

## PACWI, LLC

Record Number: PLN-12049-CUP  
Assessor's Parcel Number: 216-093-009

### Recommended 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 (CMMLUO) pursuant to Section §15164 of the State CEQA Guidelines, 2) make all of the required findings for approval of the Conditional Use Permit and 3) approve the PACWI, LLC, project as recommended by staff subject to the recommended conditions.*

**Executive Summary:** A Conditional Use Permit to allow the continued cultivation of 16,600 square feet (SF) outdoor cannabis cultivation operation utilizing light deprivation techniques 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). The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). Cultivation activities include 3,668 SF of full sun outdoor cultivation and 16,332 SF of light deprivation cultivation within 13 hoop house structures located in the central area of the parcel. Ancillary propagation occurs in two 750-square-foot greenhouses. Two harvests are anticipated annually utilizing light deprivation techniques for a growing season that extends from March through October.

Drying (and bucking) occurs onsite in two existing sheds measuring 800 SF and 364 SF respectively. Additional processing will occur offsite at a licensed processing or manufacturing facility. Up to six (6) employees may be utilized during peak operations. Power is provided by an EPA rated Tier 4 diesel generator. Conditions of approval require the generator to be contained and permitted by the North Coast Unified Air Quality Management District (NCUAQMD) as applicable. The operation will be secured behind a gated road, fenced cultivation areas, and locked structures.

### Onsite Relocation

Historically (previous to January 1, 2016), an approximately 3,000 SF area of cultivation occurred adjacent to the northern pond and within the Streamside Management Area (SMA) setback distances. The 3,000 SF of cultivation is proposed to be relocated to the central portion of the parcel adjacent to the other existing cultivation areas onsite. This historic cultivation location has been abandoned and the property owner has begun removing all cultivation equipment and refuse including garden beds, fencing, cultivation soil, nutrient containers, irrigation line, greenhouse infrastructure, t-posts, tarps, and all other foreign material. Once all foreign materials are removed, the site will be seeded with a native grass mix and covered with straw prior to the onset of the rainy season. No grading or earth moving was required to the create cultivation area, as such no additional earthwork is recommended for remediation. Two drying sheds measuring 800 SF and 364 SF, respectively, were constructed within the 50-foot setback of a Class III stream as well at the northern end of the property. The 800-square-foot shed will be relocated approximately 30 feet south-east to a location adjacent to the internal road meeting setback distance requirements while the 364-square-foot shed will be relocated near the property entry adjacent to the fertilizer storage shed. The historic locations for these sheds will have all foreign material removed and will be seeded with a native grass mix and covered with straw prior to the onset of the rainy season. Staff are supportive of this relocation proposal as relocating commercial activities to be in compliance with the Streamside Management and Wetland Areas (SMAWO) ordinance setback distances conforms with its purpose to protect

surface waters from negative impacts, additionally the relocations sites as proposed will utilize historically disturbed areas requiring no additional earthwork.

**Water Resources**

Water for irrigation is provided by two lined rainwater catchment ponds, of which one has a capacity of 400,000 gallons, and the second that has a storage capacity of 100,000-gallons. The average rainfall for the project area is 57 inches (4.75ft), based on averaging rainfall values from 2011 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 1-inch of rainfall or .62 gallons per 1 SF. With a total impermeable rainwater catchment area of 15,340 sf, and an average rainfall amount of 57 inches, the sites potential capture amount totals 542,116 gallons per year on average. A detailed breakdown of proposed rainwater capture infrastructure and capture potentials are provided below in Table 1.

Table 1 Proposed Rainwater Capture Analysis.

Infrastructure Description	Potential Capture Area (ft2)	Potential Average (2010-2020) Rainfall Capture Amount (gallons)
Northern Catchment Pond	11,615	410,474
Southern Catchment Pond	3,725	131,642
<b>Totals:</b>	15,340	542,116

Rainwater that is captured through the existing infrastructure will be stored in the existing one (1) 5,000-gallon, three (3) 2,500-gallon, and two (2) 3,500-gallon hard sided water storage tanks in support of the two described ponds totaling 519,500 gallons of storage. The total catchment potential and onsite storage exceeds project needs (392,000 gallons per year) by 25% (127,500 gallons). Due to the amount of storage existing onsite, no additional water storage is required with the approval of this project.

