



COUNTY OF HUMBOLDT

For the meeting of: 1/5/2023

File #: 22-1797

To: Planning Commission
From: Planning and Building Department
Agenda Section: Consent

SUBJECT:

Verdant Futures, LLC Conditional Use and Special Permits Modification

Application Number: PLN-2022-17972 (filed 10/06/2022)

Assessor's Parcel Number: 223-171-001-000

Garberville Area

A Modification to a previously approved Conditional Use Permit and Special Permit (PLN-12933-CUP) to allow for a microbusiness with 8,000 square feet of outdoor light deprivation commercial cannabis cultivation within the existing and previously approved greenhouses and commercial cannabis processing within the previously approved 6,000 sf building. The original approval was for the entitlement of 7,920 square feet (sf) of commercial nursery area and commercial processing and manufacturing. Water for the operation will be supplied by the Garberville Community Services District. The projected annual water usage totals 104,000 gallons and there is 600 gallons of existing water storage, and an additional 50,000 gallons is proposed. Electric power will be sourced from solar panels with a generator back-up. This is intended to be an interim use of the site until PG&E is able to adequately serve the previously approved cannabis support facility.

RECOMMENDATION(S):

That the Planning Commission:

Adopt the resolution (Resolution 23-__). (Attachment 1) which does the following:

- a. Finds that the Planning Commission has considered the Mitigated Negative Declaration for the Verdant Futures Conditional Use Permit and the Addendum to the Mitigated Negative Declaration which has been prepared for Verdant Futures Modification pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000-21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387); and
- b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
- c. Approves the Verdant Futures, LLC Conditional Use Permit Modification and Special Permit subject to the recommended conditions of approval (Attachment 1A)

DISCUSSION:

Project Location: The project is located in Humboldt County, in the Garberville area, on the West side of Redwood Drive, approximately 450 feet North from the intersection of Bear Canyon Road and Redwood Drive, on the property known as 1560 Redwood Drive

Access: The property is accessed via Redwood Drive, a category 4 equivalent road. A single private driveway off the County Road provides access to an interior clearing on the project parcel. Road conditions, including stream crossings, were assessed in the development of a site-specific Site Management Plan (AKA WRPP) by

Timberland Resource Consultants. The road accessing the parcel interior did not exhibit signs of erosion or sediment delivery to the nearby waterway when assessed. Assessment and-or work recommended withing the Site Management Plan does not preclude the need to comply with other state and County road requirements applicable to the aforementioned permit application.

Present Plan Land Use Designations: Industrial, General (IG), Garberville/Redway/Benbow/Alderpoint Community Plan (GRBAP), Density: N/A; Slope Stability: Moderate Instability (2).

Present Zoning: Heavy Industrial (MH)

Environmental Review: An Addendum to the previously adopted Mitigated Negative Declaration of the Initial Study has been prepared for Verdant Futures, LLC pursuant to (PLN-12933-CUP)the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000-21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387). An Addendum to a previously adopted Initial Study has been prepared for consideration per §15164 of CEQA Guidelines.

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

Major Issue: None.

Executive Summary: The property was originally (pre-2016) utilized for commercial cannabis cultivation and previously held an Interim Permit for 8,000 square feet of outdoor commercial cultivation. In February of 2021 the applicant obtained approval of a Conditional Use Permit and Special Permit for an entitlement of 7,920 square feet (sf) of commercial nursery area and commercial processing and manufacturing facility to take place in one 6,000 square foot building and one 4,000 square foot building. Annual water use was estimated at 242,000 gallons to be provided by the Garberville Community Services District and power was to be provided by PG&E. The applicant is seeking to temporarily modify the approved project to allow for 8,000 square feet of outdoor light deprivation commercial cannabis cultivation within the existing approved greenhouses and commercial cannabis processing within the previously approved 6,000 sf building. This would allow for a reversion to the previously existing use on the property while the site is awaiting connection to PG&E. Annual water use for the proposed interim uses would total approximately 104,000 gallons per year and power will be provided by solar with emergency generator backup. The proposed interim use of the site will involve less water use and less employees and traffic than that authorized under the original approval. This permit would not permanently replace the original approval of the commercial nursery but would authorize the use of the site for cultivation in place of the nursery until such time as commercial power is available from PG&E.

