



COUNTY OF HUMBOLDT

For the meeting of: 5/2/2024

File #: 24-817

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Earley Farms, LLC, Conditional Use Permit

Assessor Parcel Numbers (APN's) 217-251-003, 217-244-004, 217-244-007 & 217-225-007

Record No.: PLN-12705-CUP

Blocksburg area

A Conditional Use Permit for authorizing the continued operation of pre-existing commercial cannabis cultivation on a parcel where approximately 68,000 square feet of area was historically used for outdoor cultivation and approximately 4,400 square feet of area was used for mixed light cultivation operated from the property since prior to 2016. Under the Use Permit, one (1) acre of the prior outdoor cultivation is proposed to be continued and the 4,400 square feet of Mixed-Light Cultivation will instead be operated in an Outdoor fashion, for a combined total of approximately 47,560 square feet of outdoor cultivation. Cultivation activities are proposed to be removed and relocated from three existing sites and consolidated within two distinct areas on the property. The three former sites are proposed to be fully remediated following removal of all cultivation infrastructure. Cultivation will continue to occur primarily in pots, within a series of approximately 22 greenhouses, each approximately 20 feet in width and of varying lengths. Light deprivation techniques will be used to induce early flowering and allow for a total of 2 harvests per year in each of the greenhouses. Juvenile cannabis plants will be supplied to the property twice a year delivered from an off-site licensed nursery. Two (2) greenhouses (each approximately 2,000 square feet in size) are proposed to be constructed and will primarily be used as propagation areas to help mature juvenile plants used during the second cultivation cycle. No supplemental lighting or generators are used as part of the cultivation and propagation activities. Annual estimated water usage for cultivation is 687,000 gallons and all water for irrigation is provided by an existing off-stream rainwater catchment pond with approximately 2,000,000 gallons of storage. Initial processing and drying of the harvest occurs within two existing barns and further processing occurs off-site. All cultivation operations are conducted by the property owner and their family.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 24-___). (Attachment 1) which does the following:
 - a. Finds the Planning Commission has considered the Mitigated Negative Declaration prepared adopted for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Earley Farms, LLC project; and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Conditional Use Permit subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location: The project parcels are located in Humboldt County, in the Blocksburg area, approximately 2.25 miles from the intersection of Church Street and an unnamed access road, and approximately 3.5 miles from the intersection of Church Street and Alderpoint Road, in Township 02S of Range 05E Sections 3, 9 and 10 Humboldt Base & Meridian.

Present General Plan Land Use Designation: Agriculture Grazing (AG)

Present Zoning: Agriculture Exclusive - minimum parcel size of 160 acres (AE-B-5(160))

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

Major Concerns: None.

Executive Summary:

Steven Earley is seeking a Conditional Use Permit to allow continued operation of 47,560 square feet of existing outdoor commercial cannabis cultivation utilizing light deprivation techniques. Portions of the property used for cultivation activities consist of unforested grazing land planned and zoned for agricultural uses. Cultivation activities are proposed to be removed and relocated from three existing sites and consolidated within two distinct areas on the property. Cultivation will continue to occur primarily in pots, within a series of approximately 22 greenhouses, each approximately 20 feet in width and of varying lengths. Light deprivation techniques will continue to be used to induce early flowering and allow for a total of 2 harvests per year in each of the greenhouses. Two (2) greenhouses are proposed to be constructed and will primarily be used as propagation areas to help mature juvenile plants used during the second cultivation cycle. No supplemental lighting or generators are used as part of the cultivation and propagation activities. Initial processing and drying of the harvest occurs within two existing barns and further processing occurs off-site. All cultivation operations are conducted by the property owner and their family.

Water Resources:

Annual estimated water usage for cultivation is 687,000 gallons and all water for irrigation is provided

by an existing off-stream rainwater catchment pond with approximately 2,000,000 gallons of storage. An existing water line delivers water via gravity feed from the pond. Several of the upper tributaries to Cooper Creek cross through the project parcel. The project includes removal and relocation of cultivation from a site within the riparian buffer, located between two tributaries upstream of their confluence. A Condition of Approval is included requiring remediation of this area. The remaining cultivation area is located outside of all required riparian buffers prescribed under the County's Streamside Management Area and Wetlands Ordinance and the State Water Resources Control Board Cannabis Policy.

The WRPP assesses compliance with the required elements and standard conditions established in the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023 to protect water quality from cannabis cultivation and related activities. Included in the WRPP is a list of the recommended treatments and actions to be implemented to meet the requirements of the Order, primarily surrounding replacement of culverts and other improvements to the existing private road system providing access to the cultivation sites. Other measures include removal of several cultivation sites that are located too close to nearby watercourses. The project is conditioned to implement all remaining corrective actions contained in the WRPP (**Condition of Approval A.12**). Additional conditions of approval require the applicant to comply with the State Water Resources Control Board Cannabis Cultivation Policy, which includes development and implementation of a Site Management Plan (**Condition of Approval A.13**).

A Notification of Lake or Streambed Alteration was submitted to the California Department of Fish & Wildlife (CDFW), date stamped received by CDFW on 01/09/20 (Attachment 4B), for the cannabis cultivation and water diversion for domestic use, water diversion from two different off-stream rainwater ponds, and replacement of a series of culverts along the unnamed private access road to the site. The project is conditioned to finalize the Notification with CDFW and implement all projects and terms of the Final Streambed Alteration Agreement (SAA) (**Condition of Approval A.24**).

