

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:

Find that the Planning Commission has considered the Addendum to the adopted Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and adopt the Resolution approving the Homegrown, LLC Special Permit as recommended by staff subject to the recommended conditions of approval.

Executive Summary: Homegrown, LLC seeks a Special Permit for 43,560 square feet of new commercial cannabis cultivation, comprised of 17,850 square feet of mixed light cultivation and 25,710 square feet of outdoor cultivation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Cannabis Land Use Ordinance (CCLUO). The site is designated as Agricultural Exclusive (AE) in the Humboldt County 2017 General Plan Update and zoned Agricultural General. Cultivation will occur in four distinct cultivation areas. Outdoor cultivation will take place in one consolidated area, with mixed light cultivation occurring in one (1) 8,050 square foot greenhouse, and one (1) 9,800 square foot greenhouse divided into two distinct areas. One partitioned and shielded 4,375 square foot section of the greenhouse will house ancillary propagation during the beginning of the year, and transition to mixed light cultivation during the latter half of the year. The applicant also proposes a commercial processing facility on-site, with processing activities occurring through a licensed third-party processing facility until the commercial processing building has been constructed. The applicant anticipates there will be three cultivation and harvest cycles occurring annually for mixed light cultivation, and one harvest for the full sun outdoor cultivation area. Drying will occur onsite in a 2,500 square foot drying structure. Further processing including trimming will occur onsite within a proposed 400-square-foot commercial processing facility. The applicant anticipates a maximum of eight (8) employees will be required for operations. Power for the project will be provided by an onsite solar array system and a backup generator until PG&E power can be secured.

Water Resources

Water for irrigation will be provided by a proposed 300,000 gallon rainwater catchment pond and an existing well. The applicant estimates an annual projected water use of 653,400 which is 15 gallons per square foot. Water will be stored in the proposed 300,000 gallon rainwater catchment pond and 80,000 gallons of hard tank storage comprised of sixteen (16) 5,000-gallon rainwater catchment tanks. The remaining water required for irrigation as well as for the processing facility will be sourced from the well provided that it can be demonstrated by a licensed geologist or hydrogeologist to be disconnected from surface waters. Because the entitlement is needed to allow for construction of the rainwater pond and storage, the project is conditioned to allow only cultivation of 25,333 square feet and no on-site processing until one of the following options has been completed to the satisfaction of the Planning Director or their authorized designee (**Condition A13**).

- a. The applicant shall submit a report by a qualified geologist or hydrogeologist evaluating the groundwater well to the Planning Department for review. The evaluation must demonstrate no negative impacts on groundwater resources and surface water disconnection.
- b. The applicant shall obtain and install additional water storage capacity to accommodate the total irrigation needs (653,400 gallons total) and submit a revised

Site Plan showing the location and dimensions of additional storage prior to cultivation of the full 43,560 square feet of cannabis as proposed.

The amount of rainwater catchment currently proposed is 380,000 gallons which will accommodate 25,333 square feet of cultivation based on the applicants proposed irrigation schedule and irrigation amount of 15 gallons per square foot.

Biological Resources

There are mapped occurrences of summer run steelhead trout in the Mattole River that passes through the southwest portion of the subject parcel. No other sensitive species in the CNDDDB are mapped on the property. The nearest NSO activity center is approximately 2.5 miles west by south of the project site. Mapped Marbled Murrelet habitat is present approximately 0.86 miles south-southeast of the project site.

The applicant submitted a Biological Assessment prepared by Timberland Resource Consultants dated September 28, 2021. The report found that the project as proposed posed minimal risk to biological resources and included biologist recommendations to further reduce potential risk. The recommendations are included as conditions of approval in Attachment 1.

The Biological Assessment also included a Botanical Survey completed by Kyle Wear dated August 2021, which found that two small occurrences of rein orchids in a vegetative state were observed on the parcel during one site visit, however upon a subsequent site visit the plants were gone, likely due to invertebrate or mammal grazing. The report assumed the tubers were still alive in the soil, however as the plants were not in bloom it was unclear whether the plant was a rare, white-flowered rein orchid, or a more common royal rein orchid (that had been confirmed nearby), however the shape and color of the leaves were notably different from royal rein orchid, and it may be possible that the plant was white-flowered rein orchid. The report stated that the plants would not be impacted provided no trees were removed from along the grassland/forest edge and there is no disturbance to the understory from cannabis development or related activities. The report also identified Himalayan blackberry on the parcel and recommended control to prevent the spread of the invasive species. Removal and monitoring of invasive species has been included as a condition of approval for this project in Attachment 1.

Access

The property is accessed via private driveway from Old Hindley Ranch Road. The applicant submitted a *Road Evaluation Report* that states the entire road segment is developed to the equivalent of a road category 4 standard. The project was referred to the Department of Public Works Land Use Division, who recommended that the road be maintained in accordance with the County Sight Visibility Ordinance (HCC §341-1). The project has been conditioned to include this recommendation (**Condition A8**).

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 Northwest Information Center recommended the applicant hire a qualified archaeologist to survey the area prior to commencement of project activities, and consultation with local Native American Tribes. Bear River Band of the Rohnerville Rancheria recommended standard inadvertent discovery protocol. The Project has been conditioned to follow inadvertent discovery protocol.

Environmental review

Based on the results of the 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 Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

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 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 203 permits and the total approved acres would be 72.4 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 Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission.

RECOMMENDATION: Staff recommends that the Planning Commission describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

ALTERNATIVES: Several alternatives may be considered: 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.