

**Green Gate Gardens, LLC**  
Record Number: PLN-11550-SP  
Assessor's Parcel Number: 522-143-024

**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 Green Gate Gardens, LLC Special Permits as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Green Gate Gardens, LLC seeks a Special Permit for 9,250 square feet (sf) of pre-existing outdoor cannabis cultivation with 920 sf of ancillary propagation. Cultivation activities extend from April to November annually. Water for irrigation is provided by the Willow Creek Community Services District. Annual water usage is estimated at 132,500 gallons. Drying and curing will occur on-site and trimming will occur off-site at a licensed processing facility. Power to the subject parcel is provided by PG&E. An additional Special Permit is being requested for a setback reduction to public lands (SRNF) to approximately 267 feet.

A maximum of four (4) 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, or harvested product will be collected by a fresh-frozen pick. The project was referred to the Department of Environmental Health (DEH) on May 17, 2018, and comments were received on September 5, 2018. Comments from DEH recommended approval of the project. 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 5,000 sf of outdoor light-deprivation cultivation with two harvests annually, 4,250 sf of full-sun outdoor cultivation, and 920 sf of ancillary propagation on-site. The project was referred to the Building Division on May 17, 2018, and a building inspection was conducted on December 13, 2021. Comments from the Building Division stated that the historic grading has been permitted, and permits are still needed for the greenhouses, electrical, plumbing and mechanical. There are a total of two (2) light-deprivation greenhouses, one (1) 20' x 96' greenhouse (920 sf designated for ancillary propagation area and 1,000 designated for storage), and (one) 24' x 24' multiuse building used for harvesting, drying and storage. Trimming will occur off-site at a licensed processing facility, or harvested product will be collected by a third-party fresh-frozen pickup service. The applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility or licensed fresh-frozen pickup service, 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: two (2) light-deprivation greenhouses, one (1) ancillary propagation and storage greenhouse, three (3) storage containers, and one (1) multiuse building (**Condition A.6**).

The applicant received a letter from the Planning & Building Department, dated June 5, 2017, stating that the County had received a complaint of unauthorized grading, construction of a dwelling and placement of cargo containers without the proper permits. The applicant has since permitted with the Building Division the historic grading that was done, and the remediation of historic cultivation areas on-site. Remediation activities of historic cultivation areas included removing cultivation related materials and waste, reducing slash, revegetating the area with native tree species, and the installation of erosion

control and drainage features. The applicant will be conditioned to permit all other structures with a nexus to cannabis, through the approval of this application.

### **Setbacks**

The project site is located adjacent to the Six Rivers National Forest (SRNF), and the applicant is seeking a Special Permit to approve a setback reduction to public lands to approximately 267 feet. The project was referred to the SRNF on May 17, 2018, and the agency replied on September 11, 2018. Comments from the agency included the recommendation of denial, and recommended that the applicant obtain a property survey to verify that the operation is not trespassing on federal lands. The applicant did obtain a property survey from Kolstad Land Surveyors, and it has been determined that the project is not encroaching on federal lands, nor does the project utilize forest service roads for transportation of cannabis.

The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The applicant obtains power from PG&E, and remediation occurred in historic cultivation areas in the eastern section of the parcel. The project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related facilities.

The project was referred to the Klamath-Trinity Joint Unified School District (KTJUSD) on May 17, 2018, and comments were received on May 21, 2018. Comments from the KTJUSD made a recommendation of denial for the project stating that there are school bus stops at Peach Tree Lane. Through communication with the KTJUSD, it has been verified that there are no school bus stops near the project. The project site is more than 600 feet from any school, school bus stop, church or other place of religious worship, or Tribal Cultural Resource.

### **Water Resources**

The project sources water from the Willow Creek Community Services District (WCCSD). Anticipated annual water usage is 132,500 gallons, and the applicant has a Will Serve letter from the WCCSD, dated June 27, 2017, allowing the applicant to continue to use up to 36,000 cubic feet (269,298 gallons) of water annually for agricultural use. The WCCSD has a Drought Ordinance in its Board Policy, and in the event of a drought the water usage may be restricted per the policy and the applicant shall adhere to any restrictions set forth by the WCCSD (**Ongoing Condition B.3**). There is 4,050 gallons of water storage in hard-sided tanks on-site designated for irrigation, and there is one (1) 2,500-gallon tank designated for fire suppression.

