



COUNTY OF HUMBOLDT

For the meeting of: 8/1/2024

File #: 24-1151

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Great Expectations Inc. Conditional Use Permit
Assessor's Parcel Numbers: 216-026-013-000
Record Number: PLN-11674-CUP
Alderpoint area.

A Conditional Use Permit for 33,072 square feet (SF) of existing outdoor cannabis cultivation and a Zoning Clearance Certificate for an additional 20,000 SF of outdoor cultivation transferred from a Retirement, Relocation, and Remediation (RRR) site to the property to total 53,072 SF of outdoor cannabis cultivation. The project includes 4,731 SF of ancillary nursery space. Drying/curing of harvested cannabis to occur within an on-site shed. All processing activities occur at a licensed facility off-site. Irrigation water is sourced from a rainwater catchment pond (600,000-gallon capacity) and water storage is a combination of the rain catchment pond and 132,000 gallons of hard sided tanks with a total capacity of 618,000 gallons after accounting for evaporation loss in the pond. Total estimated annual water use is 558,650 gallons. Power is provided by PG&E with generator power for emergency backup only.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt Resolution (Resolution 24-__) (Attachment 1) which does the following:
 - a. Finds that the Planning Commission has considered the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Great Expectations Inc. LLC project); and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Conditional Use Permit subject to the recommended conditions of approval (Attachment 1A)

DISCUSSION:

Project Location:

The project is in Humboldt County, in the Alderpoint area, on the north and south side of Dungan Mill Road, approximately 0.85 miles west from the intersection of Bell Springs Road and Rancho Road, on the property known as 8686 Bell Springs Road, Harris.

Present General Plan Land Use Designation:

Residential Agriculture (RA); 2017 General Plan; Density: 40 acres per unit; Slope Stability: High Instability (3)

Present Zoning:

Unclassified (U)

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:

A Conditional Use Permit for 33,070 square feet (SF) of existing outdoor cannabis cultivation within thirty-three (33) varying sized greenhouses (See Attachment 1C, Site Plan). The project is in the Alderpoint Area. Propagation occurs in (4) greenhouses, totaling 4,731 square feet, that contain the nursery/immature plant areas. With the approval of a Zoning Clearance Certificate for an additional 20,000 SF of outdoor cultivation being transferred from a Retirement, Relocation, and Remediation (RRR) site to the property, under PLN-12023-CUP, the total cultivation area may be up to 53,070 SF. Drying/curing of harvested cannabis to occur within an on-site shed. All processing activities occur at a licensed facility off-site. Irrigation water is sourced from a rainwater catchment pond (600,000-gallon capacity) and water storage is a combination of the rain catchment pond and 132,000 gallons of hard sided tanks with a total capacity of 618,000 gallons after accounting for evaporation loss in the pond. Total estimated annual water use is 558,650 gallons. Power is provided by PG&E with generator power for emergency backup only. Wastewater will be provided by a DEH approved septic system, with proposed ADA accessible portable toilets onsite for employees. Due to the history of ground disturbance, impact to biological resources is unlikely to be significant. Access is from Bell Spring Road and there will be a maximum of 4 full-time employees, and one (1) part-time employee during peak operations. An archeological investigation identified three cultural conditions, none of which

were determined to be tribal cultural resources. The parcel is a legal parcel that was created as Parcel 2, Parcel Map#1935, page 17 of book 28 of Parcel Maps.

