



COUNTY OF HUMBOLDT

Legislation Details (With Text)

File #: 23-1258 **Version:** 1 **Name:**
Type: Zoning Item **Status:** Public Hearing
File created: 9/11/2023 **In control:** Planning Commission
On agenda: 9/21/2023 **Final action:**
Title: Big River Farm, LLC; Conditional Use Permit and Special Permit
Record Number: PLN-11892-CUP (filed 12/27/2016)
Assessor Parcel Numbers (APN) 108-023-008
Ettersburg area

A Conditional Use Permit (CUP) for Big River Farm, LLC to allow 22,000 square feet (SF) existing outdoor cannabis cultivation on a 90-acre parcel, and a Special Permit to reduce the setback to BLM public land. An approximately 1.1-acre area at the southern parcel line will be planted with trees under the guidance and review of a Registered Professional Forester to increase the buffer to publicly owned and managed lands, and to increase the habitat buffer. Cultivation occurs in six (6) greenhouses utilizing light deprivation to achieve two harvest cycles. Propagation occurs onsite in a 2,190 SF ancillary nursery. Irrigation water is sourced from a groundwater well which has been evaluated for connectivity to surface waters, supplemented by rain catchment. The estimated annual irrigation water usage is 219,000-gal. (9.9 gal./SF/year). Water storage totals 86,600-gal. in hard tanks, and applicant has secured grant funding to install an additional 50,000-gal. of storage tanks for a total of approximately 138,700-gal. Processing such as drying and curing will occur onsite in an existing 30' x 40' garage attached to the 1,200 square foot residence, or in the existing 30' x 40' storage shed. All other processing such as trimming and packaging will occur offsite at a licensed facility. Power for the cultivation operation is provided by P.G.&E., and generators for emergency backup power. Five employees are anticipated to meet operational needs during peak season.

Sponsors: Planning and Building, Laura McClenagan

Indexes:

Code sections:

Attachments: 1. 11892 Staff Report 9.21.23, 2. Attachment 1 - Draft PC Resolution, 3. Attachment 1A - 11892 Conditions of Approval, 4. Attachment 1B - Cultivation Operations Plan 07.25.2023, 5. Attachment 1C - Site Plan, 6. Attachment 1D - Cultivation Area Verification 11.09.2017, 7. Attachment 1E - Alternative Resolution for project denial, 8. Attachment 2 - Location Maps, 9. Attachment 3 - CEQA Addendum, 10. Attachment 4A - Big River Farms Signed LSAA Agreement_03.19.2019, 11. Attachment 4B - Hydrologic Isolation Assessment SIGNED 04.13.2023, 12. Attachment 4C - Update to Well Analysis 07.18.2023, 13. Attachment 4D - Light Management Plan 05.01.2019, 14. Attachment 4E - NOI 6.30.2017, 15. Attachment 4F - Property Boundary Survey 03.19.2019, 16. Attachment 4G - Road Evaluation 06.01.2018, 17. Attachment 4H - Water Well Application 12.18.2018, 18. Attachment 4I - Well Completion Report 12.18.2018, 19. Attachment 4J - WRPP 12.18.2018, 20. Attachment 4K - DEH Worksheet 6.30.2017, 21. Attachment 4L - Restocking Plan 07.10.2023, 22. Attachment 4M - Wildlife Assessment Report 04.26.2019, 23. Attachment 5 - Referral Agency Comments and Recommendations, 24. Attachment 6 - Public Comments made from 2019 PC hearing, 25. Attachment 7 - Public Comment from 2022 hearing, 26. Attachment 8 - Watershed Map

Date	Ver.	Action By	Action	Result
9/21/2023	1	Planning Commission	denied	Pass

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Big River Farm, LLC; Conditional Use Permit and Special Permit

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RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 23-__), (Attachment 1) which does the following:
 - a. Finds that the Planning Commission has considered the project specific Addendum to the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance that was prepared for the Big River Farms, LLC project); and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Conditional Use Permit and Special Permit, subject to the recommended conditions of approval (Attachment 1A)

OR

2. Adopt the alternative resolution (resolution 23-__), (Attachment 1E) which does the following:

- a. Finds the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270 (projects which are disapproved); and
- b. Finds that the project has the potential to have a detrimental effect on the public health, safety, and/or welfare in conflict with the General Plan and Zoning Ordinance; and
- c. Make the required findings to deny the Conditional Use Permit and Special Permit.

