

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:

Adopt the resolution to 1) find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, 2) make all required findings for approval of the Conditional Use Permit, and 3) approve the proposed MHG LLC project subject to the recommended conditions.

Executive Summary: A Conditional Use Permit for 18,492 square feet of existing outdoor commercial cannabis cultivation using light deprivation supported by an 1,800 square foot ancillary nursery. Irrigation water is estimated at 223,000 gallons annually and sourced by a permitted well disconnected from surface waters. Total water storage for the project is 40,000 gallons. Power is supplied by a generator and the operation will have up to five staff at peak operation. A recommended condition of approval will require the project to implement renewable energy such that the generator is available for backup only, by January 1, 2026 (**Condition of Approval A5**). The proposed project includes onsite processing. The cultivation is being relocated and the previous area will be restored.

Water and Wastewater

The annual irrigation water budget of 223,000 gallons is sourced exclusively from a permitted, disconnected well that yields 15 gallons per minute. The well is located at coordinates 40.1358, -123.65182 and the permit number is 16/17-0780. A Hydrologic Isolation Analysis dated January 20, 2022, was conducted by a Certified Engineering Geologist, David N. Lindberg. The analysis concluded that the well does not appear to be hydrologically connected to, or capable of influencing surface water flows.

Including the ancillary nursery, water usage is projected to be 10.99 gallons per square foot per year. There will be a total of 30,000 gallons of irrigation storage capacity among various tanks. An additional 5,000-gallon tank will serve the processing building and another 5,000 gallons tank will be used for fertigation. A third 5,000-gallon tank is dedicated for fire suppression. Irrigation water will be metered and utilize drip or soak techniques controlled with timers at an agronomic rate for efficient water uptake.

Per the Division of Environmental Health, no processing can occur until there is an approved onsite wastewater treatment system. Cultivation activities will be supported by portable toilets unless replaced by a permitted wastewater system. Processing will occur offsite at a licensed facility until a permitted building and adequate wastewater system is provided (**Condition of Approval B1**).

Biological Resources

A review of the California Natural Diversity Database did not indicate any known rare or endangered species on or near the project area. The nearest mapped Northern Spotted Owl activity center is 5.17 miles away from the cultivation area and the nearest recorded positive siting 1.75 miles away. Artificial light will only be used in the ancillary nursery which is equipped with blackout tarps to eliminate light from escaping the structures from 30 minutes prior to sunset and 30 minutes after sunrise. Use of the generator is subject to the standard condition limiting noise to 50dB at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer (**Condition of Approval C2**). As proposed and conditioned, the project is consistent with CMMLUO performance standards and will not negatively impact Northern Spotted Owl or other sensitive species.

Onsite Relocation and Restoration

In accordance with Department Policy Statement No. 16-002, the applicant is proposing onsite relocation of a former cultivation area. An analysis conducted by Timberland Resource Consultants dated September 30, 2021, concluded that the historic 0.26-acre cultivation area is classified as high risk to water quality due to the proximity to surface water. The historic cultivation area includes slopes more than 15%. The historic cultivation area is between Powers Creek and a Class III stream. The Class III stream has an undersized misaligned culvert and point of diversion that serviced the former cultivation site which, according to the Operations Plan, contains cultivation materials, primitive shed, RVs, and debris.

The proposed relocation area is within a CalFire approved less than 3-acre conversion exemption (1-16EX-081-HUM). The relocation site contains slopes of less than 15% and is sufficiently setback from riparian buffers.

As part of the relocation environmental superiority, the former cultivation site shall be restored. Elements of the restoration plan are found within the Site Management Plan, project Operations Plan, and the Restocking Plan provided by Timberland Resource Consultants. The Site Management Plan prescribes removal and disposal of the cultivation waste and application of seed and straw to bare soils during cleanup. The project Operation Plan prescribes:

1. Removal of cultivation soils that cannot be reused at the relocation site
2. Removal and disposal of debris, camp site, RV, and solid waste
3. Replanting of native vegetation
4. Removal of misaligned and undersized culvert and restoration of streambed
5. Removal of the former point of diversion
6. Blocking of old access road with boulders
7. Restoration shall be conducted under the guidance of qualified professional(s) in association with the necessary permits, approvals, and agreements from relevant agencies
8. Work will occur between April 15 and October 31 when the streams are dry

The Restocking Plan also requires restocking of Douglas fir at a uniform spacing no less than 15 feet by 15 feet, or 435 trees per acre. With an area of 0.26 acres, that is approximately 113 trees. The Restocking Plan requires planting to occur in winter or early spring. The Restocking Plan also prescribes monitoring and survival criteria. Once restocked the area shall be monitored after two years to ensure a minimum 125-point count stocking level. Within five years of planting, a report of stocking shall be submitted to the county by a Registered Professional Forest certifying the area meets the minimum stocking standards. **(Condition of Approval A3).**

Energy

Power for the well pump, nursery lighting, greenhouse fans, and the processing facility will be provided by an EPA Tier IV generator equal to or less than 150 kilowatts. The applicant will develop an alternative renewable energy plan that will be fully implemented by January 1, 2026 **(Condition of Approval A5).**

Access

The project parcel takes access from Northview Road, a private road which connects to Rancho Sequoia Drive, also a private road. The private road runs 2.5 miles from the project parcel before intersecting with Alderpoint Road, a county-maintained road. A road evaluation was conducted by David Nicoletti, a Professional Engineer, in April 2019. The road evaluation makes several recommendations for improvements to both Northview Road and Rancho Sequoia Drive. Joining and participating in the Road Maintenance Association is a condition of approval for this project. **(Condition of Approval A4)**

Referral to Public Works resulted in recommendations to improve the intersection of Rancho Sequoia Road and Alderpoint Road to current standards for a commercial driveway. Specifically, Rancho Sequoia Road shall be paved for a minimum width of 20 feet and a length of 50 feet (**Condition of Approval A2**).

The project parcel is located within a State Responsibility Area. The plot plan depicts a dedicated fire suppression water source and an emergency vehicle turnaround. Review of the county GIS indicates the parcel is not located within an established Fire Protection District but lies within the Alderpoint Volunteer Fire Company response area. The project conditions include the requirement to obtain a will serve letter or recordation of an acknowledgement of no available emergency response and fire suppression services (**Condition of Approval B3**).

Tribal Consultation

The project is within the historic aboriginal territory of the Bear River Band. The project was referred to the Northwest Information Center at Sonoma State and Bear River. A Cultural Resources Investigation was performed by Nick Angeloff. The investigation final report was reviewed by the Bear River Tribal Historic Preservation Office which recommended the standard inadvertent discovery protocol which has been incorporated into the project as a condition of approval (**Condition of Approval C1**).

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 in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 97 permits and the total approved acres would be 46.49 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 Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance. Staff has prepared an addendum to the environmental document for consideration by the Zoning Administrator (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: 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 the required findings. Staff has stated that the required findings in support of the proposal have been made. Consequently, 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.