Green waste is composted in a designated area away from surface waters as noted on the site plan. Organic fertilizers and pesticides are stored in an agricultural storage structure that meets all requirements for secondary containment. All fuel and hazardous materials are stored in secure areas with secondary containment in accordance with applicable regulations. Garbage and recycling are stored in a secure waste storage area. The waste storage area complies with Best Practical Treatment or Control (BPTC) measures to prevent wildlife tampering and transport of waste to waters of the State. Waste is removed from the property every two weeks and transported to an approved waste disposal facility. Domestic wastewater treatment is managed with a proposed onsite wastewater treatment system that will be permitted with the Humboldt County Department of Environmental Health. The applicant will pursue permitting for the proposed septic systems upon project approval. The project is conditioned that portable toilets must be used until approval of a permitted onsite wastewater treatment system (OWTS) **(Condition of Approval A.8)**. In addition, the project is conditioned that evidence is provided to County staff during annual inspections to confirm the continual use of portable toilets to serve the needs of cultivation staff until the OWTS and residence is permitted.

Water Resources

Irrigation water is supplied by a 600,000-gallon rainwater catchment pond. Total estimated annual water use is 558,650 gallons/year (10.53 gallons/square foot). Tanked water storage includes 21 5,000-gallon and nine 3,000-gallon tanks. Watering practices primarily include a focused drip irrigation system, with occasional top-feed hand watering based on need.

The applicant provided a rainwater catchment analysis that shows a rainwater collection area of 25,545 square feet, that in an average rain year, can collect 700,689 gallons. Accounting for evaporation, 671,650 gallons of collected rainwater will be available in an average rain year which provides a 20% surplus of required water. If the applicant is unable to store 558,650 gallons of water due to low rainfall years, the applicant will be required reduce the area cultivated in proportion to the deficit in stored water, at a rate of 1 square foot of cultivation area for each ten gallons deficit of cultivation water **(Condition B2)**.

The applicant is required to install water-monitoring devices on the two wells and domestic spring to ensure domestic water is not used for irrigation purposes **(Condition A3)**.

Applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or alternatively, applicant shall provide DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface

water resources. Until such a time that this condition is satisfied, the applicant must use a portable toilet to support the cultivation operation. **(Condition A8)**.

A Lake and Streambed Alteration Agreement (LSAA) was filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (Notification No. 1600-2019-0484-R1). The LSAA is limited to eight (8) encroachments (identified in Table 1 of the LSAA): allowance of water diversion for domestic purposes (2 encroachments); replacement of existing culverts with upsized culverts (6 encroachments); the applicant has been conditioned to follow all recommendations and improvements contained in the LSAA as amended. On January 25, 2024, CDFW Staff inspected the property. CDFW Staff observed a stream crossing that is not listed in the current LSAA, that will need to be upgraded and maintained. The Permittee will be required to submit a minor amendment to the LSAA to improve this crossing **(Condition A4, A5)**.

A Site Management Plan (SMP) was prepared by PR Professional Services in August 2020, to comply with State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation (WDID 1_12CC419256). The SMP includes various recommendations to protect water quality. Recommendations from the plan include road improvements including installation of rolling dips and critical dips, installation of straw mulch, use of plastic covers, soil stabilization and binders, culvert outfall armoring, and revegetation. The cultivator will monitor erosion and sediment control during and after each storm event that produces at least 0.5 inches per day or 1 in 7 days of precipitation. The applicant has been conditioned to implement all recommendations in the Site Management Plan **(Condition A9)**.

Biological Resources:

Per review of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) in May 2024, there are no mapped sensitive species onsite. The nearest special status species is Northern Spotted Owl (NSO) Activity Center is located approximately 1.58 miles South of the subject parcel (MEN-02623). Power to the site is provided by PG&E, a generator may be used for emergencies. Given the distance to the nearest NSO observations it is unlikely that the project will have negative impacts on NSO's. There is low potential for NSO habitat to exist on the subject parcel; however, conditions of approval will require project noise to be at or below 50 decibels at 100 feet from the noise source or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. Artificial lighting is only used early in the cultivation season to nurture plants in the nursery before planting them into ground beds. Therefore, the project is conditioned to adhere to International Dark Sky Association Standards for artificial lighting associated with propagation and security lighting. Additional conditions are also included for the protection of wildlife species: requiring the applicant to refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refraining from using anticoagulant rodenticides. 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. The project is conditioned to refrain from using synthetic netting, to ensure refuse is contained in wildlife-proof storage, and to refrain from using anticoagulant rodenticides to further protect wildlife.