DISCUSSION:

Project Location: The project is in the Ettersburg area, on the southeast and northwest side of Wilder Ridge Road, approximately 1.9 miles from the intersection of Kings Peak and Wilder Ridge Road, on the property known as 9320 Wilder Ridge Road.

Access: The project is located in the Ettersburg area. The property is accessed via a private road, 0.2 miles in length, that is accessed on the southerly side of Wilder Ridge Road. The private drive trends south and west to the project site. Wilder Ridge Road is accessed from Ettersburg Road. The Department of Public Works has approved Ettersburg Road and Wilder Ridge Road for commercial cannabis use. The applicant has completed a road evaluation report self-certifying that the entire segment of the private road is developed to the equivalent of a Category 4 road standard. The proposed project is not anticipated to generate significant additional vehicle trips or road use.

Present General Plan Land Use Designation: Agriculture General (AG); Timber Production (T), Slope Stability: Moderate Instability (2), Density: 160 to 20 acres per dwelling unit.

Present Zoning: Agriculture Exclusive (AE); Timberland Production (TPZ).

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of CEQA Guidelines.

State Appeal: The proposed project is NOT appealable to the California Coastal Commission.

Major concerns: None.

Executive Summary: Big River Farm, LLC seeks a Conditional Use Permit to allow 22,000 square feet (SF) existing outdoor cannabis cultivation on a 90-acre parcel. The project is within 600 feet of public land and requires a Special Permit to reduce the setback to BLM public land. An approximately 1.1-acre area at the southern parcel line will be planted with trees under the guidance and review of a Registered Professional Forester to more comprehensively address and increase the buffer to publicly owned and managed lands, and to increase the habitat buffer. Cultivation occurs in six (6) greenhouses utilizing light deprivation to achieve two harvest cycles. Juvenile plants are propagated on-site in a 2,190 SF ancillary nursery. Irrigation water is sourced from a groundwater well which has been evaluated for connectivity to surface waters. The estimated annual irrigation water usage is 219,000-gal. (9.9 gal./SF/year). Water storage totals 88,700-gal. in hard tanks, one is a 40,000-gal. metal tank which stores rainwater captured from the roof of the 2,400 SF residence. and applicant has secured

grant funding to install an additional 50,000-gal. of storage tanks for a total of approximately 138,700-gal. Processing such as drying and curing will occur onsite in an existing 30' x 40' garage attached to the 1,200 square foot residence, or in the existing 30' x 40' storage shed. All other processing such as trimming and packaging will occur offsite at a licensed facility. Power for the cultivation operation is provided by P.G.&E., and generators for emergency backup power. Five employees are anticipated to meet operational needs during peak season.

Water Resources: Water for irrigation will be sourced from a permitted groundwater well (Permit No. 17/18-1912) which has been evaluated for connectivity to surface waters and wetlands, supplemented by rain catchment. An assessment of the well was conducted by Lindberg Geological Consulting which determined the well to likely not be hydrologically connected to surface waters or wetlands. The assessment indicates there are no permitted springs within 1.5-miles of the project. However, according to the State Water Resources Control Board's eWIRMS water rights GIS mapping tool there are approximately 10 registered Points of Diversion from surface waters within one mile of the project site. The applicant anticipates 219,000-gal. of water will be required annually for irrigation. Current water storage totals 88,700-gal. in hard tanks, one of which is a 40,000-gal. metal tank that stores rain captured from the roof of the 2,400 SF residence. The applicant has secured grant funding to allow development of ten (10) additional 5,000-gal. tanks to bring the proposed total water storage up to approximately 138,700-gal. The 138,700-gal. of existing and proposed storage represents approximately 63% of the annual irrigation budget.