Biological Resources: A Biological Reconnaissance Report and Botanical Survey were prepared for the project by Hohman and Associates. The reports assess the suitability of the site to support special-status plant and animal species and evaluate potential impacts on sensitive biological resources associated with commercial cannabis cultivation. As noted in the Report, portions of the current cultivation sites are located in areas impacting sensitive riparian habitat and removal and relocation to an environmentally superior location is appropriate. The botanical survey revealed that a small portion of the area targeted for relocation is home to Tracy's tarweed, a limited distribution plant which occurs abundantly in the adjacent grasslands. The areas targeted for relocation have been adjusted to enable avoidance of this population of limited distribution plants. No supplemental lighting will be used as part of cultivation operations and no generators will be used as part of this project. The project is conditioned to include the recommendations from the Biological Assessment which include measures for controlling the potential spread of invasive species, restrictions on pesticide and insecticide use, and a prohibition on the use of synthetic netting (**Conditions of**

Approval B.8, B.9, B.10 & B.14). Both reports were provided to CDFW for review and comment.

CDFW Comments:

On August 22, 2023, CDFW staff conducted a site inspection at the subject property. During their inspection they observed two inactive historic cultivation sites that were being retained by the applicant as proof of pre-existing cultivation. CDFW also observed that a spring being used to supply water for domestic use and livestock was being diverted into a cattle trough which was actively overflowing due to there being no float valve or similar means to regulate and restrict water flow. In their comments, they requested that the applicant be required to install meters on all water sources used for cannabis and non-cannabis use, and that a float valve be installed on the domestic water source (**Conditions of Approval A.11 & A.14**). CDFW also requested that all cultivation-related infrastructure and debris at the two inactive cultivation sites be removed and properly disposed of. This was completed by the applicant in 2023 and photos were submitted. CDFW reviewed the photos in March of 2024 and confirmed they were satisfied with the cleanup effort and had no further concerns.

Energy:

The project proposes cultivation in greenhouses in an outdoor fashion without use of supplemental lighting. Project-related energy demand is therefore expected to be limited and capable of being served by a solar array with battery storage.

Access:

The property is located in the Blocksburg area approximately 2.25 miles from the intersection of Church Street and an unnamed access road, and approximately 3.5 miles from the intersection of Church Street and Alderpoint Road. A Road Evaluation Report for the privately maintained road, from Church Road to the subject property was prepared and indicates that the roadway is developed to the functional equivalent of the Category 4 road standard and is appropriate for the volume of expected traffic. The project is conditioned to require the applicant improve the first 50 feet of the private portion of Church Street, approximately 0.17 miles from its intersection with Alderpoint Road (**Condition of Approval A.9**).

Geologic Suitability:

There is no evidence of slope instability on the property or within the greater Blocksburg area. Half of the cultivation area is located on existing graded flats and the proposed relocation area is proposed within a fairly level portion of the property characterized by slopes of less than 15 percent.

Timber Conversion:

Portions of the property used for cultivation activities consist of unforested grazing land planned and zoned for agricultural uses.

Security and Safety:

The operation is secured behind locked gates and fenced cultivation areas. Security cameras provide additional security throughout the property at strategic locations. In addition, the owner/applicant live nearby in the Blocksburg area.

Williamson Act: The parcels are part of a nearly 2000-acre Williamson Act preserve. Non-renewal of the preserve has been requested and is set to occur on February 1, 2025. The Humboldt County Williamson Act Committee has determined that commercial cultivation of cannabis is a compatible use on properties under Williamson Act contracts. The proposal involves the permitting of an existing cannabis operation on a large preserve characterized by agricultural grazing. The continued operation of commercial cannabis cultivation from the property serves to complement and does not interfere with grazing and similar agricultural uses.

Tribal Consultation: In May of 2023 a Cultural Resources Investigation was conducted by Archaeological Research and Supply Company. During the survey, two archaeological sites were discovered and documented in the report, which recommends establishing a 25-foot buffer around the site boundaries and that a tribal and/or archaeological monitor be present during future ground disturbing activities. These recommendations have been incorporated within the Conditions of Approval. On April 16, 2024 planning staff visited the project site along with the property owner/applicant, their consultant, and Edwin Smith of the Bear River Band of the Rohnerville Rancheria. During the site visit the westernmost of the two recorded sites was visited and inspected and it was agreed that monitoring of future ground disturbance and application of a 100-foot setback from the site boundary were sufficient to ensure impacts to Tribal Cultural Resources would be prevented. This is confirmed in a letter from their Environmental and Natural Resources Director and THPO and incorporated within the requirements of the permit. Additionally, the project also includes the requirement that all future ground disturbance be subject to the Inadvertent Discoveries Protocol, which will ensure that all work is stopped and appropriate county and tribal representatives are contacted in the event that tribal cultural resources are inadvertently encountered. **(Conditions of Approval B.2, B.3 & B.4)**

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 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 76 permits and the total approved acres would be 36-acres of cultivation.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachment 5)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add, modify, or delete conditions of approval.
2. The Planning Commission could deny approval if unable to make all the required findings.

Staff has concluded the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Resolution
 - A. Conditions of Approval
 - B. Cultivation Operations Plan
 - C. Site Plan
 - D. Relocation and Restoration Plan
2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Water Resource Protection Plan
 - B. Notification of Lake or Streambed Alteration
 - C. Biological Assessment
 - D. Botanical Survey
 - E. Public Works Road Evaluation Report Form
5. Referral Agency Comments and Recommendations
6. Watershed Maps

Applicant: Earley Farms, LLC; P.O. Box 252, Blocksburg, CA 95514

Owner: Steven Earley; P.O. Box 252, Blocksburg, CA 95514

Agent: Diana Totten; Clearwater Ag Services, 446 Maple Lane, Garberville, CA 95542

Please contact Steven Lazar, Planner, at slazar@co.humboldt.ca.us or 707-268-3741 if you have questions about this item.