COUNTY OF HUMBOLDT

For the meeting of: 9/19/2024

File #: 24-1291

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:
Goddess Organics, LLC, Conditional Use Permit and Special Permit
Assessor Parcel Number: 208-113-008 & 210-241-005
Record No.: PLN-11590-CUP
3611 Little Larabee Creek Road, Bridgeville area

A Conditional Use Permit for 28,625 square feet (SF) of existing commercial cannabis cultivation (including 11,500 SF of mixed light and 17,125 SF of outdoor cultivation) and 2,850 SF of ancillary propagation. Irrigation water is sourced from an offsite stream diversion (APN 210-241-005), two groundwater wells, and rainwater catchment in a proposed 400,000-gallon pond. Existing available water storage is 62,000 gallons in a series of hard-sided tanks and total onsite water storage will be 462,000 gallons with the proposed pond. Estimated annual irrigation water usage is 270,500 gallons. Processing occurs onsite. Power is provided by three generators and supplemented by solar. The applicant will fully convert to solar by the end of 2025 reserving generators for emergency use only. A Special Permit is included for development within the Streamside Management Area for continued use and maintenance of the point of diversion infrastructure.

RECOMMENDATION(S):
That the Planning Commission:

1. Adopt Resolution (Resolution 24-__), (Attachment 1) which does the following:
    a. Finds the Planning Commission has considered the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Goddess Organics 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 is in the Bridgeville area, on the south side of State Highway 36, approximately 3.6 miles west from the intersection of State Highway 36 and Little Larabee Creek Road, on the property known as 3611 Little Larabee Creek Road.

Present General Plan Land Use Designation:
Timberland (T), 2017 General Plan. Density: 40 to 160 acres per dwelling unit, Slope Stability: High Instability (3).

Present Zoning:
Timberland Production Zone (TPZ).

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

State Appeal:
Project is NOT appealable to the California Coastal Commission.

Major Concerns:
None.

Executive Summary:
Goddess Organics, LLC, seeks approval of a Conditional Use Permit to allow the continued cultivation of 28,625 square feet (SF) of cannabis cultivation (including 11,500 SF of mixed light and 17,125 SF of outdoor cultivation) and 2,850 SF of ancillary propagation 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). A Special Permit is also requested for development within the Streamside Management Area (SMA) related to continued use and maintenance of a point of diversion. The site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Timberland Production Zone (TPZ). Cultivation currently occurs and/or is proposed within five cultivation areas within the central and western portions of the property as shown in Attachment 1E - Site Plan.

The proposed configuration will comprise 18 mixed light greenhouses (11,500 SF total), in addition to six areas of outdoor cultivation and one 675-square-foot light deprivation greenhouse (totaling 17,125 SF), for a total of 28,625 SF of onsite cultivation. Additionally, there will be a total of 2,850 SF of ancillary propagation within three separate greenhouses to be located near Cultivation Areas 2 through 4. Two harvests for the outdoor and mixed light cultivation within greenhouses and one harvest for the full-sun outdoor cultivation are anticipated annually, for a growing season that extends from March through November.

As described in the Cultivation and Operations Plan (Attachment 1B), the applicant has historically dried and processed cannabis onsite in two existing structures (approximately 1,000 SF each, labeled as Structures 1 and 8 on the Site Plan). Under the project, the applicant proposes removing the historical existing unpermitted structures (including an existing barn, ag building, and sheds, labeled as Structures 1, 2, 8, and 9 on the Site Plan) and replace them with a permitted structure that meets building code requirements for a commercial structure. The proposed building (identified as "PR1" on the Site Plan) will comprise approximately 2,000 SF to be utilized for drying, processing, and storage. A maximum of 15 employees will be on-site during peak operations. The applicant is not allowed to process cannabis onsite until the Humboldt County Building Department has issued a certificate of occupancy for the proposed commercial structure shown on the site plan **(Condition of Approval B27)**.

The application is for 11,500 SF of mixed light and 17,125 SF of outdoor cannabis cultivation (28,625 SF total) with 2,850 SF of ancillary propagation space. Based on the County's cultivation area verification, 28,625 SF was found to be in existence prior to the CMMLUO environmental baseline date of January 1, 2016. The proposed nursery would equate to approximately 9.95% of the total current cultivation area, which is consistent with what the Planning Commission has found allowable in the past (i.e., a nursery space of 10% of the cultivation area).

