



COUNTY OF HUMBOLDT

For the meeting of: 12/15/2022

File #: 22-1674

To: Planning Commission
From: Planning and Building Department
Agenda Section: Public Hearing

SUBJECT:

Xotic Flavorz, LLC
Assessor Parcel Number(s) (APN) 107-272-007
Record No.: PLN-2022-17861
Honeydew area

The applicant is seeking a Special Permit for 33,560 square feet of new outdoor commercial cannabis cultivation, in addition to 43,330 square feet of permitted cannabis cultivation that is already occurring on the property (PLN-11067-SP). 10,000 sf of the existing permitted cannabis on the property was existing and 33,300 sf was permitted through an RRR. The proposed 33,560 sf of cannabis cultivation would bring the total permitted non-RRR cannabis on the site to the maximum one acre allowable under the Humboldt County Code. Including the RRR receiving cultivation a total of 76,890 square feet of commercial cannabis cultivation will be occurring onsite. The applicant is proposing 3,300 square feet of additional ancillary propagation. The applicant anticipates there will be a maximum of three cultivation cycles occurring annually. Artificial lighting used for project activities will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO. Water for irrigation will be provided by an existing 2.5-million-gallon rainwater catchment pond. The applicant projects an annual water use of 1,000,000 gallons for the combined 76,890 square feet of cannabis cultivation (approximately 13 gallons per square foot per year). All processing will occur onsite in a previously approved commercial processing facility. The applicant anticipates a maximum of ten (10) employees will be required for proposed operations, in addition to a maximum of twenty-six (26) employees required for existing operations, for a total of thirty-six (36) employees at peak operations. Power for the previously approved project is sourced from existing PG&E service, and the power for the proposed project will be sourced from a proposed solar array, transitioning to renewable energy from PG&E if and when available. The applicant will keep a generator on site for emergency backup use in power outage events.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
 - a. Finds that the Planning Commission has considered the Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance that was prepared for the Xotic Flavors, LLC project); and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Special Permit subject to the recommended conditions of approval (Attachment 1A)

DISCUSSION:

Project Location: This project is located in Humboldt County, in the Honeydew area, on the south side of Applewood Road, approximately 0.25 miles east from the intersection of Old Hindley Ranch Road and Applewood Road, on the property known as 270 Applewood Road.

Present General Plan Land Use Designation: Agriculture Exclusive (AE) 2017 General Plan; Density: Unknown; Slope Stability: Low Instability (1)

Present Zoning: Agriculture General (AG-B-6)

Environmental Review: An Addendum to a previously adopted Environmental Impact Report has been prepared for consideration per §15164 of CEQA Guidelines.

State Appeal: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Major concerns: None.

Executive Summary: Xotic Flavorz, LLC seeks a Special Permit to allow for 33,560 square feet of new light deprivation cannabis cultivation, in addition to 43,330 square feet of permitted cannabis cultivation (PLN-11067-SP). A total of 76,890 square feet of commercial cannabis cultivation will be occurring onsite. The applicant is proposing 3,300 square feet of new ancillary propagation. The applicant anticipates there will be a maximum of three cultivation cycles occurring annually. All processing will occur onsite in a previously approved commercial processing facility. The applicant anticipates a maximum of ten (10) employees will be required for proposed operations, in addition to a maximum of twenty-six (26) employees required for existing operations, for a total of thirty-six (36) employees at peak operations. Power for the operations will be sourced from renewable energy provided by existing PG&E service, a proposed solar array, with a generator on site for emergency backup use in power outage events.

Water Resources: Water for irrigation will be provided by an existing 2.5-million-gallon rainwater catchment pond. The applicant projects an annual water use of 1,000,000 gallons for the combined 76,890 square feet of cannabis cultivation (approximately 13 gallons per square foot per year). The applicant provided rainwater catchment calculations utilizing PRISM data showing an average rainfall of 91 inches per year. According to catchment calculations the 38,000 square foot pond can collect up to 2.15 million gallons annually. Accounting for evaporation, the projected rainwater catchment is appropriate for the proposed water use. According to rainwater catchment calculations submitted by the applicant, the rainwater catchment pond will be unable to collect enough rainwater for irrigation in multiple consecutive drought years. In the event of multiple consecutive drought years, the applicant has proposed to install rainwater catchment infrastructure on the existing greenhouses to obtain additional irrigation water. The applicant submitted calculations demonstrating in a drought year the rainwater catchment system proposed on greenhouses can collect enough water to provide for estimated irrigation needs.

