

Recommended 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 Commission has considered the Addendum to the adopted Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines, make all of the required findings for approval of the Conditional Use Permit, and adopt the Resolution approving the Hog Trap Farms, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions.

Executive Summary: Hog Trap Farms, LLC seeks a Conditional Use Permit for an existing 33,634 square feet (SF) of cannabis cultivation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The site is designated Residential Agriculture (RA) in the adopted General Plan and zoned Forestry Recreation (FR). The cannabis cultivation consists of 12,000 SF of mixed-light cannabis grown in four 3,000-SF greenhouses and 21,634 SF of outdoor cultivation in one general location in the northeast portion of the parcel that is over 600-feet from public lands located to the west and south of the parcel. Drying and processing occur in a two-story 1,800-SF drying barn on the adjacent parcel 218-081-003 which is already permitted to cultivate 10,000 SF (PLN-13356-SP). Power is provided by Pacific Gas and Electric Company (PG&E) with no generator use. The applicant reserves the option to continue to process onsite, to process offsite at a licensed facility, or to harvest straight to extraction without processing, depending on market conditions and staffing decisions. There are two annual harvests for a growing season that extends from April through November. The operation does not currently hire any employees and members of the LLC and immediate family conduct operations. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including two 25,000 rain-catchment tanks, processing buildings, greenhouses, and any retro-active grading, as needed (**COA #A.6-A.7**).

Security measures include motion sensor lighting and security cameras installed around the facilities, guard dogs within fenced cultivation areas, locked gates at all entrances, cultivation related items and products stored in locked and secured locations, and the regular licensed transportation of cannabis (other than lab samples) to licensed or permitted wholesale, distribution, or manufacturing companies. The owner-operators utilize portable toilets with hand-washing facilities when onsite. There are two existing septic systems that serve existing buildings that are not used for cultivation related activities.

Water Resources

Irrigation water for the property is sourced from a rain catchment pond on the adjacent permitted cannabis farm to the east (APN 218-081-003). During the summer, the water is pumped to two-25,000-gallon rain catchment tanks at the highest vertical point on the subject parcel and dispersed via gravity to additional hard tank storage and irrigation lines. Water storage consists of seven hard tanks totaling 65,000 gallons, 5,000-gallons of which are reserved for fire safety. Estimated annual water usage is 456,200 gallons (7.3 gallons/SF/year) on the subject parcel and 114,050 gallons on the adjacent parcel. Total water use is approximately half of total storage available across the two parcels. Peak water demand occurs in August when approximately 96,000 gallons of water are used. Between the months of November and March no irrigation for agriculture purposes is proposed. All irrigation of cannabis is completed by a timed, drip irrigation system preventing any over-watering or runoff. All water sources shall be monitored (**COA #A.8**).

Humboldt County's WebGIS shows one mapped Class III intermittent stream and associated 50-foot Streamside Management Area buffer. The cultivation areas occupy a flat ridgeline, are on slopes less than 15%, and are relatively far (>200ft) from any surface waters. The Site Management Plan (SMP) prepared by Pacific Watershed Associates in 2019 (**Attachment 3**) indicates no stream crossings were on the access road along the ridgeline and all cultivation areas and associated facilities are more than 200 feet from the nearest watercourse. An additional access road (#77) passes through the forested part of the parcel to the south of all cultivation areas and nine stream crossings noted on the SMP map. According to the SMP, a 1,000-gallon gasoline and 1,000-gallon diesel fuel metal drums are stored on site in sheds with secondary containment. The standard best management practices are described and made conditions of approval (**COA #A.9**). In addition, the applicant shall adhere to the CDFW LSAA (Notification No. 1600-2019-0854-R1) "Measures to Protect Fish and Wildlife Resources" (**Attachment 3**).

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 Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 92 permits and the total approved acres would be 44.93 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 Mitigated Negative Declaration 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).

Biological Resources

There are no mapped sensitive species on the parcel and although the nearest Northern Spotted Owl (NSO) detection is approximately one mile south from the cultivation area; lands surrounding the site are forested and could provide NSO habitat. The project has been conditioned to ensure supplemental lighting associated with mixed light cultivation is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat and avoid heavy equipment operations during the NSO critical period (February 1–July 31) or perform protocol-level surveys prior to initiating that work. Per the Cultivation and Operations Plan, during the growing season, light spillage shall be prevented by use of black-out-tarps to prevent nocturnal light emission. Furthermore, the project is conditioned to adhere to Dark Sky Association standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife (**COA #B.1-B.8**). As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect NSO or other sensitive species.

Tribal Cultural Resource Coordination

There were no known tribal cultural resources on the project site when the project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria, and Sinkyone Intertribal Wilderness Council in 2018. The NWIC responded that their office has no record of any previous cultural resource studies for the project area but that the project area has the possibility of containing unrecorded archaeological site(s), and a study is recommended prior to commencement of project activities. Archaeological Research and Supply Company prepared an archaeological inventory report for the subject parcels in 2018. No artifacts were found on the subject parcels and no further archaeological work was recommended. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.

Access

The project is in Humboldt County, in the New Harris area, on both sides of Hogtrap Road, approximately 0.9 miles east from the intersection of Island Mountain Road and Hogtrap Road, on the property known

as 908 Hogtrap Road. A Road Evaluation Report was prepared by the applicant for Hogtrap Road which indicates that the road is developed to the equivalent of a road category of 4. The Department of Public Works noted that the intersection of Island Mountain Road and Hogtrap Road was improved with a prior application. The applicant states that the project activities do not present a significant increase in road use.

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 MND that was adopted for the CMMLUO and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

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 Conditional Use 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 MND for the CMMLUO 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 2 months later to give staff the time to complete further environmental review.