Irrigation water for the 40-acre parcel would come from both diversionary (with a Special Permit) and non-diversionary sources. Slopes where cultivation occurs have not been shown to entirely be under 15% and the property is zoned Timberland Production Zone (TPZ). Based on zoning and slopes, new cultivation could not be considered onsite. To account for propagation space, Planning staff has a conditioned the project to revise both the Site Plan and Operations Plan to reflect a maximum of 28,625 SF of cannabis (including cultivation and ancillary propagation) onsite at any given time, limited to a maximum of 11,500 SF of mixed light cultivation, including a maximum of 10% nursery space, or 2,863 SF, consistent with the cultivation amount previously verified by the County (**Conditions of Approval A7**).

Water Resources:
Estimated annual water usage is 270,500 gallons (9.44-gal/SF) with peak demand occurring in July at approximately 61,500 gallons, as provided in the table below. Water for irrigation is currently provided by a Point of Diversion (POD) from an unnamed stream that is a tributary to Little Larabee Creek, thence the Van Duzen River, from two permitted groundwater wells (20/21-0476 & 16/17-1267), and from proposed and existing rainwater catchment. The POD is located on the property to the southeast of the site (APN: 208-041-005), for which the applicant has deeded access rights. Grant funding has been secured to increase water storage and rain catchment potential by developing a +/- 400,000-gal. onsite catchment pond. Once the pond is developed it will allow the applicant to rely primarily on stored rainwater and will alleviate continued reliance on the POD and wells. The POD and wells will remain as supplements to the 462,000-gal. catchment pond and catchment tanks.

Existing available water storage is 62,000 gallons in fourteen (14) HDPE water storage tanks (ten 5,000 -gallon and four 3,000-gallon), with 35,000 gallons dedicated to rainwater catchment and the remaining 27,000 gallons dedicated for the stream diversion, based on information provided in the Cultivation and Operations Plan (Attachment 1B). Water from the storage tanks is gravity fed to holding tanks for each garden, then drip irrigated to the cannabis plants. Two permitted groundwater wells are located on the parcel and are used to typically provide 203,000 gallons of cultivation water. When the rain catchment pond is developed, the use of the well for irrigation water will be reduced or eliminated.

Table 2. Estimated Monthly Water Usage (in gallons)

TYPE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANNUAL TOTALS
OUTDOOR (1 HARVEST)	X	X	X	X	X	25,000	37,000	37,000	30,000	15,000	X	X	144,000
GREENHOUSE (2 HARVESTS)	X	X	X	4,000	18,000	20,000	23,000	20,000	20,000	10,000	2,500	X	117,500
NURSERY	X	X	500	1,500	2,000	2,500	1,500	1,000	X	X	X	X	9,000
MONTHLY TOTAL	**X**	**X**	**500**	**5,500**	**20,000**	**47,500**	**61,500**	**58,000**	**50,000**	**25,000**	**2,500**	**X**	**270,500**

A *Right to Divert and Use Water* was issued for the point of diversion by the State Water Resources Control Board (SWRCB; Registration No. H500790, Certificate No. H100216) in July 2018 (Attachment 4A) for irrigation use, which limits the amount of water that may be diverted to 0.097 acre-feet (31,618 gallons) per year. The total storage capacity is also limited to 0.097 acre-feet (31,618 gallons). The amount of water allowed to be diverted under the appropriative water right (31,618 gallons) equates to approximately 11.69% of the total annual water usage associated with the project (270,500 gallons). The existing water storage amount on the subject site dedicated for the spring diversion (27,000 gallons) is within the total storage amount permitted under the *Right to Divert and Use Water* (31,618 gallons).

In addition to the stream diversion, the project is supported by rainwater catchment to meet the annual water demand of the project. Per information provided by the applicant in October 2022 (Attachment 1C), rainwater is captured directly into freestanding hard sided rainwater catchment tanks (totaling 35,000 gallons). In addition to the existing rainwater catchment system, the applicant proposes installation of an approximately 400,000-gallon rainwater catchment pond, to be located north of Cultivation Areas #1 and #2. The average rainfall for the project area is 81.19 inches, based on averaging rainfall values from 2010 through 2020 as recorded by PRISM Climate Group.

