

Golden Bud, LLC

Record Numbers: PLN-11439-SP and PLN-15958-SP

Assessor's Parcel Number: 218-031-008

Recommended Planning Commission Action:

1. Describe the application as part a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action to approve the application:

Adopt the Resolution to 1) find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMLLUO) pursuant to Section §15164 of the State CEQA Guidelines, 2) make all of the required findings for approval of the Special Permit, and 3) approve the Golden Bud, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary: Golden Bud, LLC, seeks a Special Permit for the continued operation of 7,700 SF of pre-existing cultivation and 35,860 SF of new cultivation. Existing cultivation consists of 3,200 SF of mixed light and 4,500 SF of outdoor cultivation activities. The newly proposed cultivation area would consist of 6,600 SF of mixed light and 29,260 SF of outdoor cultivation activities bringing the total proposed cultivation to 43,560 SF in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Cannabis Land Use Ordinance (CCLUO). The site is designated as Residential Agriculture (RA40), in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation Zone with 40-Acre Minimum Special Building Combining Zone [FR-B-5(40)]. The applicant proposes to cultivate 19,800 SF of cultivation, consisting of 9,800 SF mixed light and 10,000 SF outdoor, until water storage to support 43,560 SF is developed. The 19,800 SF would consist of the 7,700 SF of existing outdoor and 12,100 SF of new cultivation area. Initially, cultivation will take place in three primary locations: Cultivation Area #1 will contain 3,500 SF of proposed outdoor cultivation, Cultivation Area #2 will contain 6,500 SF of proposed outdoor cultivation, and Cultivation Area #3 will include existing and proposed mixed light cultivation activities totaling 9,800 SF within three (3) greenhouses. Ancillary propagation occurs in one (1) 960-square-foot greenhouse structure located in Cultivation Area #3. Operations occur year-round with cultivation activities extending from May through October for a total of two (2) cultivation cycles with some years producing up to three (3).

Processing activities including drying, curing, and trimming will occur in a proposed 1,334-square-foot structure. Up to seven (7) employees may be utilized onsite. Power will be provided by solar and wind with Pacific Gas and Electric Company (PG&E) to offset any additional needs. The site does have one (1) generator designated for emergency use only. The operation will be secured behind a gated road, the cultivation facilities will only be accessible through locked gate, and low intensity motion sensor lights at strategic locations are utilized. All outdoor lighting will be fully shielded and directed downward to avoid adverse impact on neighboring properties and surrounding wildlife.

The site is currently developed with nineteen (19) 3,000-gallon and twenty-one (21) 5,000-gallon hard sided water tanks (totaling 162,000 gallons), in addition to the six (6) structures detailed below in Table 1.

Table 1: Existing Structures

Existing Structures Onsite			
Map ID	Structure	Dimensions (feet)	Size (SF)
A	Greenhouse	100'x34'	3,400
C	Greenhouse (Nursery)	48'x20'	960
D	Greenhouse	100'x34'	3,400
H	Shed (Storage)	12'x10'	120
J	Building (Processing)	58'x 23'	1,334
B	Residence (Domestic)	58'x 23'	1,334
Total			10,548

The proposed new cultivation would change the layout of existing structures, specifically the greenhouses, wherein Greenhouses A and D would expand (within the similar disturbed footprint) to 100' x 34' (3,400 SF each), and the Nursery (Greenhouse C) would be expanded to 3,000 SF, to bring the total mixed light cultivation to 9,800 SF. Additional locations of outdoor cultivation are proposed as well, totaling 10,000 SF, as previously described above. Total proposed cultivation activity consists of the 19,800 SF as described; the additional 23,760 SF requested by this permit is for future consideration. Please note the site can physically situate the full amount of cultivation requested as reviewed in the Biological Reconnaissance and Project Feasibility Assessment Report (on file and confidential); however, water storage constraints currently reduce potential cultivation to 19,800 SF (see following discussion).