Biological Resources: A Wildlife Assessment authored by biologist Dennis Halligan of Stillwater Sciences dated 04/26/2019 was received. The assessment included a review of the project and its potential to affect various animals, including recommendations to limit restrict light escaping from illuminated greenhouses. The recommendations were incomplete and based on *no* generator use, and no presence of Northern Spotted Owl (NSO) because calls did not receive NSO response. As discussed in this section below, staff assumed the presence of NSO and has conditioned the project accordingly.

According to the California Natural Diversity Database (CNDDDB), there are no endangered or threatened species located on the parcel. However, the project is in close proximity to sensitive habitat. The proposed project is located on a ridge in the North Fork Bear Creek watershed in the Mattole River drainage. A Northern Spotted Owl (NSO) activity center is mapped 0.3 miles to the southeast of Greenhouse #4, and sightings connected to this activity center appear to the northwest of the project site. Marbled Murrelet critical habitat is located 0.5 miles to the southwest of the subject property. A portion of Jewett Creek originates in the northeast portion of the parcel. Approximately 0.5 mile downstream, the main stem of Jewett Creek is mapped as having the potential to support a winter steelhead run. The project area is outside of the required buffer for all Streamside Management Areas (SMA) or other surface waters.

Conditions of approval are included based on consultation with the California Department of Fish and Wildlife (CDFW). A noise and light attenuation plan will be required prior to the use of lights, fans, or emergency backup generator in the cultivation operation and lights shall be limited to propagation only. Any supplemental lighting used for ancillary propagation will be shielded to meet International Dark Sky Standards. The project utilizes grid energy, and a generator is used for emergency backup purposes. The conditions of approval require containment for any generators used on the subject

parcel. The maximum allowable noise exposure level for the cannabis operation is 50 dB when measured from the noise source at a distance of 100 feet or at the edge of habitat, whichever is closer. Project conditions regarding mitigation of light and noise are designed to prevent direct or indirect impacts to northern spotted owl or marbled murrelet species into the future. Staff verification of generator noise attenuation and light shielding are required prior to their use. Additional conditions prohibit use of anticoagulant rodenticides, prohibit use of monofilament for any purpose, requires waste to be stored in a manner to prevent access by wildlife, and requires *all* project noise to be at or below 50 decibels (dB) At 100 feet or nearest forested edge, whichever is closer.

Onsite relocation of a pre-existing cultivation area and replanting of a buffer for the southern parcel line are discussed immediately below in section labeled Public Land.

Public Land: The project was referred to the Bureau of Land Management (BLM). BLM provided comments dated May 1, 2019 and requested a boundary line survey be prepared to demonstrate that the cultivation does not encroach on federal property. A previous boundary survey was provided, prepared by licensed surveyor Dylan Kolstad in June 2015 showing the property line. The nearest greenhouse, after the onsite relocation, is currently setback 170 feet from the southern parcel line.

This project was originally Noticed for a hearing in front of the Planning Commission in April 2019. Based on concerns from BLM, CDFW, and neighboring property owners, the applicant decided to pursue retirement of this existing operation and relocate it under the RRR provisions of the Ordinance. A site in Honeydew was selected and the Planning Commission approved the relocation site as part of a larger relocation effort on October 3, 2019 (Honeydew Ranch, Application 12256). This application was appealed to the Board of Supervisors and the Board of Supervisors did not approve the relocation proposal. The applicant has since been unable to secure an alternative relocation site and is again seeking approval of the existing operation. More recently, the Planning and Building Department staff met with CDFW and BLM and developed a relocation and restoration proposal that all parties agreed was sufficient to address the concerns raised by the original project. The applicant has since agreed to implement this proposal, which is discussed in more detail in the restoration section of the staff report below.