An R-2 Soils Report was prepared by Trinity Valley Consulting Engineers, Inc. (TVCE) in May 2018 (Attachment 4H), which provides an assessment of current site conditions, the proposed rainwater catchment pond, and potential geologic hazards. Slopes onsite were noted to be less than 15% to greater than 50%, with slopes at the proposed pond location noted to be less than 15%. Although the

project site is mapped within an area that is classified as high instability by County GIS mapping, the Report documents that due to site soils, depth to groundwater, distance to the nearest known quaternary fault, and distance to descending slopes, the potential for liquefaction, surface rupture, soil strength loss, or faulting at the subject site is low, and no special mitigation measures are necessary. Based on review of historical data, site exploration, and observations, TVCE concludes that if their site-specific recommendations related to site preparation, grading, compaction, fills, drainage and landscaping, and erosion control are implemented, no further actions will be necessary. The construction of the pond will require approximately moving approximately 1,375 cubic yards soil. Per an Addendum prepared by TVCE in December 2022 (Attachment 4I), it is noted that "*the proposed rainwater catchment pond described in the 2018 report may be constructed of any size or depth, provided that it is designed by an appropriate professional, and adheres to the geometric and construction requirements as described in the report. All other requirements and recommendations from the 2018 report shall be adhered to"* (emphasis added). While specific rainwater catchment design plans have not yet been developed, with adherence to the recommendations of the Report (**Condition of Approval A15**) and securing building and grading permits (**Condition of Approval A11**). Planning staff is supportive of the proposed rainwater catchment pond. CDFW was referred and requested that the applicant develop at least 250,000 gallons of water storage which is close to the annual irrigation needs of the project. The Development of the Pond would meet this request; however, CDFW requested that if the pond is not developed alternate storage be developed (**Condition of Approval A16**). In its referral response in August 2023 when the project was getting ready to be noticed for a public hearing, CDFW requested that the applicant conduct a Wetland Delineation for the proposed pond area. The applicant submitted a wetland delineation by a trained wetland specialist in July 2024 **(Attachment 4O)** which indicated that the proposed pond area was not a wetland. The wetland delineation was submitted to CDFW for review; CDFW had no further comments or concerns.

Once the rainwater catchment pond is developed, the subject site will have 462,000 gallons of onsite water storage which will be sufficient to meet the annual water demand of the project (270,500 gallons). The use of the rainwater catchment pond will minimize reliance on the point of diversion and wells. Planning staff believes there will be sufficient water available from the rainwater catchment system, once installed, and the point of diversion (as needed) to serve the entirety of the project without the use of the wells. Conditions of approval require the applicant to monitor water use from the existing rainwater catchment system, rainwater catchment pond (once development), point of diversion, and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs (**Condition of Approval A2**).

The site plan shows Little Larabee Creek and an unnamed tributary of Little Larabee Creek traversing the western portion and northwesternmost corner of the subject parcel. Respective Streamside Management Area (SMA) buffers are not depicted on the Site Plan for all watercourses located onsite or within the project vicinity; however, a 50-foot SMA buffer is shown for the unnamed tributary that traverses the western portion of the site. Based on the Site Plan, all cultivation activities and

infrastructure are located outside of the respective SMA buffers.

The applicant has been unable to locate a licensed geologist to perform a hydrologic analysis of the wells and their likelihood to be connected to surface water features. The wells are proposed to be used for cannabis irrigation until the rainwater catchment pond can be built. Until the rainwater catchment pond is built, the two wells will typically provide 203,882 gallons of irrigation water; however, a condition of approval has been added to allow up to the maximum intended use of 270,500 gallons to be withdrawn from both wells combined for cannabis irrigation water **(Condition of Approval B2)**. The project is conditioned to meter well withdrawals and provide records of all water sources used for irrigation **(Condition of Approval A2)**. Per the submitted site and operations plan, once the rainwater catchment pond has been built the wells will only be used for supplemental water or domestic use. Planning staff has performed an analysis of the wells utilizing the well completion reports, topographic information and proximity to nearby surface waters and believes the likelihood of connectivity to be low. The west well, 16/17-1267, is screened at an interval of between 92 to 97 feet and the water bearing unit is a mixture of broken blue shale and water. The nearest surface water feature is Little Larrabee Creek located approximately 650 feet to the northwest. The well head is located at a 1300 feet elevation. The bottom of the well's water bearing unit is located at approximately 1,202 feet elevation. The nearest intersecting point on Little Larabee Creek is at approximately 1,040 feet elevation. This puts the bearing unit of the well 162 feet above the nearest point on the creek. This likely below the extent of any seasonal surface waters from these features. The figure below shows the well location and its proximity to seasonal watercourses.

