



COUNTY OF HUMBOLDT

For the meeting of: 2/16/2023

File #: 23-210

To: Planning Commission
From: Planning and Building Department
Agenda Section: Consent

SUBJECT:

Georgi Aleksandrov Conditional Use Permit and Special Permit
Assessor's Parcel Number: 220-071-008
Record Number.: PLN-11426-CUP
3550 Goodman Ranch Road, Whitethorn area

A Conditional Use Permit for 22,000 square feet (SF) of existing mixed light cannabis cultivation and 2,800 SF of ancillary propagation. Irrigation water is sourced from a spring diversion. Existing available water storage is 62,000 gallons in a series of hard-sided tanks and two (2) 20,000-gallon bladders, including 5,000 gallons dedicated to fire suppression. Estimated annual water usage is 159,200 gallons. Drying and curing occurs onsite, with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of four (4) people will be onsite during peak operations. Power is provided by two (2) generators; however, there are long-term plans for solar. A Special Permit for development in the Streamside Management Area (SMA) is also requested for continued use and maintenance of the existing point of diversion and relocation of two (2) existing water tanks outside of the required buffer.

RECOMMENDATION(S):

That the Planning Commission:

Adopt the resolution (Resolution 23-__). (Attachment 1) which does the following:

- a. Finds that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CCMLUO) that was prepared for the Georgi Aleksandrov project (Attachment 3); 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).

DISCUSSION:

Project Location:

The project is located in the Whitethorn area, on the west side of Goodman Ranch Road, approximately 2.39 miles north from the intersection of Huckleberry Lane and Goodman Ranch Road, on the property known as 3550 Goodman Ranch Road.

Present General Plan Land Use Designation:

Timberland (T), 2017 General Plan. Density: 40-160 acres per dwelling unit, Slope Stability: Moderate Instability (2).

Present Zoning:

Timberland Production Zone (TPZ).

Environmental Review:

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

State Appeal:

Project is NOT appealable to the California Coastal Commission.

Major Concerns:

None.

Executive Summary:

Georgi Aleksandrov seeks a Conditional Use Permit to allow the continued cultivation of 22,000 square feet (SF) of existing mixed light cultivation and 2,800 SF of ancillary propagation, in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). A Special Permit for development in the Streamside Management Area (SMA) is also requested for continued use and maintenance of the existing point of diversion and relocation of two (2) existing water tanks outside of the required buffer. The site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Timberland Production Zone (TPZ). Cultivation takes place two distinct areas: Cultivation Area #1 (northern area) includes one (1) 3,600 SF (30'x120') greenhouse and three (3) 3,150 SF (30'x105') greenhouses, and Cultivation Area #2 (southeastern area) includes two (2) 3,150 SF (30'x105") greenhouses, for a total of 19,350 SF of existing onsite cultivation. Ancillary propagation occurs within a separate 2,800 SF (28'x100") greenhouse within Cultivation Area #1, directly north of the existing cultivation. Two (2) harvests are anticipated annually for a growing season that extends from March through October.

Drying and curing occurs onsite within an existing 1,200 SF (30'x40') dry barn, with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of four (4) people, all of which reside onsite, will be onsite during peak operations.

Cultivation and Nursery Space

As noted above, the application is for 22,000 SF of existing mixed light cannabis cultivation and 2,800 SF of existing ancillary propagation. The onsite nursery equates to approximately 12.7% of the total current cultivation area, which is more than with what planning division staff and the Planning Commission have found allowable in the past (i.e., a nursery space of 10% of the cultivation area). Based on the County's cultivation area verification, 22,000 SF of cultivation was in existence prior to the CMMLUO environmental baseline date of January 1, 2016. Although the parcel is over 5 acres in size and the cultivation and propagation areas occur on slopes less than 15%, as described in the Water Resource Protection Plan (WRPP, described further below under "Water Resources"), the irrigation water will not entirely be derived from a non-diversionary source and the subject property is zoned TPZ. As a result, new cultivation could not be considered on the subject parcel. Planning staff recommends a condition of approval reducing the overall amount of cannabis (including cultivation and propagation) onsite at any given time to a maximum of 22,000 SF, consistent with County's cultivation area verification and reduce the ancillary nursery space to be a maximum of 10% of the cultivation area, as well as revising both the Site Plan and Operations Plan accordingly (**Conditions of Approval A.6-7**). As conditioned the total amount of cannabis on the subject property at any given time (22,000 SF) would be in

conformance with the cultivation amount previously verified by the County.

Water Resources:

Estimated annual water usage is 159,200 gallons (7.19 gal/SF) with peak demand occurring July through September at approximately 30,800 gallons, respectively, per the table below.