Consistency with BLM Land Management Plan

The adjacent public lands are subject to the *2005 King Range National Conservation Area Resource Management Plan* (RMP). The lands adjacent to the project site are designated Front Country Zone in the RMP, and management activities in that zone include forest stand management, fuel reduction, fire break construction, and habitat and watershed protection and restoration. Staff believes that the Outdoor greenhouse 170 feet from the public lands, where Northern Spotted Owl habitat exists, is consistent with the goal of the RMP because no artificial lighting is allowed in the Outdoor greenhouse and project conditions require verification from staff before the use of fans; no lights are allowed within this greenhouse. The project is consistent with the RMP because the cultivation activities will protect fisheries and aquatic habitat on forest lands by restoring and maintaining buffers from streams and by placing controls on the storage and use of pesticides, rodenticides and fertilizers, and minimizing risk from wildfire by adhering to the County's Fire Safe Regulations, and the requiring adequate road access. The RMP's provisions for protection of heritage resources will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal

cultural resources. The project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and trails.

Restoration/Relocation: Due to the close proximity of publicly owned lands and environmentally sensitive habitat, and consultation with staff from CDFW and BLM, the applicant has eliminated all mixed-light cultivation, is relocating the greenhouse that was closest to the property line so that all cultivation will be a minimum of 275 feet from the property line and is proposing to restore an approximately 1.1-acre area along the property line with trees to provide a more comprehensive buffer between the public land and sensitive habitat, and the cannabis operation. BLM and CDFW staff had slight variations on specific planting recommendations. CDFW indicated conifers were preferred, as they would grow quickly compared to oak species like tanoak (*Notholithocarpus densiflorus*) or true oaks (*Quercus spp.*), and would provide denser canopy for habitat. BLM staff indicated both tanoak or true oaks would be acceptable, and treating for conifer encroachment would be up to the desires of the applicant. The applicant is managing the site with a Registered Professional Forester to mitigate fire risk, and they prefer to restock with tanoak. A Restocking Plan prepared by a Registered Professional Forester (RPF) from Timberland Resource Consultants dated June 26, 2023 describes site preparation and restocking of Dougals-fir or tanoak, a monitoring period to ensure seedling survival, and a five-year monitoring completion report prepared by an RPF to be provided to the Planning Division to certify the replanted area meets minimum stocking standards of 14 CCR 912.7. During a meeting with CDFW, BLM and the County, all parties agreed that this relocation and restoration proposal was an acceptable solution.

Public Comment: The project was Noticed for Planning Commission hearing on 05/02/2019, which resulted in some public comment regarding the project as described in 2019. Subsequent changes to the application have been made to address some of these comments.

Public Comment A: Email dated April 2, 2019 from neighboring property owners, and email dated April 30, 2019 from County Supervisor Steve Madrone raised two main concerns. First, the concern is that illegal activity may be occurring on the property and that gun violence did occur on this property related to the cannabis operation and that violence of this nature should be grounds for permit denial. Specifically, the neighboring property owners witnessed a gun fight occurred on the subject property and on the neighboring property. The second concern raised in this public comment was unpermitted development with potential sediment delivery to Bear Creek.

Staff response to Public Comment A: The concern raised in the comments regarding violence and illegal activity is directly related to the findings that the Planning Commission is required to make in order to approve the project. Section 312-17.1.4 of the Humboldt County Code states that the Hearing officer may only approve or conditionally approve a project if it finds that “*The proposed development and 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.*” Gun fights on or connected to the subject parcel would certainly be conditions that are detrimental to the public health, safety and welfare, and materially injurious to properties and improvements in the vicinity. There is nothing in the applicant’s submitted information to indicate that gunfire and illegal activity is part of how they operate the business, and they were fully enrolled in the County’s track and trace program. However, after receiving these comments planning staff contacted the County Sheriff