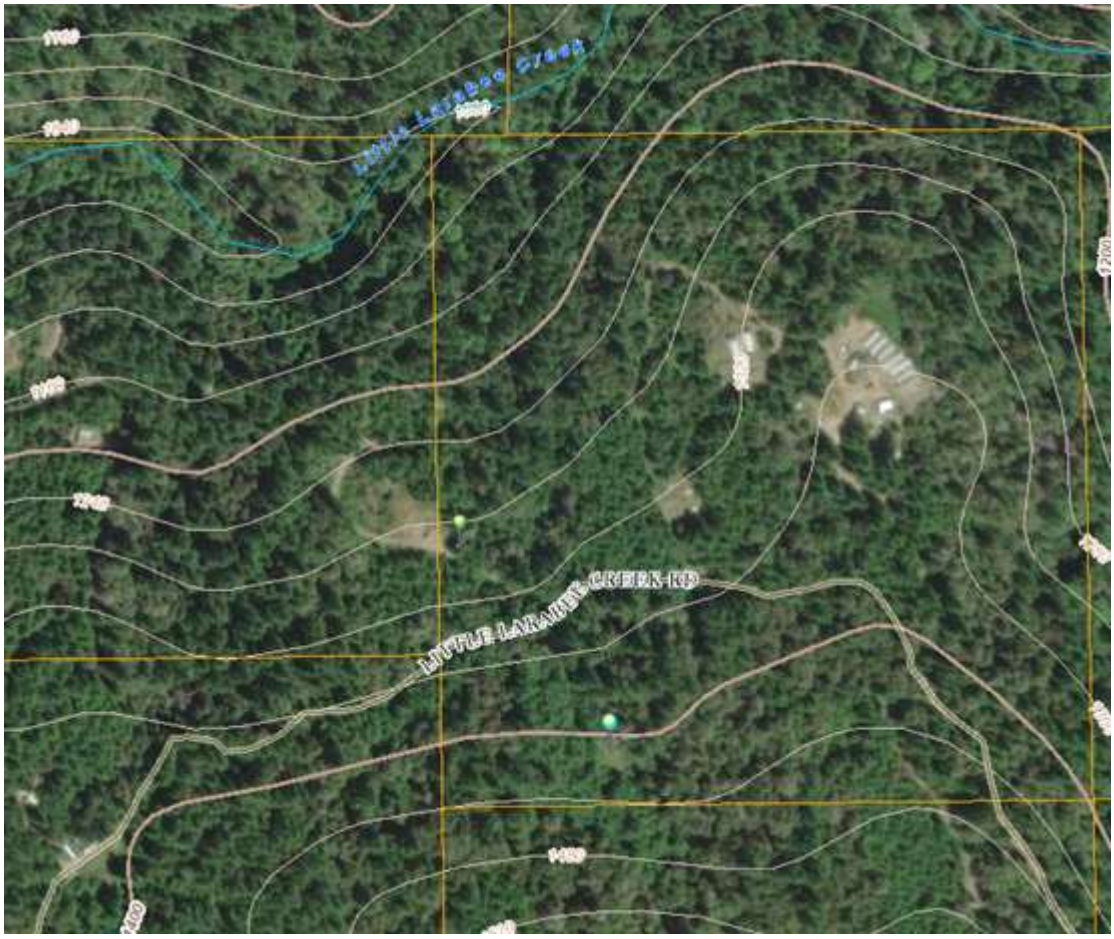
The creek is likely outside and below the distance where the well would intersect with any underflow of the watercourse. The well completion report indicates that the area's soil includes a yellow clay layer from 0-23 feet below ground surface (BGS) and the well shaft is sealed down to 20 feet BGS. The clay layer and the bentonite seal have low permeability and present an effective barrier to surface water intrusion into the bearing unit of the well. Given the apparent lack of connection to surface waters, there is no potential for the use of the well to adversely impact any navigable waterways or fish-bearing streams and therefore the use of the well would not affect any public trust resources.

