

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:

Adopt the Resolution to take the following actions: 1) 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, 2) make all required findings for approval of the Special Permit, and 3) approve the Blocksburg Hill Top Organics, LLC Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary

Special Permit for 43,560 square feet of new outdoor commercial cannabis cultivation supported by 4,090 square feet of ancillary nursery. Annual water usage is estimated at 590,000 gallons from rainwater catchment with 735,000 gallons of total storage from a 575,000-gallon pond and 160,000 gallons in tanks. Onsite processing is proposed, power will be provided by a solar array, and up to eleven employees will be onsite during peak operation. No generators or fans will be used.

Applicant has provided an extensive rainwater collection analysis and provides for more than adequate storage. In the event of extremely low rainfall, applicant proposes to reduce cultivation proportional to water availability. Cultivation is proposed in areas of 15% slope or less and there are no prime soils present. Most areas proposed for cultivation have been previously disturbed by prior activities such as rock extraction. There were historic code violations relating to grading within a streamside management area on a portion of the property not proposed for cultivation, and those violations have been resolved by the current owner through the permitting process. The Biological Resources Report concludes there is no impact on species of concern including Northern Spotted Owl. No fans, generators, or artificial light will be used in the project. The Botanical survey recommends some grassland enhancement to offset any new ground disturbance associated with the cannabis project. An assessment by a Registered Professional Forester recommends some fuel reduction to lower fire risk and to enhance Oak woodlands. Access to the project is from private roads that intersects with Alderpoint Road, which is county maintained. Tribal consultation resulted in the recommendation for monitoring during ground disturbance and the standard inadvertent discovery protocol. The applicant has obtained a setback waiver for the adjacent undeveloped parcel to the west, APN 217-401-005.

Water and Wastewater

Water usage is projected to be 590,000 gallons annually for the entire operation including cultivation, ancillary nursery, and processing. Water is sourced exclusively from rainwater catchment and supported by 735,000 gallons of total storage from a proposed 590,000-gallon pond and 160,000 gallons in hard tanks. Estimated water usage is calculated at approximately 12.4 gallons per square foot per year.

The Operations Plan provides a rainwater catchment analysis using data from a credible online resource. The applicant will utilize 31,922 square feet of surface area for collection from the roofs of the greenhouses and processing building as well as the pond and rainwater catchment tanks. The analysis factors potential evaporation loss from the pond and utilizes 50 years of rainfall data. Instead of using the average total annual rainfall of 62.65 inches, the applicant uses the much more conservative mean precipitation value in severe drought years of 35.35 inches in the collection calculation. Additionally, the amount of storage proposed is approximately 125% of projected annual needs which will provide additional security. As a comprehensive mitigation measure, as described on page four of the operations plan, in the event of a catastrophically low rainfall year, the applicant will reduce cultivation area proportional to the amount of water available. For example, if in a collection year only 80% of needed water is collected then the cultivation area will be reduced by 20% in the growing season

following the rainwater collection. This has been incorporated into the project conditions (**Condition of Approval B2**).

Referral to the Division of Environmental Health resulted in the recommendation that processing activities must be supported by an approved onsite wastewater treatment system. Seasonal/outdoor cultivation sites may be supported by portable toilets. Applicant must obtain a permit for, and install, an approved onsite wastewater treatment system to support the processing location and either install approved septic systems or provide portable toilets to cultivation areas (**Conditions of Approval A3 and A4**).

Natural Resources

A Biological Resources Report dated July 13, 2022, prepared by a Biologist was provided by the applicant. The report concluded that the project would have no effect on any special status species, either because the project is outside of their known range, suitable habitat is lacking, or the proposed project will not result in adverse impacts to the species or their suitable habitat. With specific regard to the Northern Spotted Owl, it is noted that two activities centers, Hum0841 and Hum1095 are 1.3 miles from the cultivation area. Because the cultivation is proposed for open grasslands which are not suitable foraging, roosting, or nesting habitat and because no generators, fans, or artificial lights will be used in the project, the minimum required distance to known activity centers is sufficient. The operational requirement of no fans, generators, or artificial light are incorporated into the conditions of approval. (**Condition of Approval B3**).