regarding the property in question. The property in question was not identified as related to the illegal grow referenced in the comment letter and the Sherriff stated that there is no specific confirmation of any illegal activity on the subject property. There are ongoing investigations in this part of the County regarding organized crime and activity similar to those raised in the public comment letters, but they cannot comment on the specifics of on-going investigations. These concerns were shared with the applicant, however the applicant has not responded. The incident raised by the concerned neighbors appears to have been a single incident, and staff has not been able to conclude that this is typical of the conditions under which the business is operated. However, the Planning Commission should consider the submitted public comments and any comments by the applicant and applicant's representative(s) at this public hearing in deciding whether the operation is likely to be detrimental to the public health, safety or welfare, or to properties or improvements in the vicinity. Attached to the staff report is an alternative resolution to adopt to deny the application *if* they believe evidence indicates the operation would be detrimental to the public's health, safety, and/or welfare.

Public Comment B: The second concern raised in these comments is regarding water quality in the Bear Creek Watershed, specifically that unpermitted work on this property may have been responsible for increased sedimentation in Bear River Creek. The comments indicate that sedimentation in the creek was more severe than any time in the 15 years that they lived on the property, and they believe that this site may be at least somewhat responsible.

Staff response to Public Comment B: The second issue raised of unpermitted development and potential sediment transport into Bear Creek was assessed using overhead imagery over the temporal range of 2005 (National Aerial Imagery Program - NAIP) to current, and an onsite inspection conducted by Planning Division staff on May 18, 2023 concurrently with staff from CDFW. Bear Creek is located approximately 2.5-miles southeast of the project site, at that location the project would have the unlikely potential to deliver sediment to Bear Creek. However, a fork of Jewett Creek is located 0.38-mile southeast of the project site, which is a tributary to Bear Creek. It would be difficult to determine if excess sedimentation of Bear Creek in 2019, as mentioned by the commenter, could be attributed solely to development on this site. Applicant will be required to obtain after the fact grading permits for all grading, including the development encroaching on BLM parcel to the south, and is required to winterize the site and immediately address any erosion issues in accordance with WRPP. As proposed and conditioned, staff believes the project will not deliver sediment to either Jewett Creek nearby, or Bear Creek.

A review of the aerial imagery found that the open grassland area where the cannabis cultivation occurs was in a similar configuration dating back to June 1993 (Google Earth). Outdoor cultivation was occurring by 2005 (Humboldt County WebGIS and Google Earth) and continued through 2014. Reorganization of greenhouses and site grading occurred in 2015 (TerraServer). According to the Survey Report prepared June 3, 2015 prepared by Kolstad Land Surveyors, approximately 5,000 square feet of fill dirt with scattered straw south of the greenhouses encroached on APN 108-022-016 owned by the Bureau of Land Management. As indicated by the Water Resources Protection Plan (WRPP), Page 12, the applicant installed a large spent soil containment area to the east of Greenhouse #4. It does not appear that significant amount of grading has occurred between 2016 and present.

To address potential impacts to water quality from the cultivation site, conditions of approval have

been revised to require the applicant to obtain a grading permit for all grading conducted without the benefit of County review, including any grading conducted on APN 108-022-016. For all grading conducted for cannabis cultivation that is no longer being used for cannabis cultivation, the application is required to re-contour those areas to natural grade and revegetate with native grass species. Additionally, the WRPP states that all cultivation is located over 600 feet from nearby streams and all Best Management Practices (BMPs) required by the North Coast Regional Water Quality Control Board Cannabis Cultivation Discharge Waiver Program (Order No. R1-2015-0023) will be adhered to. The WRPP (Page 12) recommends corrective actions to improve sediment and erosion control measures around Greenhouse #4 and large spent soil containment area. Per recommendations in the WRPP, the applicant is required to install jute netting at the top of the containment bench. The WRPP requires the applicant to seed and straw all dirt areas immediately surrounding the containment area, install silt fencing, and cover the large spoil containment area between the months of October to April with plastic to contain all run-off. Conditions of approval require the applicant to provide an updated Site Management Plan (SMP), adhere to and implement all recommendations in the WRPP/SMP, and meet the requirements of the State Water Resources Control Board (SWRCB) for cannabis cultivation.