Currently, estimated annual water usage totals 282,000 gallons (14.2 gal/SF) for 19,800 SF. The total water demand at full build-out of 43,560 SF is 607,200 gallons (13.93 gal/SF). Water for irrigation will be provided by a rainwater catchment system comprised of six (6) structures. The average rainfall for the project area is 64 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 SF. With a total impermeable rainwater catchment area of 10,548 SF (based on the size of existing structures), and an average rainfall amount of 64 inches, the site's potential capture amount totals 418,545 gallons per year on average. A detailed breakdown of proposed rainwater capture infrastructure and capture potentials are provided below in Table 2.

Table 2. Proposed Rainwater Capture Analysis.

Map ID	Structure	Potential Capture Area (SF)	Potential Average (2010-2020) Rainfall Capture Amount (gallons)
A	Greenhouse	3,400	134,912
C	Greenhouse (Nursery)	960	38,093
D	Greenhouse	3,400	134,912
H	Shed (Storage)	120	4,762
J	Building (Processing)	1,334	52,933
B	Residence (Domestic)	1,334	52,933
Totals:		10,548	418,545

Existing water storage consists of nineteen (19) 3,000-gallon and twenty-one (21) 5,000-gallon hard sided water tanks totaling 162,000 gallons. Rainwater that is captured through the rainwater catchment system will be stored in the existing tanks, in addition to fifteen (15) proposed 5,000-gallon hard-sided water storage tanks, totaling 237,000 gallons of onsite water storage. Prior to the 2022 cultivation season, the project is conditioned to increase water storage by 45,000 gallons to meet the water demand for 19,800 SF of additional cultivation and install the fifteen (15) proposed 5,000-gallon hard-sided tanks. The applicant is required to provide evidence (e.g., photographs) to the Planning Department prior to cultivating any additional square footage. If the additional water storage is not developed, the applicant is limited to cultivation of 7,700 SF that is considered existing cultivation.

The project is prohibited from growing the additional 23,760 SF of cultivation proposed by this project until adequate water storage can be installed. At full build-out, the conservative estimate of annual water use would total 607,200 gallons. As such, the applicant is required to install an additional 370,200 gallons of water storage that will function as additional impermeable rainwater catchment surfaces to meet annual water needs. The applicant is required to provide evidence (e.g., photographs) to the Planning Department prior to cultivating this additional square footage.

The site has two registered points of diversion (Registration No. H501881) which was historically utilized to provide irrigation water for the existing cultivation activities. The cultivation activities as proposed under this project are prohibited from utilizing a surface water diversion in conformance with the CCLUO and

is conditioned to utilize water meters to track the source of irrigation for existing and new cultivation to show conformance with this requirement.

The Site Plan shows five (5) Class III intermittent streams with the associated 50-foot Streamside Management Area (SMA) buffers. Both existing and proposed cultivation areas and ancillary infrastructure are outside of the required SMA buffers. Furthermore, as a Tier 1 Low Risk operator (WDID 1_12CC419436), a Site Management Plan (SMP) was prepared by Timberland Resource Consultants, dated 9/10/2020 (Attachment 3). Twenty-five (25) unique points of evaluation were assessed that included cultivation areas, associated facilities, roads, and other developed and/or disturbed areas for discharges and related controllable water quality factors from the activities listed in the SWRCB General Order (WQ 2019-0001-DWQ). Of the 25 points assessed, twelve (12) unique points of non-compliance were identified and prescribed actions to treat these non-compliance points utilizing Best Practicable Treatment or Control (BPTC) practices as outlined in section 2 of the General Order. The project is conditioned to adhere to the BPTC's as described on pages 17 through 22 of the SMP.

