

Conklin Creek Farms, LLC

Record Number: PLN-2021-17034

Assessor's Parcel Numbers: 105-111-001; 105-042-002; 105-101-006; and 105-071-004

Recommended Planning Commission 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 Planning Commission has considered the Addendum to the adopted Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section 15164 of the State CEQA Guidelines, make all required findings for approval of the Special Permit and Zoning Clearance Certificates, and adopt the Resolution approving the Conklin Creek Farms, LLC Special Permit and Zoning Clearance Certificates as recommended by staff subject to the recommended conditions.

Executive Summary

A Special Permit for 43,560 square feet (one acre) of new mixed light cannabis cultivation. Four Zoning Clearance Certificates for: 5,000 square feet of indoor cannabis cultivation; 23,500 square feet of enclosed wholesale nursery; offsite processing; and distribution. Power is provided by PGE and solar. Irrigation water will be provided by a proposed 2.6-million-gallon rainwater catchment pond. Annual water usage is estimated at 655,000 gallons. The mixed light cultivation is associated with a 4,360 square foot ancillary nursery. A maximum of 24 employees will be present during peak operations. The proposed cannabis activities will occur in the following square feet (SF) and locations:

	Mixed Light Cultivation	Indoor Cultivation	Commercial Nursery	Distribution	Off-Site Processing
<E> Building A (6,175 SF)		1,000	500	750	3,700
<E> Building B (4,750 SF)		4,000	500		
<P> Building C (4,800 SF)			500	1,200	1,200
<P> Greenhouse 1 (56,448 SF)	43,560 SF				
<P> Greenhouse 2 (22,848 SF)			22,000		
TOTALS	43,560 SF	5,000 SF	23,500 SF	1,950 SF	4,900 SF

The legal parcel consists of four APNs: 105-111-001; 105-042-002; 105-101-006; and 105-071-004 totaling approximately 210.5 acres. The cannabis operations will occur on parcels ending with -001 and -002. The legal parcel contains approximately 205.85 acres of prime soils. The proposed cultivation sites will cover approximately 0.6% of the prime soils. Existing buildings 'A' and 'B' are within a streamside management area but are considered legal nonconforming. A biological and botanical report concluded that impacts to sensitive species or sensitive habitats will not occur from the proposed cannabis project. A generator is present for emergency backup only. A cultural resource survey encountered two "isolates" and tribal consultation requested cultural monitoring during ground disturbance and inadvertent discovery protocol.

Water Source

The 655,000-gallon total annual water budget will be sourced from rainwater catchment. The water budget is further described by the following table:

Activity	Gallons Annually
One Acre Mixed Light Cultivation	442,000
5,000 SF Indoor Cultivation	60,000
23,500 SF Commercial Nursery	138,000
4,360 SF Ancillary Nursery	11,400
Processing / Other	3,600
TOTAL	655,000

The water budget, for all activities, translates to approximately 8.3 gallons per square foot per year. Water storage will occur in a proposed 2.6-million-gallon rainwater catchment pond. The applicant is also proposing to temporarily install 500,000 gallons of rain catchment water tanks while the engineering, grading, and construction of the pond takes place. This will allow the applicant to capture rainwater in the tanks during the 2021-2022 rainfall season. If for any reason construction of the pond does not occur, the water tanks will remain on an ongoing basis. Long-term water storage for the cannabis operation will occur in either the pond or tanks, but not both (Condition of Approval A2).

Per the project operations plan, drip emitters and hand watering are used for young plants. The mixed light cultivation will utilize humidity-sensing drip irrigation. The indoor cultivation will utilize drip irrigation and top-feed hand watering methods. Irrigation overall will be conducted using a combination of automated and manual systems.

The project was referred to the Division of Environmental Health which recommended approval with conditions. Applicant must obtain a permit for and install an approved onsite wastewater treatment system associated with the offsite processing activities. Seasonal cultivation sites may be supported by portable toilets. (Conditions of Approval A3 and A4).

Natural Resources

The applicant provided an Initial Biological Reconnaissance and Project Feasibility Assessment Report (Assessment) dated July 28, 2020, prepared by Naiad Biological Consulting. The applicant also provided a Botanical Report of Special Status Native Plant Populations and Natural Communities (Botanical Report) dated August 24, 2021, prepared by Naiad Biological Consulting. The Botanical Report concludes that impacts to sensitive species or sensitive habitats will not occur from the proposed cannabis project. The Botanical Report notes the presence of invasive species. The Assessment also concludes there will likely be no negative impacts to sensitive habitats if the project avoids and is sufficiently setback from wetlands and streamside management areas. The Assessment notes there is pre-existing disturbance to proposed project areas from historic cattle grazing and cultivation of grapes. The Assessment contains recommendations such as performing pre-construction surveys if construction occurs at certain times of the year. These recommendations have been incorporated into the project (Condition of Approval A5). The assessment notes that a Northern Spotted Owl activity center (HUM0010) was observed in 1974 approximately one mile away. However, the Assessment concludes that the project sites will not remove or modify any nesting, roosting, or foraging habitat. The project Operations Plan includes a light pollution control plan, and the project is subject to standard conditions regarding noise and light pollution. The Assessment recommends implementation of an invasive species control plan. The project Operations Plan includes an invasive vegetative species control plan which has been incorporated into the conditions of approval (Condition of Approval C3).