The applicant also provided a Botanical Survey dated July 2022 conducted by Kyle Wear, a Botanical Consultant. The survey concluded that no impacts to sensitive communities will occur from the proposed project. The survey also recommends creation of a grassland enhancement plan for 34,000 square feet of area by removing immature Douglas-fir seedlings and coyote brush. This recommendation has been incorporated into the project conditions (**Condition of Approval A6**).

The applicant provided a fire risk assessment dated July 11, 2022, prepared by Timberland Resource Consultants. The project is in a high and very high fire hazard severity area. The report recommends the reduction of fuels particularly regarding removal of Douglas Fir that has encroached into oak woodlands. This recommendation has been incorporated into the project conditions (**Condition of Approval A7**).

Per the Operations Plan, the applicant will conduct seasonal monitoring for invasive plants and will remove them manually or with hand tools (**Condition of Approval C3**).

Energy

Electricity for the processing building will be provided by a solar array. Per the operations plan, no fans or artificial light will be used in the greenhouses. No generator use of any kind is associated with the project (**Condition of Approval C6**).

Noise

The operations plan includes a noise assessment. Noise levels on the property were assessed on November 19, 2020, using a sound meter. Ambient noise levels were measured at 54.7 dB near the east property line; 54.1 dB at the north property line off Homestead Road; 55.3 at the west property line near the proposed upper cultivation garden; and 57.8 dB at the south property line near the neighboring residence. The proposed operations are not anticipated to increase ambient noise levels since the use of generators and outdoor fans are unnecessary. These baselines have been incorporated into the noise standards described in the conditions of approval (**Condition of Approval C1**).

Access

Access to the site is taken directly from Homestead and Sunset Roads, which are privately maintained by the Larabee Creek Road Maintenance Association. Homestead Road intersects with Alderpoint Road, which is county maintained. The project was referred to Public Works which resulted in standard recommendations regarding visibility and encroachment improvements. Specifically, the encroachment shall be paved for a minimum width of 20 feet and a length of 50 feet. These

recommendations have been incorporated into the project conditions (**Condition of Approval A5**). The applicant provided a road evaluation that self-certified the private roads functioned at equivalent to category four. Photographic evidence was included with the road evaluation.

The project parcel is located within a State Responsibility Area. The project was referred to CalFire which responded with no comment. The plot plan depicts a dedicated fire suppression water source and an emergency vehicle turnaround. Review of the county GIS indicates the parcel is not located within an established Fire Protection District but lies within the Alderpoint Volunteer Fire Company response area. The project conditions include the requirement to obtain a will serve letter or recordation of an acknowledgement of no available emergency response and fire suppression services (**Condition of Approval A9**).

There will be 11 employees maximum during peak operations. The plot plan depicts 10 regular parking spaces and 1 ADA parking space.

Cultural Resources

The project is in the Bear River Band of Rohnerville Rancheria aboriginal territory. The project was referred to the tribe and the Northwest Information Center. A June 2018 Cultural Resources Investigation Report prepared by Nick Angeloff was provided by the applicant. The report was reviewed by the Bear River Tribal Historic Preservation Officer who recommended the presence of a cultural resource monitor during ground disturbance as well as the standard inadvertent discovery protocol which are included as conditions of approval. (**Conditions of Approval A8 and C2**).

Resolution 18-43 Consistency

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 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 cannabis permits in this Planning Watershed would be 110 and the total approved acres would be 45.3 acres.

Environmental Review and Staff Recommendation

Environmental review for this project was conducted and based on the results of that analysis, staff concludes that all aspects of the project have been considered in a previously adopted Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance. An addendum to the Environmental Impact Report has been prepared for consideration by the Planning Commission (Attachment 2).

Staff recommends that the Planning Commission make all the required findings based on the evidence in the record and approve the application subject to the recommend conditions.

Alternatives: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence or modify the project. 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 the required findings. Planning staff has concluded that the required findings in support of the proposal have been made. Consequently, 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 EIR for the CCLUO 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 two months later to give staff the time to complete further environmental review.