Table 1. Monthly Water Use Estimates (in gallons)

	Total Gallons
April	15,000
May	15,000
June	21,800
July	30,800
August	30,800
September	30,800
October	15,000

Total: 159,200 gallons

Water for irrigation is provided by a spring diversion located north of Cultivation Area #2. Existing available water storage is 62,000 gallons in a series of hard-sided tanks, including three (3) 5,000-gallon and two (2) 1,000-gallon tanks, and two (2) 20,000-gallon bladders, which includes 5,000 gallons dedicated to fire suppression. A *Right to Divert and Use Water* (Registration ID H502559; Certificate No. H100338; Attachment 4A) was issued by the State Water Resources Control Board (SWRCB) in November 2018 for use of the spring diversion. The *Right to Divert and Use Water* allows for 0.23 acre-feet (or 74,946 gallons) of water to be diverted from the unnamed spring that is tributary to the Mattole River. Storage capacity cannot exceed 0.25 acre-feet (81,463 gallons). The existing available onsite water storage for irrigation (57,000 gallons) is allowable as described the appropriative right. However, based on the information provided above, there is not currently sufficient water available to serve the annual water needs of the project. The appropriative right allows for 74,946 gallons to be diverted annually; however, with an annual water use of approximately 159,200 gallons, there is a deficiency of approximately 102,200 gallons, or approximately 64% of the project’s water demand. In addition, the project is subject to forbearance, meaning no water can be diverted during the period of May 15-October 15 of each year. As a result, conditions of approval require the addition of storage allowed per the appropriative water right and rainwater catchment infrastructure and storage to ensure sufficient water supplies for the project. Specifically, approximately 17,946 gallons are needed to increase the amount of water storage for water right allowance. Additionally, approximately 84,254 additional gallons of rainwater catchment infrastructure (discussed further below) shall be added prior to the 2023 cultivation season to capture rainwater to be utilized for irrigation of the cultivation. Should the applicant be unable to demonstrate installation of the rainwater catchment infrastructure or additional water storage prior to 2023, the applicant is required to reduce the cultivation area to 793SF, which is the amount of cultivation that can be supported by the existing water right until the rainwater catchment infrastructure and additional water storage is available for use (**Condition of Approval A.10**).

To ensure sufficient water supplies are available to serve the project, Planning staff recommends the addition of rainwater catchment infrastructure to support the additional needs of the project. The average rainfall for the project area is 66.4 inches, based on averaging rainfall values from 2010 through 2020 as recorded by PRISM

Climate Group. Impermeable surfaces such as roofs, driveways, etc. in general allow for about 620 gallons of rainwater catchment per 1,000 SF for every inch of rainfall or 0.62 gallons per 1 SF. Based on the annual water deficiency of 84,254 gallons, the average rainfall amount in the project area (66.4 inches), and average catchment of impermeable surfaces (0.62 gal/SF), a capture area of approximately 2,047 SF would be required to capture sufficient rainfall to meet the additional water demand of the project (84,254 gallons). This could be achieved by capturing rainfall from at least one of the existing greenhouses or the onsite residence. With the addition of the additional water storage and rainwater catchment infrastructure, Planning staff finds there would be sufficient water supplies available to serve the full project.

A condition of approval also requires decommissioning and replacement of the two (2) existing 20,000-gallons bladders with hard-sided tanks equal to 40,000 gallons, which shall be placed in a previously disturbed area and outside of all required SMA buffers (**Condition of Approval A.11**). Additional conditions of approval require the applicant to monitor water use from the spring diversion and rainwater catchment system (to be developed) annually to demonstrate there is sufficient water available to meet operational needs. The water utilized for cultivation is limited to the use of the spring diversion (limited to a maximum of 74,946 gallons annually), rainwater catchment, and amount of water available in storage tanks (**Condition of Approval A.28**).

According to Humboldt County Web GIS and depicted on the Site Plan with respective Streamside Management Area (SMA) buffers, several watercourses, including the Mattole River, Little Finley Creek, and an unnamed stream, traverse the northeastern, central, and southwestern portions of the site. As shown on the Site Plan, all cultivation activities and most respective infrastructure is located outside of the required SMA buffers; however, two (2) 1,000-gallon water tanks, located north of Cultivation Area #2, are shown to be located within a 50-foot SMA buffer. As a condition of approval, these two tanks shall be relocated outside of the required SMA to a previously disturbed area without the use of heavy machinery (**Condition of Approval A.12**).

