



COUNTY OF HUMBOLDT

Legislation Text

File #: 22-1302, Version: 3

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Alchemy Atelier, LLC, Conditional Use Permit and Special Permit Modification
Application Number: PLN-2020-16326
Assessor's Parcel Number: 216-141-005 and 216-144-006
16875 Dyerville Loop Road, Alderpoint

Modification to an approved Conditional Use Permit and Special Permit (PLN-11813-CUP) to consolidate and reconfigure 13,383 square feet of existing previously approved cultivation areas. Also proposed is the addition of an ancillary propagation greenhouse of 1,300 SF. Applicant proposes light deprivation cultivation methodology to yield two (2) harvest cycles per year. The proposed modification will not increase the existing cultivation entitlement. No changes are proposed for the water source or projected annual water use; it will remain at 141,120 gallons per year (9.61 gal/square foot).

RECOMMENDATION(S):

That the Planning Commission:

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 part of the Consent Agenda; and
4. 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 (CCLUO) as described by Section §15164 of the State CEQA Guidelines; and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Conditional Use Permit and Special Permit Modification subject to the recommended conditions of approval (Exhibit A)

DISCUSSION:

Executive Summary: A Conditional Use Permit and Special Permit was heard before the Planning Commission on January 9, 2020, authorizing the establishment of an outdoor cultivation area of approximately 13,477 square feet (SF) in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The project also included a Special Permit for restoration work to occur within a Streamside Management Area or Wetland (Record No. PLN-11813-CUP). This project proposes a Modification to the

approved Conditional Use Permit and Special Permit in compliance with the Commercial Cannabis Land Use Ordinance (CCLUO).

The proposed modification is to consolidate and reconfigure for 13,477 square feet (SF) of existing outdoor commercial cannabis cultivation. The project modification seeks to convert 600 SF of full sun outdoor cultivation into a 10'x60' greenhouse (GH9 on site plan). The applicant also proposes to replace the entire 1,490 SF of full sun outdoor cultivation with two (2) greenhouses (GH5 and G6 on the site plan), both measuring 15'x40'. The applicant also proposes to replace existing light deprivation greenhouses #4 - 8 (20'x37.5' each) with a 20'x100' greenhouse (GH1 on site plan) and a 20'x80' greenhouse (GH2 on site map). The proposed ancillary nursery will be located west of CA#2 in a greenhouse that is 1,300 SF (20'x65'). The applicant proposes to utilize light deprivation cultivation methodology to yield two (2) harvest cycles per year. The applicant proposes to utilize light deprivation methods to yield two (2) harvest cycles per year, within the five (5) proposed Greenhouses. There will be no increase in the approved cultivation entitlement. No additional changes in cultivation operations, employee plan, or energy use have been proposed. In addition, there will be no changes in water source or projected water use. Power to the site is provided by a 2kw generator however no additional power is needed for the additional propagation facilities. There is no power needed for any aspects of the proposed modification.

Water: Irrigation is provided by a permitted groundwater well (DEH Permit No. 18/19-0549). The well completion report shows the depth to static water level is 68 feet. The well has a screened intake through 140 feet of shale formation, which is indicative of groundwater. Domestic water is sourced from a deeded easement to a spring on the adjacent parcel. Estimated annual water use for the cannabis operation is 141,120 gallons (9.61 gal/sf). Storage capacity is currently 39,000 gallons in nine (9) HDPE tanks. Water was previously stored in bladders which have been removed. site shall maintain a dedicated fire tank minimum 2,500-gallon capacity that shall be clearly labeled and outfitted with appropriately sized connectors per CALFIRE specifications. Water meters will be used to quantify irrigation water use.

The applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Cultivation Waste Discharge Regulatory Program (Order No. R1-2015-0023) as a Tier 2 discharger. A Water Resources Protection Plan (WRPP) was prepared for the project site by Timberland Resource Consultants in August 2018. The WRPP identified eight locations where improvements are necessary. The WRPP identified a historic logging road within the channel of a Class III stream. As recommended in the WRPP, the road will be decommissioned, and the stream channel redirected back to its original course. The applicant was required to enroll in the State Cannabis Discharge program by July 2019. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan.