The south well, 20/21-0476, is screened at an interval of between 60 to 180 feet and the water bearing unit is a mixture of Franciscan Shale and Shale. The nearest surface water feature is Little Larrabee Creek located approximately 1,100 feet to the northwest. The well head is located at a 1400 feet elevation. The bottom of the well's water bearing unit is located at approximately 1,220 feet elevation. The nearest intersecting point on Little Larabee Creek is at approximately 1,040 feet elevation. This puts the bearing unit of the well 180 feet above the nearest point on the creek. This is likely above the extent of any seasonal surface waters from the creek or associated tributaries. The figure below shows the well location and its proximity to seasonal watercourses. The creek likely to be outside and below the distance where the well would intersect with any underflow of the watercourse. The well completion report indicates that the area's soil includes a blue clay layer from 20-35 feet below ground surface (BGS) and the well shaft is sealed down to 20 feet BGS with a

bentonite clay sealant. The clay layer and the bentonite seal have low permeability and present an effective barrier to surface water intrusion into the bearing unit of the well. According to the USGS quadrangle topographic maps and the biological assessment prepared for this project there are no springs seeps or ponds on property. The nearest mapped permitted groundwater well is over two miles to the east; this indicates a low concentration of wells all but eliminating the cumulative impacts of wells in the area.

Additionally, available USGS information (*Fine-scale hydrologic modeling for regional landscape applications. Flint 2013*) indicates that approximately 34% of precipitation goes to groundwater recharge in Northwest California. According to the Prism Climate Group the lowest rainfall year of the last ten years within the vicinity of the project site was 24.85 inches in 2013, meaning that even in a substantial drought year like 2013 a total of 8.27 inches (37% of total), or .64 acre-feet (208,545 gallons) of rainfall is available for groundwater recharge per acre in this area. The total available recharge on the 40-acre parcel would be approximately 40 times the amount of irrigation needs for cannabis even in a substantial drought year. Given that the wells are planned to be utilized for backup purposes only and there is existing and planned water storage capacity for the total annual irrigation needs, planning staff believes that the record shows that the use of the well for cannabis would not be detrimental to or otherwise detract from any surface water features or groundwater resources in the vicinity

Well Locations:



A Water Resource Protection Plan (WRPP; WDID 1B170161CHUM) was prepared for the subject site by Natural Resources Management Corporation (NRM) in October 2017 (Attachment 4C) in compliance with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023. The WRPP assesses current site conditions and the project's compliance with the requirements of the NCRWQCB Order. The Report notes that most of the onsite road is in good condition with proper drainage features. One watercourse crossing was also observed. The project was noted to be meeting most standard conditions (except for Standard Conditions 1-5 and 11) for a Tier 2 commercial operation. A total of seven (7) items were identified as requiring improvements, including drainage improvements, removal of trash, removal of outhouses and installation of a permitted septic system, and culvert outlet improvements. The project is conditioned to require the applicant to implement all remaining corrective actions contained in the WRPP (**Condition of Approval A9**). Additional conditions of approval require the applicant to comply with the State Water Resources Control Board Cannabis Cultivation Policy, WQ 2019-0001-DWQ, which includes development and implementation of a Site Management Plan (**Condition of Approval A21**).

Biological Resources:

Per review of CDFW's California Natural Diversity Database (CNDDB) in October 2022, the cultivation areas are mapped within potential habitat for the foothill yellow-legged frog (*Rana boylii*) and three-

ranked hump moss (*Meesia triquetra*). The nearest Northern Spotted Owl (NSO) sighting is located approximately 500 feet from the nearest cultivation area, with the nearest NSO activity center located approximately 0.56 miles away. Power is provided by three (3) Honda generators (Honda 7,000 EU, Honda 3,000 EU, and Honda 2,000 EU) that is supplemented by a solar system installed onsite in 2021. The applicant has plans to completely switch to solar and phase out use of generator power by December 2025. Conditions of approval require the applicant to submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The generator(s) used to support operations shall not be larger than required to meet operational needs. The plan shall also describe how the operation will transition to use of 100% renewable energy (e.g., solar, wind, and/or hydropower) sources by the end of 2025 (**Condition of Approval A17**). Additionally, artificial lighting is utilized for mixed light and propagation is required to meet International Dark Sky Association standards (**Conditions of Approval B6 and B7**).

A Biological Report was prepared by Natural Resource Management Corporation in October 2018 (**Attachment 4K**) to assess the project and surrounding area for potential habitat for special status species, sensitive habitats, and other environmental issues. Little Larabee Creek, a tributary to the Van Duzen River, is downslope approximately 600 feet from the project areas. There are no watercourses within the project areas and the project site was found to follow the Water Board Regional Order to reduce erosion and waste discharge.

