

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 EIR 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 VZIR, LLC Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: VZIR, LLC seeks a Special Permit to allow for 12,400 square feet of new mixed light commercial cannabis cultivation, in addition to 7,072 square feet of permitted mixed light commercial cannabis cultivation. Ancillary propagation will expand from 700 square feet to a total of 2,000 square feet. The applicant anticipates there will be two cultivation cycles occurring annually. All processing will occur offsite until such time the applicant has obtained a commercial processing facility. The applicant anticipates a maximum of four (4) employees will be required for operations. Artificial lighting used for project activities will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO (**General Condition B.2**) Energy for the project will be provided by PG&E. A 25kW generator will be kept on site for emergency backup use.

Water Resources

Water for irrigation will be provided by an existing rainwater catchment system. Water is collected from the rooftop of the 2,400 square foot ag-exempt barn. The existing system can capture up to 91,000 gallons of rainwater for irrigation. The applicant has is also proposing to construct a 350,000-gallon rainwater catchment pond on the neighboring property under the same ownership (APN 107-103-014). The projected annual water usage for this parcel is 214,000 gallons. Water use on the neighboring parcel (APN 107-103-014) is estimated at 142,000 gallons annually for a total annual water use of 356,000 gallons across both parcels. The applicant submitted a memo detailing the expected water loss due to evaporation prepared by Northpoint Consulting Group dated June 21, 2022. The memo projects approximately 21% of the pond depth to be lost due to evaporation. It is estimated that the rainwater collection system and proposed pond can collectively capture approximately 367,500 gallons of water for irrigation.

Prior to commencing operations, the applicant is required to construct the 350,000-gallon rainwater catchment pond. Photo documentation or a site visit from Planning Staff, documenting that there is adequate rainwater stored in the pond and onsite to support the operation will satisfy this requirement (**General Condition A.13**).

Biological Resources

The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 219 permits and the total approved acres would be 77.36 acres of cultivation. The parcel is adjacent to a mapped summer-run steelhead trout CNDDDB occurrence surrounding the Mattole River. The nearest NSO activity center (HUM1012) is approximately 0.68 miles northwest of the cultivation area, and another activity center (HUM0536) is approximately 1.17 miles southwest of the cultivation area. Due to the

proximity of NSO activity centers, the project has been conditioned to limit project related noise to 50db 100 feet from the noise source or edge of habitat, whichever is closer. Prior to commencing operations, the applicant will submit a Noise Source Assessment documenting average ambient noise levels (**Condition A.15**).

The applicant submitted a Biological Assessment prepared by Timberland Resource Consultants dated May 20, 2020. The report found that the Biological Assessment Area had suitable habitat for several sensitive species, however with recommended mitigation measures project activities would result in less than significant direct and indirect impacts. Biologist recommendations have been included as a condition of approval for the project in Attachment 1 below (**General Condition A.12**).

The applicant submitted a report prepared by a Registered Professional Forester (RPF) to address CalFIRE referral comments. Based on the attached report during cleanup on the site, a burn pile scorched trees and the trees were subsequently harvested and milled for lumber. The RPF Report determined that no grading or timberland conversion occurred, however the Report recommends restocking the area with Douglas-fir trees pursuant to the submitted RPF Restocking Plan. Restocking has been included as a recommended condition of approval (**General Condition A.7**).

The applicant submitted a *Botanical Survey* dated June 3, 2022. The report did not locate any special status plant species or sensitive natural communities. Prior to commencing operations, the applicant will submit an Invasive Species Management Plan, to the Planning Department, documenting the invasive species onsite and provide a timeline for their removal on an annual basis (**General Condition A.14**).

Access

The property is accessed via private driveway from Mattole Road, a County-maintained Road with a centerline stripe. The Department of Public Works recommended approval of the project with conditions. The conditions include relocation of any gates out of the County right-of-way, paving the driveway apron for a minimum width of 18 feet and a minimum length of 50 feet, and to maintain the driveway intersection with Mattole Road in accordance with the County Sight Visibility Ordinance. These have been included in the recommended conditions of approval (**General Conditions A.8 – A.10**).

Tribal Consultation

The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to Northwest Information Center, Bear River Band, and Sinkyone tribe. The applicant submitted a Cultural Resource Inventory Report included in the application materials, evaluating the subject properties. The survey was positive, resulting in the location of a previously recorded artifact. No new resources were observed, and the report concluded the current and proposed cannabis operation will have no effect to any historic resources from the project. Referral responses recommended Inadvertent Discovery Protocol, which has been included as a recommended condition of approval (**General Condition B.25**).

Environmental Review

Based on the results of the 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).

RECOMMENDATION: 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.