The previously approved project included the use of a surface water diversion from a spring fed pond near the northern edge of the parcel. The applicant has proposed to discontinue use of this surface water diversion for cannabis cultivation.

Biological Resources: The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 227 permits and the total approved acres would be

80.47 acres of cultivation. The parcel is approximately 600 feet from a mapped summer-run steelhead trout CNDDDB occurrence surrounding the Mattole River. The nearest NSO activity center (HUM1012) is approximately 2.77 miles west of the cultivation area, and another activity center (HUM0536) is approximately 2.97 miles southwest of the cultivation area. Mapped Marbled Murrelet habitat is present approximately 0.5 miles south of the subject parcel. Due to the proximity of mapped Marbled Murrelet habitat, the project has been conditioned to limit project related noise to 50db 100 feet from the noise source.

The applicant submitted a Biological Assessment prepared by Timberland Resource Consultants that determined the project as proposed poses no potential of impacting special status fish, birds, mammals, reptiles, amphibians, or invertebrates. The Biological Assessment found no populations of invasive species on the site; however recommendations were included to monitor and control invasive species should they occur on site.

No sensitive natural communities were identified on the subject parcel, and the project area experiences frequent disturbances due to the proximity of existing permitted cultivation areas. According to the Biological Assessment, the project area does not contain any natural plant communities or potential for special status plant occurrences. The project as proposed will not have any negative impacts on sensitive natural communities or special status plant species.

Access: The property is accessed via Applewood Road, and the applicant submitted a road evaluation report prepared by a licensed engineer. The Department of Public Works recommended approval of the project with a recommended condition to maintain the intersection of Old Hindley Ranch Road with Mattole Road in accordance with the County Sight Visibility Ordinance. This has been included in the recommended conditions of approval.

Tribal Consultation: The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to Northwest Information Center, Bear River Band, and Sinkyone tribe. The applicant submitted a Cultural Resource Investigation included in the application materials, evaluating the subject property. An isolated chert flake, a portion of an abandoned airstrip, and the remnants of a fruit orchard were identified on the subject parcel. No new structures are proposed for the areas containing the chert flake or the remains of the fruit orchard. The cultivation is proposed to be built on the remnants of the airstrip. While the airstrip has not been formally evaluated, the resource has been degraded resulting from neglect and the introduction of multiple structures and associated infrastructure on the airstrip across multiple properties. These facts make the airstrip unlikely to be considered a cultural resource for the purposes of CEQA. The Cultural Resource Investigation recommended Inadvertent Discovery Protocol, which has been included as a recommended condition of approval.

Security and Safety: The proposed development is outside mapped FEMA flood zones and located on areas with slopes of less than 15% and low instability. The subject parcel is outside earthquake fault hazard zones, and no mapped landslides are present on the subject parcel. The project is within the State Responsibility Area (SRA) where Cal Fire is the primary emergency response agency responsible for fire suppression and prevention. The project was referred to Cal Fire, who had no comments on the proposed development.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either recommended approval or conditional approval. (Attachment 5)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or delete conditions of approval.
2. The Planning Commission could deny approval of the requested permits if unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Cultivation Operations Plan
 - C. Site Plan
2. Location Maps
 - A. Watershed Map
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Biological Report
 - B. Noise Plan
5. Referral Agency Comments and Recommendations
 - A. Building Inspection Division Conditional Approval
 - B. Department of Environment Health Conditional Approval
 - C. Public Works, Land Use Response
 - D. Waterboard Division of Water Rights

Applicant

Xotic Flavorz, LLC
C/O Cody King
PO Box 88
Honeydew CA, 95545

Owner

Xotic Flavorz, LLC
C/O Cody King
PO Box 88
Honeydew CA, 95545

Agent

Northpoint Consulting Group, Inc.
Lia Nelson
1117 Samoa Blvd.
Arcata CA, 95521

Please contact Michael Holtermann, Planner, at mholtermann@co.humboldt.ca.us or 707-268-3737 if you have any questions about the scheduled item.