Staff determined that implementation of the Compliance Agreement, which requires satisfying the project's conditions of approval and adhering to the recommendations in the WRPP/SMP, will improve water quality both on the subject parcel and to the watershed.

Public/Agency Comment C: Letter from Molly Brown, Arcata Field Manager, Bureau of Land Management (BLM), dated May 1, 2019. The concerns raised in this letter concern the proximity of suitable nesting, roosting, and foraging habitat for Northern Spotted Owl (NSO) near the cultivation site. Due to these concerns, BLM was recommending denial of the requested setback reduction. More recent communications with BLM staff (June 7, 2023) have been incorporated into section below labeled Staff response to Public Comment C.

Staff response to Public/Agency Comment C: The setback reduction would allow for cultivation to be located as close as 70 feet from the public lands, which contain habitat for Northern Spotted Owl (NSO). The nearest habitat is approximately 100 feet away from the closest greenhouse. While power to the subject parcel is provided by P. G. & E, generator use is proposed solely as emergency backup in cases of power outages, and artificial lighting is limited to the ancillary nursery greenhouses, impacts to NSO could occur as a result of lights and fan noise, as well as human activity associated with the cannabis cultivation. The application was initially proposed as Mixed Light, but due to the concerns about the nearby habitat planning staff recommended the entire operation be converted to Outdoor. The applicant has submitted a habitat assessment, which states that fans associated with this project are rated at 54 decibels at 50 feet, which at the edge of the nearest habitat approximately 100 feet away would be below 50 decibels and therefore unlikely to have any impact to NSO. Further, project conditions require the applicant to submit a light and noise attenuation plan that shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife. Staff have also added a recommended Condition of Approval to clarify the allowable noise levels and verification from Planning Division staff prior to the use of lights and fans. The applicant has provided a wildlife assessment that addresses NSO habitat, and while the assessment does not follow proper protocol for determining presence of the species, it does identify that suitable habitat is located approximately 100 feet from the proposed cultivation. As a result, staff has worked with the applicant to revise the

proposed project to reduce development intensity from Mixed Light to Outdoor, and limitations described above for shielding light escape from ancillary nursery, attenuating generator noise, and prohibition of the use of monofilament netting and anticoagulant rodenticides.

County staff has assumed the presence of Northern Spotted Owls to be as close as 100 feet from the project and analyzed and conditioned the project accordingly. Planning Division staff has worked with the applicant and added conditions of approval to this project to reduce or eliminate impacts to NSO based on the assumption of presence as close as 100 feet. No use of generator(s) for backup until it/they can be demonstrated by the applicant to operate at or below the 50 decibel (dB) threshold, fans rated at 54 decibels at 50 feet, and automated blackout curtains will significantly reduce the noise and light impacts associated with the project. However, at that time (in 2019), even with these attenuation measures, the Bureau of Land Management was requesting denial of the setback reduction due to their concerns about the overall impacts from any project within 600 feet of their lands and the potential to conflict with their federally mandated requirements to manage the land for endangered species.

There are no suitable locations on the property for cultivation that is not within 600 feet of the BLM land, and the setback reduction is therefore necessary in order to approve pre-existing cannabis cultivation on the property. County planning staff has communicated with BLM staff more recently (June 7, 2023), providing revised project plans including remediating an approximately 1.1-acre area at the southern parcel line with BLM lands to increase the buffer to sensitive habitat on public lands, restricting the use of backup generator(s) until they can be verified to operate at or below 50 decibels (dB) at 100 feet or nearest habitat (whichever is closer), elimination of Mixed Light and reduction to Outdoor in greenhouses, and prohibition on use of monofilament netting or anticoagulant rodenticides.

While the noise and light impacts of the project have been addressed to the maximum extent feasible, BLM remains concerned with the potential of the project to conflict with their land use goals. The 600-foot setback is intended to allow for public land managers to have significant input on cannabis cultivation that could impact the management of their lands, and as a result of their specific concerns with this project the applicant has agreed to eliminate the Mixed Light previously proposed, has removed one greenhouse developed on BLM land, and has proposed further onsite relocation of a second greenhouse, including replanting over an acre of previous meadow at the southern BLM parcel line to increase buffer between cultivation area and land managed for sensitive habitat. As amended and conditioned, staff believes the proposed application aligns with other approvals for commercial cannabis cultivation and recommends approval.