Compostable cultivation waste is to be stored in a location and manner where it cannot be transported to surface waters. 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:

Electrical power is provided to the existing residences and cultivation areas by PG&E. A generator will be kept onsite to support emergency electricity needs.

Access:

The site is located at 8686 Bell Springs Road, in the Alderpoint area. The Humboldt County Department of Public Works (DPW) reviewed the Road Evaluation Report and confirmed that the project road segment is developed to Category 4 road standards and has recommended that driveway improvements be required. The applicant has been conditioned to comply with the Conditions of Approval provided by the Public Works Department (**Condition A15**), which includes rocking the intersection of Dugan Mill Road and Bell Springs Road.

The project requires up to 4 full-time employees, and one (1) part-time employee. Employees will be area residents and do not require on-site housing. During cultivation periods three (3) additional trips per day are expected and up to one (1) trip per day during the winter. Therefore, no significant increase in traffic is expected.

Timber Conversion:

The site is sparsely treed oak woodland and prairie. Staff review of time-sequenced air photos did not indicate the removal of trees for the purpose of cannabis cultivation associated with the project. No new tree cutting is proposed as part of the project. CalFire was referred and replied with a request for standard project conditions.

Security and Safety:

The security plan for the operation includes locked gates, motion sensing lights, and security cameras at the following locations: entrance to the site, residence, and processing facility.

Tribal Consultation:

DZC Archeology (DZC) prepared a Cultural Resource Inventory Report in August 2022 which addressed potential project impacts to cultural resources on the parcel. A review of historical records at the Northwest Information Center of the California Historic Resources Information System did not indicate previously recorded resources within the APE, nor within the half-mile of the site. The geo-

archaeological research conducted for this survey indicated a low potential for buried cultural resources and a low to moderate potential for cultural resources at the surface. However, the survey identified and recorded three sites.

DZC coordinated with Patricia Rabano, Tribal Historic Preservation Officer for the Round Valley Indian Tribe (RVIT), to initiate a Sacred Land File Search request with the Native American Heritage Commission (NAHC) regarding any known resources or pre-survey concerns for the Project area. Following the discovery and recordation of three new precontact resources within 600- ft of the Applicant's cannabis operations, DZC collaborated with THPO Rabano to determine appropriate mitigation measures which met the concerns of the Tribe and served to preserve the undisturbed portions of the resources identified.

The Round Valley Indian Tribes (RVIT) elected to not designate any of the sites a Tribal Cultural Resources; however, it was agreed that the resources would be protected by implementation Cultural Conditions (CUL) 1-9. The CUL specify areas on the parcel where activities with a nexus to cannabis may not occurs. Prohibited activities in the specified areas include vegetation removal, ground disturbance, and the operation of motor vehicles. A review of the cultural sites and the site plan indicates that no new activities are proposed in the areas covered by the CUL. Additionally, the report recommends implementation of inadvertent discovery language to help protect the areas outside the identified sites. The applicant has been conditioned to comply with the recommendations provided in the Cultural Resource Inventory Report, and the inadvertent discovery language (**Condition A12-A14 and B1**).

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

Approval of this project is consistent with Resolution 18-42 which established a limit on the number of permits and acres which may be approved in each pf the County's Planning Watersheds. The project site is in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 325 permits and the total approved acres would be 97.8 acres of cultivation.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comments, comments, 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 for PLN-11674-CUP
 - A. Conditions of Approval
 - B. Operations Plan
 - C. Site Plan
2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. DEH Worksheet
 - B. Lake and Streambed Alteration Agreement
 - C. Site Management Plan
 - D. Road Evaluation
5. Referral Agency Comments and Recommendations
6. Watershed Map

Applicant

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