A Water Resource Protection Plan (WRPP; WDID 1B170612CHUM) was prepared by Timberland Resource Consultants for the subject site in June 2017 and revised in April 2018 (Attachment 4B) in compliance with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023. The WRPP assesses compliance with the required elements and standard conditions established in the Order to protect water quality from cannabis cultivation and related activities. Included in the WRPP is a list of the recommended treatments and actions to be implemented to meet the requirements of the Order. Specifically, numerous items were identified requiring remediation, including but not limited to installing rolling dips, discontinuing use of intermediate bulk container (IBC) totes as fuel storage or fuel transfer tanks, installing secondary containment and cover over fuel storage tank, upgrading existing culverts and rock armoring the inlet and outlet, covering and installing secondary containment on fuel tank, removal of cultivation-related wastes and refuse onsite, including from the eastern fillslope of the cultivation area, containing the soil spoils pile, installation of straw wattles, culvert replacement, relocation of the fertilizer storage and mixing tank area, and installing rock armoring. The project is conditioned to require the applicant to implement all remaining corrective actions contained in the WRPP (**Condition of Approval A.18**). Additional conditions of approval require the applicant to comply with the State Water Resources Control Board Cannabis Cultivation Policy, which includes development and implementation of a Site Management Plan (**Condition of Approval A.21**).

A Final Streambed Alteration Agreement (SAA; Notification No. 1600-2019-0133-R1) was issued by the California Department of Fish and Wildlife (CDFW) in October 2019 (Attachment 4C) for three (3) encroachments, including use of the spring diversion for irrigation and upgrading failing and undersized stream crossings (replacement of an undersized culvert and a dirt ford crossing with a culvert). Associated work includes use and maintenance of the water diversion infrastructure, as well as backfilling and compaction of fill

and rock armoring, as necessary, to minimize erosion. Conditions of approval require the applicant to implement any remaining projects and to comply with the requirements established under the Final SAA (**Condition of Approval A.17**).

Biological Resources:

Per review of CDFW's California Natural Diversity Database (CNDDDB) in March 2022, Cultivation Area #1 (northern cultivation area) is within mapped potential habitat for a special status species, the red-bellied newt (*Taricha rivularis*), and both cultivation areas are shown to be within close proximity of potential habitat of summer-run steelhead trout (*Oncorhynchus mykiss irideus* pop. 36). Typically, these species are found directly in or adjacent to the stream channel; therefore, impacts from the project are minimized. Additionally, the nearest Northern Spotted Owl (NSO) positive sighting is located approximately 0.92 miles from the nearest cultivation area, with the nearest NSO activity center located approximately 1.43 away, respectively. Power at the site is currently provided by two (2) generators; however, there are long-term plans for solar (see Energy discussion below).

Comments were received from CDFW, dated June 2018, which recommended conditional approval of the project. Mainly, the comments request for confirmation of project details, including water source; topographic map identifying all surface water, wetlands, and sensitive habitats; whether any new or existing roads cross streams, springs, seeps, wetlands, etc.; energy source; how water use estimates were derived; how the proposed water storage amount will meet requirements for seasonal water diversion minimization; and copy of WRPP and valid grading permit and/or Less Than Three Acre Conversion Exemption or Timberland Conversion Permit (see Attachment 5F). Additionally, CDFW comments notes the project is located in/near NSO potential habitat and requests protocol level surveys or assume presence and avoid disturbance of habitat. To address NSO concerns, Planning staff assumed presence and included conditions of approval require the applicant to implement light and noise attenuation measures (including compliance with International Dark Sky Association standards and noise containment structures for all generators). Additional conditions include refraining from using synthetic netting, ensuring refuse is contained in wildlife proof storage, and refraining from using anticoagulant rodenticides to further protect wildlife (**Conditions of Approval A.23-26 and Ongoing Conditions of Approval B.1-8**). As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Energy:

Power is currently provided by two (2) diesel generators, which supply the residence and both cultivation areas. Per information provided by the applicant in March 2022 (Attachment 1C), there are long-term plans for solar. Conditions of approval require the applicant to submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than required to meet operational needs. The plan shall also describe how the operation will transition to use of 80% renewable energy (e.g., solar, wind and/or hydropower) sources by the end of 2026 (**Condition of Approval A.8**).

Access:

Access to the site is via a driveway off Goodman Ranch Road (a private road) via Ettersburg-Honeydew Road to Briceland Thorne Road to Redwood Drive to Highway 101. Ettersburg-Honeydew Road and Briceland Thorne Road are included on the list of County-maintained roads that meet (or are equivalent to) road Category 4 standards for cannabis projects. A Road Evaluation Report for an approximately 4.3-mile segment of

Goodman Ranch Road, from Ettersburg-Honeydew Road to the subject property, was prepared in December 2019 by the former applicant (Attachment 4E), which indicates that the roadway meets a Category 4 road equivalent standard and is adequate for the proposed use.

Comments were received from the Department of Public Works, Land Use Division, dated January 2018; however, this was prior to the completion of the Road Evaluation Report, which was requested in the comments. Planning staff followed up with the Department in April 2022 (Attachment 5C), in which the County confirmed that any existing or proposed non-County maintained road to serve as access for the proposed project that connects to a County-maintained road shall be improved to current standards for a commercial driveway, and, as a result, the access road (Goodman Ranch Road) shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Ettersburg-Honeydew Road) (**Condition of Approval A.13**). Additionally, all driveways and private road intersections onto the County road shall be maintained in accordance with County Code section 341-1 (Sight Visibility Ordinance), which has been included as a condition of approval (**Condition of Approval A.14**).