No listed wildlife species or special status species were detected during the survey, although the project could potentially affect northern spotted owl (NSO), Cooper's hawk, fisher, Humboldt marten, American peregrine falcon, and Sonoma tree vole if present in the project vicinity. The nearest NSO foraging habitat was determined to be approximately 60 feet from the project, with the closest nest/roost habitat approximately 950 feet away. The report states the largest potential impact to sensitive species is the generator noise. The Report concludes that potential impacts to sensitive species would be minimal if recommendations included in the Report are implemented. Recommendations include strict adherence to International Dark Sky Association standards; housing generators and fans in sheds designed for noise reduction and conducting a noise study; storing plastic netting where wildlife cannot interact with it and to use non-synthetic (not plastic or nylon) materials for cultivation activities like trellis/plant support; storing metal wire structures where wildlife cannot get trapped or injured by them; and conducting seasonally appropriate, protocol level botanical surveys if the project expands beyond the current footprint onto previously undisturbed areas.

Due to the proximity to NSO sightings and observed activity centers, the conditions of approval for the project require the applicant to implement noise and light attenuation measures, including but not limited to the use of noise containment structures, noise level requirements, and required

compliance with International Dark Sky Association standards for any artificial lighting utilized for the project (**Conditions of Approval B2 and B3)**. In addition, the applicant is required to refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife (**Conditions of Approval B8-B11**). Development of the pond will require avoidance of the nesting bird season between Feb. 1 and July 31, or nesting surveys conducted by a qualified professional and avoidance within a 40-meter line of sight if nests are located within or near the pond's development envelope (**Condition of Approval A18**). 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.

Energy:
Power is provided by three (3) Honda generators (Honda 7,000 EU, Honda 3,000 EU, and Honda 2,000 EU) that is supplemented by a solar system installed onsite in 2021. The applicant proposes to switch to solar and phase out use of generator power by December 2025. Conditions of approval require that no later than January 1, 2026, the permittee will develop and fully implement an alternative renewable energy (i.e., solar, wind, micro-hydro) plan for electricity serving the cannabis operation such that generator use may be reserved for emergency use only. (**Condition of Approval A17**).

Access:
Access to the site is via a driveway off Little Larabee Creek Road (which traverses the subject property) to State Highway 36. Little Larabee Creek Road is privately maintained, while State Highway 36 is maintained by the California Department of Transportation (Caltrans). A Road Evaluation Report for an approximately 4-mile segment of "unnamed road" (assumed to be Little Larabee Creek Road), from the subject property to Highway 36, was prepared by a Registered Professional Engineer (David Nicoletti, PE #76814) in May 2018 (Attachment 4F), which indicates that the roadway is not developed to the equivalent of a road Category 4 or better. However, Part B of the Road Evaluation Report indicates the roadway is considered very low volume and could accommodate the cumulative increased traffic from the project and all known cannabis projects if the recommendations in the attached report are implemented. Further, the report indicates the need for turnouts has been identified.

The Supplemental Roadway Evaluation, prepared by David Nicoletti of DTN Engineering and Consulting (Attachment 4F), further assesses the unnamed road (assumed to be Little Larabee Creek Road) from Highway 36 to the subject site, as well as the onsite access road to the cultivation areas. The report includes sufficient photographic evidence to verify the roadway condition as described, including roadway width and line of sight. As described in the Report, the onsite access road is approximately 1,900 feet in length and is approximately 12 feet wide with 1-foot shoulders, with grades that vary up to 16%. There are also natural turnouts allowed by the terrain along the roadway. The onsite access road was found to meet a Category 1 and because it loops to the main road with two accessible points of access, a turnaround area was determined to not be required.

An assessment of the unnamed road (assumed to be Little Larabee Creek Road) from the subject site to Highway 36 was also performed by the engineer. Per the Report, the roadway varies from approximately 12 to 16 feet in width, with 1-2-foot shoulders, and a gravel surface. The grade also varies from approximately 2% up to 25%; however, reducing the grade is not recommended, as the roadway is located within four (4) SMAs, and associated improvements/construction may lead to adverse environmental impacts. Most of the curves have turnouts at appropriate locations that allows two vehicles to safely pass, but not all. This roadway crosses four SMAs and most culverts appear to be partially or fully clogged. Trash, old storage tanks, and an abandoned vehicle within an environmentally sensitive area were also observed. Several recommendations are included in the Report related to the unnamed road (Little Larabee Creek Road), including:

- Evaluating the load carrying capacity of the two railcar bridges
- Unclogging and replacing undersized culverts
- Removal of trash along the roadway
- Constructed turnouts at the identified locations
- Constructing a toe drain
- Reestablishing roadside ditches
- Installation of rolling dips and waterbars
- Paved approach onto Highway 36.

