

**Recommended Commission Action:**

1. Describe the application as a public hearing item;
2. Survey the audience for any person that would like to discuss the application;
3. If no one requests discussion, make the following motion to approve the application.

*Adopt the resolution finding that the Commission has considered the Addendum to the adopted Final Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) pursuant to Section §15164 of the State CEQA Guidelines, making all of the required findings for approval of the Special Permit and adopt the Resolution approving the Organic Humboldt, LLC, subject to the recommended conditions.*

**Executive Summary:** The applicant is seeking a Special Permit for 43,560 square feet of new outdoor commercial cannabis cultivation and a Zoning Clearance Certificate for 13,500 square feet of existing outdoor cultivation being relocated to the subject parcel under the RRR program. Total cultivation on the parcel totals 57,060 square feet of outdoor commercial cannabis cultivation. Light deprevation techniques may be utilized to achieve two harvests annually. Achieving two harvests will be dependent upon weather conditions. The project will be supported by 5,706 square feet of propagation space. Achieving two harvests will be dependent upon weather conditions. The project will be supported by 4,356 square feet of propagation space. All processing will occur offsite at a licensed third-party processing facility. Up to three employees will be utilized for the operation.

The subject parcel is located in the Avenue of the Giants Community Planning Area where agriculture is a predominant use. The cultivation of commercial cannabis, an agricultural product, will not change the character of Stafford as there is an existing permitted commercial cannabis operation adjacent to the proposed project.

**Water Resources**

The project will implement dry farming techniques which will be supplemented by an existing rainwater catchment system with a total surface area of 3,200 square feet. The projected annual water usage is 20,000 gallons (2.85 gal/SF), and the proposed water storage totals 50,000 gallons. The applicant will meter their irrigation water use. The project was referred to the Division of Environmental Health which recommended approval of the project and did not provide any additional recommendations. An ongoing requirement for the project will require the applicant to provide portable toilets to serve the operation (**General Condition B.6**).

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

Planning staff determined 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 Lower Eel Planning Watershed, which under Resolution 18-43 is limited to 336 permits and 116 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 77 permits and the total approved acres would be 28.38 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 Environmental Impact Report 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).

## Energy Resources

Energy for the operation will be supplied by P.G.&E. Considering all processing will occur offsite, the project will only require energy for the lighting in the propagation greenhouses. No generators are required for the operation. The applicant will be required to enroll in RePower+, the renewable energy program.

## Biological Resources

The applicant submitted a *Biological Assessment* prepared by Naiad Biological Consulting, dated June 2020. The *Biological Assessment* and associated site visit did not document any special status plant or animal species on the subject parcel. However, this preliminary study did find that there is potential for 7 special status plant species including: Harlequin lotus, Kellogg's lily, maple-leaved checkerbloom, Siskiyou checkerbloom, Howell's montia, nodding semaphore grass, and Pacific gilia. A seasonally appropriate, protocol-level *Botanical Survey* was then prepared by Naiad Biological Consulting which determined that the proposed project will not negatively impact any sensitive species or habitat, and no further botanical surveys are recommended. The nearest Northern spotted owl (NSO) activity center is located approximately .65 miles north of the project site. As documented in the *Biological Assessment*, the subject parcel does not contain habitat suitable for the NSO nesting or roosting habitat. The project, as proposed, is not anticipated to impact the NSO.

Additionally, the applicant submitted a *Wetland Delineation* prepared by Naiad Biological Consulting which surveyed the project site to determine the presence or absence of wetlands. The *Wetland Delineation* did not identify any wetlands in the project area. The *Wetland Delineation* did provide recommendations which include maintaining the appropriate buffer from the Eel River and incorporating best management practices to prevent sediment, fuels, and contaminants from entering the surrounding terrestrial and aquatic environments.

The project was referred to the California Department of Fish and Wildlife (CDFW) which requested that the applicant submit a protocol-level Botanical Survey and Wetland Determination. As stated previously, the applicant submitted these reports, prepared by qualified professionals, and these documents were submitted to CDFW for review. Additionally, the referral response suggested that the setback from the Eel River may begin at the southern tree line. To ensure that this setback was accurately measured the biologist delineated the riparian dripline while on site, and the site plan shows that the project will adhere to that delineation. On April 14, 2022, the assigned planner met with CDFW to discuss the historic cultivation area that was located in the Streamside Management Area. CDFW requested that the applicant submit a Remediation and Riparian Replanting Plan, to be reviewed and approved by CDFW, as well as an Invasive Species Management Plan. The applicant will be required to submit the Remediation and Riparian Replanting Plan, prior to initiating operations, and include a timeline for implementation (**Condition A.3**). The applicant will also submit an Invasive Species Management Plan (**Condition A.4**).

The parcel encompasses approximately 11 acres of prime agricultural soils (479,160 square feet). The proposed project cannot exceed 20% of the prime agricultural soils (95,982 square feet). The proposed project consists of 58,180 square feet of cultivation and associated infrastructure.

## Hazards

The subject parcel is located in the 100-year flood zone requiring all cultivation related infrastructure to be flood elevation certified or be located one foot above base flood elevation. The applicant is required to obtain any applicable flood elevation certificates prior to the initiation of operations (**Condition A.1**). The applicant will remove all cultivation related infrastructure, including any water tanks, shipping containers, and hoop houses, from the parcel each year from October 15<sup>th</sup> to April 16<sup>th</sup> unless the infrastructure is wet flood proofed or anchored (**General Condition B.8**).

## **Tribal Cultural Resource Coordination**

The project site is located in the Intertribal Sinkyone Wilderness Council and Bear River Band of the Rohnerville Rancheria aboriginal territories. The applicant submitted a *Cultural Resource Investigation*, prepared by William Rich and Associates. The report found that the proposed project is not anticipated to impact any tribal cultural resources. The project was referred to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. A response was received from the Bear River Band which requested that the applicant adhere to the Inadvertent Discovery Protocol. This has been included as an ongoing requirement of the project (**General Condition B.41**).

## **Access**

The project site is located off Stafford Road, which is a county-maintained road. A *Road Evaluation Report* was prepared by a Professional Engineer and submitted to the department which states that the Stafford Road is not developed to the Category 4 equivalent, but can support the increased traffic incurred from the project. The report did not provide any additional recommendations for improvements. The project was referred to the Department of Public Works Land Use Division which recommended that the applicant (1) maintain the intersection of their driveway and Stafford Road in accordance with the Sight Visibility Ordinance, (2) that the applicant be required to pave their driveway for a width of 20 feet and length of 50 feet where their driveway meets Stafford Road, and (3) that the applicant be required to remove all infrastructure, such as fencing, out of the county maintained right-of-way. These recommendations have been included as a condition of approval for the project (**Condition A.2**).

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 Final Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission.

**RECOMMENDATION:** 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 Special Permit.

**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 EIR for the CCLUO 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.