Further, due to the number of cultivation projects along Goodman Ranch Road, both approved and pending, conditions of approval require the applicant to take steps to form or join a Road Maintenance Association for the maintenance of Goodman Ranch Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road (**Condition of Approval A.15**).

There will be a maximum of four (4) people onsite during peak operations, all of which reside onsite. Therefore, a significant increase in traffic is not expected under the project.

Geologic Suitability:

The project parcel is mapped in the County GIS as “moderate instability” (2). The slope of the land where cannabis will be cultivated is less than 5%, as per the Water Resource Protection Plan (WRPP; WDID 1B170612CHUM) prepared by Timberland Resource Consultants in June 2017 and revised in April 2018.

Timber Conversion:

Review of aerial imagery dating back to 2004 indicates the site was mostly forested, but contained several open areas across the site; however, it does appear timber conversion has occurred on the subject parcel in order to accommodate the cultivation areas and related infrastructure. Timber Conversion Evaluation was prepared by Timberland Resource Consultants in June 2018 (Attachment 4D) to assess the timber conversion that occurred onsite and provide recommendations regarding remedial actions necessary to bring the conversion area into compliance with the provisions of the Forest Practice Act. As noted in the Report, 1.45 acres of land (0.85 acres for Cultivation Area #1 and 0.60 acres for Cultivation Area #2, referred to as Cultivation A and B in the Report) has been converted on the property, which is below the three-acre conversion exemption maximum. Conversion activities were noted to have occurred between 2005, 2009, 2010 and 2012, 2012 and 2014, and 2014 to 2016. The Report does not specify the amount of expansion that occurred after January 1, 2016, the CMMLUO environmental baseline date.

Several recommendations are included in the Report to bring the project into compliance with the California Forest Practice Act and the California Forest Practice Rules. At both cultivation areas, treatment of slash, logs,

and woody debris is required. In addition, at Cultivation Area #1, it is recommended that all proposed road drainage improvements between the residence and cultivation site, as specified in the Water Resource Protection Plan (described under “Water Resources”), as well as removal of the soil pile and installation of a minimum of three straw wattles across the drainage path, occur. Additionally, treatment of the unstable fill, located in the southeastern corner of Cultivation Area #1, is recommended, including removal of all buried woody material (stumps, logs, limbs, chunks, etc.), in addition to reconstructing and thoroughly compacting the fill. No additional tree removal is proposed or authorized by this permit. A condition of approval has been included to require the applicant implement any remaining corrective actions identified the Timber Conversion Evaluation (**Condition of Approval A.19**).

In addition, the project is conditioned to require the property be evaluated to determine the amount of timber conversion that occurred prior to and after the CMMLUO baseline date of January 1, 2016, 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. The applicant/owner shall be required to re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date a rate of 3:1. A Restocking Plan shall be prepared within one year of project approval and the Restocking Plan shall be implemented within a period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection (**Condition of Approval A.20**).

Security and Safety:

The operation is secured behind locked gates, with someone always onsite during the cultivation months.

Tribal Consultation:

The project is within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The project was referred to the Northwest Information Center at Sonoma State, the Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkyone Wilderness Council in August 2017. A Cultural Resources Investigation (received December 23, 2019; on file and confidential) was performed by Arsenault and Associates, in which no cultural resources were identified and included the standard inadvertent discovery protocol. The Report was reviewed by the Bear River Tribal Historic Preservation Office in November 2021, which recommended inclusion of the standard inadvertent discovery protocol, which has been incorporated into the project as an informational note (**Informational Note C.3**).

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43:

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of 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 234 permits and the total approved acres would be 82.23 acres of cultivation.

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 delete conditions of approval. The Planning Commission could deny approval if unable to make all the required findings. Staff has concluded the required findings in support of the proposal can be made. Consequently, Staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Cultivation and Operations Plan
 - C. Additional Project Information
 - D. Site Plan
2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Right to Divert and Use Water Certificate
 - B. Water Resource Protection Plan
 - C. Lake and Streambed Alteration Agreement
 - D. Timber Conversion Evaluation Report
 - E. Public Works Road Evaluation Report Form
5. Referral Agency Comments and Recommendations
 - A. Building Inspection Division
 - B. Division of Environmental Health
 - C. Public Works, Land Use Division
 - D. CAL FIRE
 - E. Telegraph Ridge Fire Protection District
 - F. California Department of Fish and Wildlife

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Please contact Cliff Johnson, Assigned Planner, at cjohnson@co.humboldt.ca.us or 707-445-7541 if you have any questions about the scheduled item.