While the project was referred to the Department of Public Works, Land Use Division, in August 2017, this was prior to the Road Evaluation being prepared. As such, comments received from Department of Public Works, Land Use Division in February 2018 notes that a Road Evaluation Report is required for the project but did not request the project be re-referred once the Road Evaluation Report was received. The project was also referred to Caltrans for comment in August 2018 and August 2019; however, no response has been received to date.

Due to the number of cultivation projects along Little Larabee Creek Road, both approved and pending, conditions of approval require the applicant to take steps to form a Road Maintenance Association for the maintenance of Little Larabee Creek Road. 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 (**Condition of Approval A13**). Additionally, the applicant shall implement the recommendations contained in the Road Evaluation Report or pay fair-share cost associated with the recommended improvements (**Condition of Approval A14**). Furthermore, the access road (Little Larabee Creek Road) shall be improved to commercial driveway standards (

Condition of Approval A12).

There will be a maximum of 15 employees onsite during peak operations. While employee housing is proposed, employees will travel to the site daily until developed, and once developed, daily trips to the site will be reduced. Adequate parking for up to 15 employees will be required as a condition of project approval (**Condition of Approval A7**). The implementation of the recommendations contained in the Road Evaluation Report, the access roads will be able to accommodate the cumulative increased traffic from the project and all known cannabis projects.

Geologic Suitability:
The project parcel and surrounding area is mapped in the County GIS as "high instability" (3). As described in the Water Resource Protection Plan (WRPP; WDID 1B170161CHUM) prepared by Natural Resources Management Corporation (NRM) in October 2017 (**Attachment 4C**), the gardens occur either on graded flats or natural landings, which are typically indicative of slopes less than 5%. Additionally, the applicant will be required to secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, the proposed rainwater catchment pond, existing and proposed structures associated with drying, processing, and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary (**Condition of Approval A11**).

Timber Conversion:
Based on review of historic aerial imagery dating back to 2004, evidence of historical logging activities was observed onsite in 2005, in which cleared areas within the western, southwestern, southern, central, and northeastern portions of the subject property were observed. Additionally clearing and development appears to have occurred in 2009, which appears to have been further expanded between 2009 and 2010, 2012 and 2014, 2014 and 2016.

A Timber Conversion Evaluation was prepared by a Registered Professional Forester (RPF) of Natural Resources Management Corporation, not dated (Attachment 4E), which notes that inspection of the property occurred in March 2017 and a total of 2.0 acres of unauthorized timber conversion was determined to have occurred onsite. It is further noted that clear-cutting occurred onsite prior to 2005 and that 70% of the conversion area occurred by 2009, with the other 30% cleared since 2014. Additionally, the Report states that the cleared areas are "located on gentle to moderately steep side slopes and required some grading or excavation when originally created." Further, it is noted that "all of the terraces appear to be stable." However, the Report notes that evidence of runoff indicators (rills, tracking, etc.) were observed on the steeper portion of the road leading down and to the northwest from the northernmost cultivation area and that the outlet of pipe is cutting a streambed. Two recommendations are included in the Report to bring the conversion into compliance with the provisions of the Forest Practices Act, including installing a new rolling dip near the northwest corner of the northernmost conversion area where the road begins to get steeper; and armoring the outlet of the 24-inch culvert and place rock in the streambed to act as an energy dissipater. The project is

conditioned to implement any remaining corrective actions recommended in the Timber Conversion Evaluation (**Condition of Approval A19**). No additional tree removal is requested or authorized by this permit.

Review of air photos taken in 2016 and 2018 indicate there was some additional tree cutting that occurred after the Timber Conversion Evaluation report was prepared in 2017. The primary area of concern is the area north of the proposed pond. Within 90 days of project approval the subject property shall be evaluated by a Professional Registered Forester (RPF) to determine the amount of timber conversion that occurred onsite after the CMMLUO baseline date of January 1, 2016. Any measures determined to be necessary by the RPF to mitigate unauthorized timber conversion shall be implemented. The report shall contain a restocking plan with recommendations for restocking of any timber conversion that occurred after January 1, 2016, at a rate of 3:1. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for a minimum of three (3) years with an 85% success rate. A monitoring report prepared by a registered professional forester shall be submitted annually to the Planning and Building Department until the restocking is complete as indicated by the monitoring report. The timber conversion evaluation and restocking plan shall be submitted to the Planning Department for review and approval **(Condition of Approval A20)**.