Humboldt County's WebGIS and the project plot plan show several streamside management areas (SMA) as well as seasonal wetlands in the vicinity of project areas. The streamside management areas include the areas designated as riparian buffer on the plot plan. Review by staff indicates that with exception to two existing buildings, all cannabis related activities are outside the designated SMA setbacks. The Assessment recommends that surveys may be required in specific locations to accurately establish the project sites required setbacks. Because of proximity to perennial or intermittent streams as well as a Class III watercourse to some project areas, the project includes a condition requiring the flagging onsite of the SMA or Class III buffer by a qualified professional to ensure disturbance occurs outside the SMA or buffer. The specific project areas near water resources include the parking area, Building 'C', the proposed access driveway, and Greenhouses 1 and 2. (Condition of Approval A7).

Additionally, both Buildings 'A' and 'B' are currently located within a SMA using current standards described in Chapter 10 (Conservation and Open Space) of the General Plan. Review of the building permit history for these buildings (24047-06-1436B4 and 13689-00-861A4 respectively) indicate both Buildings 'A' and 'B' are legal non-conforming regarding the SMA. These two buildings already contain agricultural uses related to a winery and the cannabis project does not propose to expand the footprint of the structures. Therefore, the substitution of the cannabis uses for the winery uses within these two

structures will not increase their nonconformity so a Special Permit under HCC 314-132 or the Streamside Management Area Ordinance is not required.

The project has a pending Lake or Streambed Alteration Agreement (LSAA) (EPIMS-HUM-15289-R1) for three culverts. The project includes conditions requiring conformance with the LSAA as well as State Water Resources Control Board Order WQ 2019-0001-DWQ (Conditions of Approval A11 and C17).

The legal parcel contains approximately 205.85 acres of prime soils. The proposed cultivation sites will cover approximately 0.6% of the prime soils.

Energy

Electricity is provided by PGE and an existing and proposed solar system. Additional solar panels may be added to a location east of proposed Building 'C'. All power sourced from PGE shall be sourced from renewable energy, such as the RCEA PowerPlus plan. A generator is present for emergency purposes only (Condition of Approval C6).

Noise

The applicant provided a noise assessment dated October 2020 conducted by Northpoint Consulting Group. The noise assessment establishes the following average baselines: 33dB for the northern legal parcel property line, 43.7dB for the eastern, and 36dB for both the western and southern legal parcel property line. These baselines have been incorporated into the noise standards described in the conditions of approval (Condition of Approval C1).

Access

Access to the site is taken directly from Conklin Creek Road, which is county-maintained. The applicant provided a Road System Assessment Report dated November 2020 conducted by Northpoint Consulting Group. The Road Assessment recommends that road facilities on site be maintained regarding width and sight distance. Additionally, the Road Assessment recommends that the inboard ditch identified as Road Point #4 be maintained. The recommendation is incorporated in the project conditions (Condition of Approval B2).

There will be 24 employees maximum during peak operations. The plot plan depicts 24 regular parking spaces, 20 in the main area and another four near Building B. An ADA parking space is also shown in the main parking area. It is estimated that there be 28 vehicle trips on average with a maximum of 56 during peak season. The project was referred to the Department of Public Works which recommended approval with conditions which have been incorporated into the project (Condition of Approval A10). The project was also referred to the Petrolia Fire District which recommended approval with the condition that a 2.5" NH (National Hose) or equivalent water supply be provided which has also been incorporated into the project (Condition of Approval A9). The project is located within the State Responsibility Area and the Operations Plan includes a 2,500-gallon tank for fire suppression. The plot plan also depicts emergency vehicle turnarounds compliant with the Fire Safe Regulations.

Tribal Consultation

The project is in the Bear River Band of Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council aboriginal territory. The project was referred to the tribes and the Northwest Information Center. A March 2018 Cultural Resources Investigation Report prepared by Roscoe and Associates was provided by the applicant. A July 14, 2021, Cultural Resources Survey Letter prepared by William Rich and Associates was also provided. The Report and Letter note that two biface thinning flakes were identified at two separate locations. The Report and Letter were reviewed by the Bear River Tribal Historic Preservation Officer who recommended an inadvertent discovery protocol as well as cultural monitoring for the ground disturbing activities. Both recommendations are included as conditions of approval (Conditions of Approval A6 and C2).

Resolution 18-43 Consistency

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 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 195 permits and the total approved acres would be 40.8 acres of cultivation.

Environmental Review and Staff Recommendation

Environmental review for this project was conducted and based on the results of that analysis, staff concludes that all aspects of the project have been considered in a previously adopted Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance. An addendum to the Environmental Impact Report has been prepared for consideration by the Planning Commission (Attachment 2).

Staff recommends that the Planning Commission make all the required findings based on the evidence in the record and approve the application subject to the recommend conditions.

Alternatives: Several alternatives may be considered: 1) The Planning Commission 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 Planning Commission could elect to add or delete conditions of approval; 3) The Planning Commission could deny approval of the requested permits if it is unable to make all 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, staff does not recommend further consideration of these alternatives.