**Biological Resources**

A review of the California Department of Fish and Wildlife (CDFW) Biogeographic Information and Observation System (BIOS) was performed on September 30, 2021, to find positive indicators for the potential occurrence of sensitive receptors on around the cultivation areas. There are no mapped sensitive species onsite, the nearest NSO activity center is located approximately 1.1 mile away from the nearest cultivation area with the nearest positive sighting only 0.5 miles away. Additionally, lands surrounding the site are heavily forested, thus there is a potential for NSO habitat. The project as proposed is for the cultivation of 16,600 sf of cannabis cultivation occurring in 13 greenhouse structures utilizing light deprivation techniques. Two cycles are expected the first cycle starts in March and will end in July utilizing light deprivation techniques whereas the second cycle that starts in late July or early August runs through October and will be grown using full sun techniques. The nursery as proposed will contain low wattage LED "string lights" to provide lighting for employees and will be equipped with blackout curtains to eliminate light from escaping the structure from a half hour prior to sunset to a half hour after sunrise. The power source for the project is a 25kw diesel generator stored in a shop building that has a cement pad floor. The project is conditioned such that generators shall have secondary containment for fluid catchment and noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. Additionally, any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits.

Included with this project includes the replacement of three 3 stream crossing culverts and the remediation of a 60-foot length of a Class III water course which was impacted by fill placed in or directly adjacent to the channel, and for the reconstruction of the northern 400,000-gallon capacity pond. The applicant has a Final Streambed Alteration Agreement (FSAA) (Notification No. 1600-2017-0599-R1) effective June 20, 2018, which includes the approval for the culvert replacements and stream channel remediation (Attachment 3). The applicant had a Biological Assessment (BA) and Geologic Evaluation (GE) for the northern pond prepared by SHN dated September 16, 2020, and January 20,

2021, respectively (Attachment 3). The BA included six recommendations to protect water quality, and improve habitat value of the pond and adjacent streams outlined below:

- Recontour the pond edge so that the outflow pipe is below the lowest edge of the pond, while retaining a slope of 2:1 or installing exit ramps for adequate wildlife escape. Ensure no overland flow of water occurs from the pond and all overflow is directed through the pipe.
- Place crushed rock below the outflow pipe into the Class III drainage to create a gradual spillway from the outflow end of the culvert pipe to the drainage bed to prevent erosion. Do not remove any vegetation along this Class III drainage unless minor vegetation removal is necessary to install the rock spillway.
- Ensure that any additional fencing or netting used in the pond enclosure design does not restrict wildlife movement through adjacent riparian corridors or cause entanglement. No plastic netting or fencing should be used.
- Remove American bullfrogs from this pond and any other pond on the property in consultation with a qualified biologist or CDFW regarding appropriate eradication methods.
- After bullfrog eradication, install amphibian exclusion fencing around the pond to prevent re-infestation. Consult with a qualified biologist or CDFW for appropriate materials and design.
- When pumping water from the pond, use a 1/8-inch filter basket to avoid aquatic species entrapment.

Based on the inspection performed in 2020 as reported in the GE, recommendations include the reconstruction of the entire embankment using engineered fill, RSP be used on the outside slope following embankment construction to armor the toe of the newly constructed embankment adjacent to the Class III watercourse to prevent erosion. The project is conditioned to adhere to the recommendations provided in the BA, GE, prepared by SHN and the conditions described in the FSAA with CDFW, which includes the reconstruction of the pond's embankment, adherence to the biological protections including the Bull Frog Management Plan, and the prohibition of plastic materials for erosion control or biological exclusion fencing (Attachment 3).

The Class II and III streams that flow through property south to north are tributary to the Mad River. A Site Management Plan (SMP) was prepared by Timberland Resource Consultants (TRC) dated February 28, 2019, that includes a list of recommended best practices for erosion control, winterization of soils outside the riparian setbacks, maintenance of culverts and rolling dips, along with the replacement of three culverts as described in the FSAA (Notification No. 1600-2017-0599-R1) consistent with the State Water Resources Control Board (SWRCB) and North Coast Regional Water Quality Control Board (NCRWQB). The applicant is enrolled in the NCRWQB and has provided documentation showing adherence to the cannabis general order WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order) under SWRCB Cannabis Cultivation Policy (WDID -1B171595CHUM).

The project is conditioned to ensure the combination of background, generator and greenhouse fan or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. 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.

### **Access**

Access to the site is via a privately maintained road Bliss Lane off of Jewett County Road a County maintained roadway. A Road Evaluation report for French Camp Road was prepared by the applicant (Attachment 3) which indicates the roadway meets a category 4 equivalent standard, the roadway can accommodate the cumulative increased traffic from the project.

Within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance

Association for the maintenance of Bliss Lane. 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. A sign-off from the Planning Department will satisfy this condition.

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).

**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.