approval, shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met.

- f) A Cultural Resources Investigation was prepared by Archaeological Research and Supply Company in May 2018 and covers the subject property, in addition to 18 additional properties. The 19 total properties cover approximately 830 acres and, per the Report, approximately 410 acres of the Area of Potential Effect (APE) including a 600-foot buffer were surveyed. While three (3) prehistoric isolates were discovered during the survey, none were located on the subject property. Inadvertent discovery protocol is recommended and is included as an ongoing condition of approval.
- g) A Road Evaluation Report was prepared for the 1.1-mile segment of Hog Trap Road by the property owner in July 2020 which identified that the road is suitable for safe access to and from the project site and meets a Category 4 road equivalent standard. The submitted road evaluation included sufficient photographic evidence to verify the roadway condition as described, including roadway width and line of sight. As no additional employees will be required for the project, a significant increase in traffic is not anticipated. Conditions of approval require the applicant to obtain and encroachment permit from the Department of Public Works and improve the intersection of Hog Trap Road with Island Mountain Road. Conditions of approval also require the applicant to take steps to form a Road Maintenance Association for the maintenance of Hog Trap Road.

FINDINGS FOR SPECIAL PERMIT

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| 3. FINDING | The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program. |
| EVIDENCE | <ul style="list-style-type: none"> a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program. |
| 4. FINDING | The proposed development is consistent with the purposes of the existing FR zone in which the site is located. |
| EVIDENCE | <ul style="list-style-type: none"> a) The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare. |

- b) All general agricultural uses are principally permitted in the FR zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 10,000 square feet of cultivation on a 40-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created by an approved and recorded Parcel Map Subdivision (Parcel 114 of Parcel Map Book 1 Pages 75 through 85).
- c) Water for irrigation is provided by an approximately 2,000,000-gallon rainwater catchment pond. Water from the rainwater catchment pond is shared with the adjacent property (APN 218-071-003, same owner and applicant) for which a separate cannabis permit has been applied for (PLN-13336-CUP). Irrigation utilizes a timed, drip irrigation system in order to prevent any over-watering or runoff. Additionally, time of day watering and moisture-retentive soils are utilizing for water conservation. Conditions of approval require the applicant to monitor water use from the water pond and storage tanks annually to demonstrate there is sufficient water available to meet operational needs.
- d) A Road Evaluation Report was completed by the property owner in July 2020. The Evaluation addressed a 1.1-mile segment of Hogtrap Road to Island Mountain Road, which is a County-maintained road and approved for use by commercial cannabis operations by the Department of Public Works. All road segments evaluated were found to be functionally appropriate for the expected traffic.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) Based on review of historic aerial imagery dating back to 2004, timber conversion has occurred onsite in order to accommodate the existing greenhouses, drying barn, and rainwater catchment pond. Per comments received from the California Department of Forestry and Fire Protection (CalFire), dated January 2021, it was noted that, based on airphoto review, that trees were removed in 2013 and that a CalFire harvest document should have been obtained prior to removing the trees. As a result, the project is conditioned to require the property be evaluated to determine the amount of timber conversion that occurred prior to the CMMLUO baseline date of January 1, 2016, if any, and any measures determined to be necessary by the RPF to mitigate for the unauthorized timber conversion shall be implemented. The applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental

document prepared for the CMMLUO. To address comments received from CalFire, the applicant/owner is required to obtain a Timber Conversion Report from a RPF and/or a Less Than Three Acre Conversion Exemption or Timber Conversion Permit from CalFire, as determined necessary by the RPF, to address previously unpermitted timber conversion. Additionally, the applicant/owner shall be required to re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date. Further the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan, as described in the recommended conditions of approval, shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met.

- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 10,000 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a rainwater catchment pond.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE

- a) The parcel was included in the housing inventory of Humboldt County's 2019 Housing Element and was found to have the potential to support one

housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Hog Trap Farms, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **June 17, 2021**~~June 3, 2021~~.

I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

John H. Ford
Zoning Administrator, Planning and Building Department