Public Comment D: Neighbor complaint received August 9, 2023 indicating trimming and selling unlawfully.

Staff Response to Public Comment: Staff requested METRC manifests for the operation from 2018 to 2022, as those were the year the locally issued Interim Permit was valid. Applicant and their Agent of Record provided redacted METRC manifests which appear to show a lawful selling of cannabis, both flower and trim/shake, for 2019 through 2022. METRC was not required by the state Bureau of Cannabis Control (BCC) until 2019, and many distributors, third-party processors, and similar were only initiating METRC system in 2019. Additionally, METRC was only required in 2019 for annual/provisional state license holders, and not temporary license holders. Trimming would be

allowed as proposed under the Interim Permit and is not considered a violation of the terms and conditions of the Interim Permit. Staff believes the applicant has provided enough details to address the complaint. Should the Planning Commission believe the project has the potential to operate out of compliance with state regulations concerning unlawful diversion of commercial cannabis, and would be considered detrimental to the public's health, safety, and/or welfare, staff have created an alternative resolution to adopt denying the application.

Tribal Consultation: The project is located in the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council Aboriginal Ancestral Territories. A Cultural Resources Investigation was conducted for the proposed project in June 2018 by William Rich and Associates. No cultural, historic, or archeological resources were identified on the subject property. Correspondence was conducted with the Native American Heritage Commission (NAHC), a representative of the Bear River Band of the Rohnerville Rancheria, and a representative of the Intertribal Sinkyone Wilderness Council. The Northwestern Information Center (NWIC) indicated no records of any previous studies and no responses from the native tribes or other interested parties were received. The Bear River Band referral response stated the Tribal Historic Preservation Officer (THPO) was not aware of any sensitive cultural resources on the subject parcel. A comprehensive field survey was performed over the entire proposed cannabis cultivation area and much of the 600-foot buffer with the parcel. As a condition of approval, the inadvertent discovery protocol to protect cultural resources has been added to the proposed project.

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 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 237 cultivation permits and the total approved acres would be 83-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 (MND) that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared a site-specific addendum to the MND for consideration by the Planning Commission (See Attachment 3 for more information).

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachment 5)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or remove conditions of approval

OR

2. The Planning Commission 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.

ATTACHMENTS:

1. Resolution
 - A. Conditions of Approval
 - B. Cultivation Operations Plan
 - C. Site Plan
 - D. Cultivation Area Verification dated November 9, 2017
 - E. Alternative Resolution for project denial
2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Lake and Streambed Alteration Agreement
 - B. Hydrologic Isolation Assessment
 - C. Update to the Well Analysis
 - D. Light Management Plan
 - E. Notice of Intent
 - F. Property Boundary Survey
 - G. Road Evaluation
 - H. Water Well Application
 - I. Well Completion Report
 - J. Water Resources Protection Plan
 - K. Division of Environmental Health Worksheet
 - L. Restocking Plan
 - M. Wildlife Assessment
5. Referral Agency Comments and Recommendations
6. Public Comment from 2019 hearing
7. Public Comment from 2022 hearing
8. Watershed Map

Owner

Wilder Ridge, LLC
403 Rifle Camp Road
Woodland Park, NJ 07424

Applicant

Big River Farm, LLC
Ivan Iliev
9320 Wilder Ridge Road
Ettersburg, CA 95542

Agent

SL Consulting Services, Inc.
Steven Luu
973 Dowler Drive
Eureka, CA 95501

Please contact planner Devin Sutfin at (707) 44-7541 or via email at dsutfin1@co.humboldt.ca.us [<mailto:dsutfin1@co.humboldt.ca.us>](mailto:dsutfin1@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.