The applicant has a Final Lake and Streambed Alteration Agreement (1600-2018-0600-R1) with the California Department of Fish and Wildlife (CDFW) for the domestic water diversion, four (4) stream crossing upgrades, and an in-stream road decommission. A condition of approval requires the applicant adhere to the terms of the LSA. CDFW commented on the project and requested the well be evaluated on an annual basis to determine drawdown. CDFW referral comments requested the replanting of riparian tree species due to what appears to have been the removal of a California bay tree near the southern cultivation area between 2009 and 2011. As a condition of approval, the applicant shall provide evidence of the successful replanting and monitoring of riparian trees within the SMA of Steelhead Creek at a ratio of 3:1.

Biological Resources: A Biological Resources Assessment Report and Jurisdictional Wetland Delineation was prepared for the project by TransTerra Consulting (received on July 2, 2019). The wetland delineation identified 0.08 acres of wetland hydrologically connected to Steelhead Creek, of which 0.03-acres is Seasonal Palustrine Emergent Wetland (PEM) and 0.05 acres is Perennial PEM. The report identified a population of Howell's Montia, a rare species, located in the wetland area. An existing cultivation area consisting of three greenhouses was located on the east side of Steelhead Creek. This area has been decommissioned and restored according to the Restoration Plan submitted by Green Road Consulting. There are no Northern Spotted Owl sightings or activity centers within a 4-mile radius of the project. The project is all outdoor cultivation and does not use supplemental lighting, including for propagation. A 2-kw generator is housed within a containment shed and noise will be kept below the allowable limits.

A cultural resources investigation was not prepared for the project because it was not requested from the Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria per her email dated March 5, 2018. Inadvertent discovery language is included in Attachment 1.

Drying and curing would occur on-site in the existing multi-use building. There will be up to two (2) employees for the operation. Portable toilets and handwashing stations will be provided on an ongoing basis to serve the needs of cultivation staff. All further processing will be done by an off-site third-party processing facility.

Access: The site is 1.1 miles of a private drive off Dyerville Loop Road, a gravel County-maintained road. A Road Evaluation Report was submitted by the applicant self-certifying that the entire road segment is developed to the equivalent of a road category 4 standard (see Attachment 4). Public Works commented and requested conditions of approval. The intersection of the private road and Dyerville Loop Road shall be rocked for a width of 20 feet and length of 50 feet to meet commercial standards and sight visibility standards. This has been included as a condition of approval. The Water Resource Protection Plan identified surface erosion on the access road and recommended the entire road be resurfaced with a fresh layer of crushed rock. Implementation of this recommendation is included as a condition of approval.

All garbage will be contained within a holding structure and is to be removed no less than once per week. All waste and/or recycling materials will be processed by a permitted solid waste/recycling facility. The waste would be self-hauled to a local transfer station. Fertilizers and pesticides are currently stored in a storage shed with secondary containment to prevent contamination with runoff. Sites have been identified for storage/disposal of spoils and cultivation waste.

Environmental Review: 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 (See Attachment 2 for more information).

Project Description: The applicant seeks a modification to a previously approved Conditional Use Permit and Special Permit (PLN-11813-CUP) to consolidate and reconfigure 13,383 square feet of existing cultivation areas. Also proposed is the addition of an ancillary propagation greenhouse of 1,300 SF. The applicant proposes to utilize light deprivation cultivation methodology to yield two (2) harvest cycles per year. The proposed modification will not increase the existing cultivation entitlement. No changes are proposed for the water source or projected annual water use; it will remain at 141,120 gallons per year (9.61 gal/sf) provided by a groundwater well. Drying and curing will continue to occur onsite, and further processing will continue to occur at a licensed third-party processing facility. The applicant will continue to employ up to two (2)

employees during peak months.

Project Location: The project is located in Humboldt County, in the Alderpoint area, on the East side of Dyerville Loop Road, approximately 1.23 miles from the intersection of Ross Road and Dyerville Loop Road, then approximately 1.13 miles southeast on a private drive, on the private property known as 26875 Dyerville Loops Road.

Present General Plan Land Use Designation: Agriculture Grazing (AG), Density: Range is 20 to 160 acres per unit: 2017 General Plan, Slope Stability: Highly Instable (3).

Present Zoning: Agriculture Exclusive (AE) Minimum building site area is 160 acres (B-5(160)); Timberland Production (TPZ).

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

State Appeal: The proposed cultivation area is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Major concerns: None.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either recommended approval or conditional approval. (Attachment 4)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. 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.
2. 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.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Cultivation Operations Plan
 - C. Site Plan
2. Location Maps
3. CEQA Addendum

4. Applicant's Evidence in Support of the Required Findings
5. Referral Agency Comments and Recommendations