The site was historically enrolled in the North Coast Regional Water Quality Control Board's Order No. R1-2015-0023, under WDID: 1B161096CHUM. The applicant has had a Water Resource Protection Plan (WRPP) prepared by Manhard Consulting, dated February 2017. The WRPP states that there are no streams on the property, and includes measure recommended to meet the standard conditions of the Order. Corrective actions recommended are listed in Table 1 of the WRPP, and the applicant shall adhere to the recommended actions in Table 1 (**Condition A.7**).

The applicant has also enrolled in the State Water Resources Control Board's (SWRCB) General Order (No. WQ 2019-0001-DWQ) for Waste Discharge Requirements and Water Quality. A Notice of Applicability letter dated June 4, 2019, shows proof of enrollment under WDID 1\_12CC414523. The project is required to have a Site Management Plan prepared to outline on-site measures required to meet the standard conditions 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 ongoing recommendations within the final SMP (**Condition A.8**).

There are no streams or stream crossings on the subject parcel and the project does not require a Lake or Streambed Alteration Agreement with the California Department of Fish & Wildlife (CDFW).

### **Fire Hazard**

The parcel is located in an area known to have a Very High Fire Hazard Severity, and is located within the Willow Creek Volunteer Fire District (WCVFD) Response Area. The project was referred to the WCVFD on May 17, 2018, and no comments were received by the agency. The applicant will obtain a will serve letter from the WCVFD or shall 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. Document review fees as set forth in the schedule of fees and charges as adopted by the Board of Supervisors will be required (**Condition A.9**). The project is also within the State Responsibility area for CalFire, and the applicant has designated a 2,500 gallon tank for fire suppression, and there is ample room for a firetruck turnaround on-site.

### **Timber Conversion**

The applicant obtained a less-than-3-acre conversion exemption permit with CalFire for the conversion of approximately 2.5 acres of timberland on-site. The project was referred to CalFire on May 17, 2018, and comments from CalFire stated that they had no comments on the project.

### **Biological Resources**

The project is located approximately 1.58 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 for the fisher. As the project is for pre-existing cultivation and no new development is proposed, no Biological Assessment was required. The project was referred to CDFW on May 17, 2018, and comments were received on July 15, 2019. Comment from CDFW requesting clarification on the following: the projects proposal for outdoor or mixed-light, the use of fans within the greenhouses, if there was an approved less-than-3-acre conversion exemption, and the potential use of the historic cultivation areas in the eastern portion of the project. The applicant is not proposing any mixed-light cultivation, uses two (2) 24v fans in each light-deprivation greenhouse, has an approved less-than-3-acre conversion exemption permit, and will not be cultivating the historic cultivation areas in the eastern portion of the parcel.

There are no streams or stream crossings on the subject parcel and the project does not require a Lake or Streambed Alteration Agreement with CDFW. No generators are proposed as part of the project. The applicant is required to comply with International Dark Sky Standards, and 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 (**Ongoing Conditions B.4 & B.5**).

### **Tribal Cultural Resource Coordination**

The project site is located in the Hoopa and Tsnungwe Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), the Hoopa Tribe, and the Tsnungwe Council on May 17, 2018. The NWIC replied on May 29, 2018, recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Tsnungwe Council commented on September 22, 2019, stating that they had no concerns about the project. 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 County maintained Patterson road, from Peach Tree Lane which is a private road. The applicant submitted a Road Evaluation Report form for the 0.22 mile section of Peach Tree Lane, including pictures of the road, designating it as being developed to the equivalent of a category 4 road standard. The project was referred to the Department of Public Works on May 17, 2018, and comments were received on September 11, 2018, recommending conditional approval for the project. The applicant shall adhere to the following recommendations from the Department of Public Works (**Condition A.10**):

- All driveways and private road intersections onto the County Road intersections onto the County Road shall be maintained in accordance with the County Code Section 341-1 (Sight Visibility Ordinance).
- The access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

**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 Lower Trinity Planning Watershed, which under Resolution 18-43 is limited to 169 permits and 58 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 59 cultivation permits and the total approved acres would be 25.6 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.