The applicant will account for and keep records of annual and seasonal volumes of soil imported and exported on and off site. Any purchased soils will be reamended for use the following year or properly disposed of at an appropriate facility. During the wet season, any soil piles will be located in a flat area outside of riparian setbacks and winterized, likely with a tarp underneath the pile and straw wattles located around the pile to prevent leachate from entering surface waters. Potential spent soils will be properly disposed of off-site at an appropriate facility. According to the Pest Management Plan (Attachment 3) prepared by Dirty Business Soil Consulting and Analysis, LLC, dated 2/23/2018, invasive species will be monitored at the project site, specifically in and around the cultivation area, as required by the CCLUO. Removal using hand tools will occur should any invasive species be found. The area will be surveyed and maintained twice per year. Conditions of approval require the applicant to provide the results of the bi-annual surveys during the annual inspection.

A review of California Department of Fish and Wildlife's (CDFW) Biogeographic Information and Observation System (BIOS) depicts no reported or predicted habitats for endangered or sensitive biological species within the project location. The nearest mapped Northern Spotted Owl (NSO) activity center is 2.3 miles away from the nearest cultivation area. A Biological Reconnaissance and Project Feasibility Assessment Report (Biological Report; see Attachment 3) was prepared by Naiad Biological Consulting for the project site dated 8/29/2020. The report indicated that should project related activities occur in the surveyed areas for existing and future expansion activities, there will likely be no negative impacts to sensitive habitats or severely alter the already disturbed habitat quality of these sites any more than already has been. The site hosts an abundance of invasive and nonnative species on the parcel and within the potential and pre-existing project sites. With adherence to the included Invasive Species Control Plan prepared by Naiad Biological Consulting in October 2020 (see Attachment 3), it is anticipated that the surrounding environment and habitat will be improved by removing these invasive species during the project site development process, and ultimately halting their spread. In conclusion, the activities associated with the cultivation at the proposed sites would only potentially have direct impacts as "disturbance-based" such as noise and light pollution commonly associated with cannabis cultivation. The project is conditioned to require adherence to the seven (7) recommendations included within the Biological Report (Section 5.1.3, pgs. 19 and 20) to further ensure direct and indirect protection of the environment, surrounding habitat, and wildlife.

Power to support operations will be provided by solar and wind energy devices further supported by PG&E. Conditions of approval require the applicant to submit an energy budget showing the energy needs for the project pursuant to CCLUO requirements. Conditions of approval also require that "Prior to or during each annual inspection, the applicant shall provide proof of use of a renewable energy source, such as PGE RePower+, wind, and/or solar to demonstrate that energy used to support the project is consistent with CCLUO requirements."

On January 23, 2019, comments were received from CDFW (Attachment 4) describing general concerns about the use of synthetic netting, impacts to wildlife, proper waste disposal, and noise pollution. The

project is conditioned to prohibit the use of synthetic materials for erosion control measures, proper waste management including the use of wildlife-proof containers to store waste, and adherence to noise levels not exceeding 50 decibels at 100 feet or edge of riparian habitat through the life of the project. On October 10, 2021, Staff responded to CDFW including a description of the conditions described above to address their concerns regarding the project (Attachment 4). Additionally, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CCLUO performance standards and will not negatively impact NSO or other sensitive species.

Access to the site is via Island Mountain Road, a County-maintained road. The applicant submitted a Road Evaluation Report dated 2/27/2018 (Attachment 3), that declares the road is developed to Category 4 road standards (20 feet or wider). Staff reviewed the road through WebGIS and Google Earth to measure the width of the road in several areas and found the average road width to be between 17-21 feet in width with minimal vegetation allowing for visibility where a driver can see oncoming vehicles through any potential pinch points, which would make the road equivalent of a road Category 4 standard. Public Works, Land Use Division requests improvements to the road intersection apron (encroachment) that connects the private driveway to Island Mountain Road. The project is conditioned to implement the recommendation of Public Works, including adherence to the County Code Section 341-1 Sight Visibility Ordinance and ensure that the access meets the fences and encroachment setback from the County right of way.

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 Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 84 permits and the total approved acres would be 41 acres of cultivation.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP) and Special Permit (SP).

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.