Security and Safety:
The operation is secured behind gated access, with locked structures, utilizes surveillance and monitoring systems as well as guard dogs.

Tribal Consultation:
The project is within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria. The project was referred to the Northwest Information Center (NWIC) at Sonoma State and the Bear River Band of the Rohnerville Rancheria in October 2017. Although the NWIC recommended a study by a qualified professional archaeologist be conducted prior to commencement of project activities in January 2018, the Bear River Tribal Historic Preservation Officer only requested inclusion of the standard inadvertent discovery protocol language as a condition of approval in April 2018 (on file and confidential), which has been incorporated into the project as an informational note **(Informational Note C3**).

Public Trust Resources:
The two wells on the property are currently the source of 203,882 gallons of irrigation water and the point of diversion supplies up to 31,618 gallons. The use of the wells and the point of diversion for cannabis irrigation will be phased out when the rainwater catchment becomes operational. The wells are located approximately 1,100 and 650 feet from Little Larabee Creek. The land in the area generally slopes down in a northerly direction to Little Larabee Creek. Surface water resources would reasonably travel downslope towards the creek rather than intercepting the well's area of influence. Little Larabee Creek eventually enters the Van Duzen River approximately two miles away from the

project site as the crow flies. The point of Diversion is a surface water diversion on an unnamed Class II water course. In the LSAA agreement with CDFW has dictated that all diversion for cannabis cultivation from the point of diversion will be confined to November 1 - March 31. At this time the flows are significant and the withdrawal of less than 20% of the total flow coupled with the limited quantity of water withdrawn, indicates that the diversion will not have significant impacts on Public Trust Resources. Little Larabee Creek may provide some fishing or bathing opportunities. The Van Duzen River contains habitat for Chinook salmon, Coho Salmon, Steelhead and Rainbow trout. Some of these species are subject to fishing. The Van Duzen River also provides recreational opportunities for swimming and boating. As detailed in the water resources section of this report, the groundwater wells appear unlikely to have a direct hydrologic connection to either watercourse given the distance to the nearest surface waters, the elevation profile of the well, the topography of the area, the projected demand on the wells, and the distance to the nearest blue line streams. Given the apparent lack of connection to surface waters, there is no potential for the use of the wells and the point of diversion to adversely impact any navigable waterways or fish-bearing streams and therefore the use of the well would not affect any public trust resources.

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 Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of the project the total approved permits in this Planning Watershed would be 131 permits and the total approved acres would be approximately 44.65 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). As discussed above, the Department has incorporated CDFW comments into the recommended conditions of approval. This includes the requirement to develop a minimum of 250,000 gallons of water storage, remove piping and waterlines from streamside management areas, and to properly contain and store soil, fertilizer and other chemicals.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or delete conditions of approval. 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 these alternatives.

ATTACHMENTS:

1. Resolution

A. Conditions of Approval
B. Cultivation and Operations Plan
C. Additional Project Information
D. Schedule of Activities
E. Site Plan

2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
    A. Right to Divert and Use Water Certificate
    B. Notice of Applicability
    C. Water Resource Protection Plan
    D. Lake or Streambed Alteration Agreement
    E. Timber Conversion Evaluation Report
    F. Public Works, Land Use Division Road Evaluation Report Form and Supplemental Report
    G. Neighborhood Traffic Management Plan
    H. R2 Soils Report
    I. R2 Soils Report Addendum
    J. Site Management Plan
    K. Biological Report
    L. Well Completion Report
    M. Well Completion Report
    N. Water Well Application
    O. Wetland Delineation
5. Referral Agency Comments and Recommendations
    A. Building Inspection Division
    B. Division of Environmental Health
    C. Public Works, Land Use Division
    D. CAL FIRE
    E. California Department of Fish and Wildlife
6. Watershed Map

Applicant
Goddess Organics, LLC
C/O Mika Cook
1928 Central Ave
McKinleyville, CA. 95519

Owner
Muddy Creek Farm, LLC
C/O Mika Cook
1928 Central Ave
McKinleyville, CA. 95519

Agent
N/A

Please contact Andrew Whitney, Associate Planner, at awhitney2@co.humboldt.ca.us or 707-268-3735, if you have any questions about the scheduled item.