Parcel Information:

The subject parcel is approximately 8 acres and covered mostly by native tree species. The parcel is approximately 18 miles east of the Pacific Ocean. The slopes are mostly level near the cultivation areas, as the parcel is situated on an alluvial terrace alongside the South Fork of the Eel River. The parcel borders the South Fork of the Eel River and an unnamed class 1 watercourse runs through the northeast section of the parcel. The subject parcel is within the mapped 100-year flood plain of the South Fork Eel River. Flood Elevation Certificates have been provided for this project; all existing and proposed structures will have finish floor elevations above the 100-year base flood elevation. The overall average base flood elevation is approximately 328 feet above sea level. Site elevation ranges from 322 to 334 feet in elevation. This project is not anticipated to impede, or re-direct flood flows based on the proposed project design. The site was previously utilized for commercial cannabis cultivation prior to January 1, 2016 and prior to obtaining approval for the commercial

nursery held an Interim Permit for 8,000 square feet of outdoor cultivation.

Access/Parking/Sanitation:

The property is accessed off of a paved Category 4 County Road. Access road usage will be minimal, as the proposed scope of the operation has drastically changed. The applicant anticipates that the only traffic will originate from the applicant and their business partners (i.e. distributors). Any increased road usage due to activities at the processing facility shall be mitigated by the addition of asphalt to the existing roadways, as resources allow. There will be 18 standard parking spaces, two ADA parking spaces, and one loading space in accordance with Humboldt County Code to service the nursery, processing facility and manufacturing facility. On the private access road, there are stream crossings that were assessed in the Site Management Plan. The project site will be equipped with ADA compliant restrooms and handwashing stations. A septic system designed by Whitchurch Engineering is proposed for future installation. Drinking water will be provided by the Garberville CSD. No onsite housing is proposed.

Commercial Cannabis Cultivation:

Due the current lack of sufficient electrical service to the subject parcel, the applicant is seeking a modification of the original approved permit, which granted an entitlement of 7,920 square feet of commercial nursery area on the subject property. The applicant is proposing 8,000 sq. ft. of outdoor commercial cannabis within five (5) 1,600 sq. ft. greenhouses. The greenhouses will be equipped with circulation fans, exhaust fans, dehumidifiers, and submersible pumps. Power for the project will be supplied initially by a generator for auxiliary power to initiate the cultivation and then phased out to an emergency back-up as the infrastructure for solar and battery power is actualized. The proposed generator is a Honda EU7000is and the specifications for the generator are included in Attachment 4. The fans will be three-speed and 18” diameter with a maximum draw of 1.1 amps. The Cultivation related waste is sorted to either be recycled or composted on site within a small area equipped with perimeter and top containment to prevent unwanted movement of materials due to weather conditions or animals/pests. Other materials, unsuitable for recycling or composting, are stored in conventional trash containers with tight fitting lids and serviced by the local garbage company, Recology. As it becomes necessary, exhausted soil will be removed from the cultivation area and placed in a soil containment area to initiate microbial reconditioning and prevent unwanted constituent migration. These soil reconditioning areas will consist of wattles and/or silt fences, as well as waterproof coverings to prevent unwanted disbursement of soils into native soils.

Processing:

Harvested cannabis will be dried and cured in one (1) of the partially completed units of the existing 6,000 sf building. Processing will either be processed by the applicant with trimming machines. If the applicant chooses not to utilize trimming machines, a licensed third-party processing facility will perform processing.

Water Use:

Estimated annual water use is approximately 104,000 gallons (Table 1), which is less than was previously approved for the parent project (110,000 gallons). Irrigation will be accomplished via hand watering and alternative methods will be evaluated for effectiveness and conservation purposes. Water storage consists of two (2) 300-gallon mixing tanks located on the existing lower flat. There are plans to add an additional 50,000 gallons of storage consisting of ten 5,000-gallon rain catchment poly tanks. Peak water use is expected during July and August, requiring up to 36,000 gallons total. Water storage tanks are to be located North of the private driveway and outside the streamside management area. This additional storage is in anticipation of potential water shutoff for agricultural uses by the Garberville CSD when river flow drops below the allowable threshold.

Table 1. Monthly water usage estimates in gallons

Month	Cultivation
January	1,000
February	1,000
March	6,000
April	8,000
May	10,000
June	13,000
July	18,000
August	18,000
September	14,000
October	7,000
November	4,000
December	4,000
<i>Total</i>	<i>104,000</i>

Biological Resources:

The proposed project is located in an Industrial zoned area of Garberville along the South Fork Eel River complete with upland and riparian communities; of the approximate eight-acre parcel, roughly four acres are upland, and four acres riparian. Upland areas occur in the center and Southern end of the property and contain mixed coniferous forest with Douglas fir, and a mixture of hardwoods including: Tan oak, Canyon live oak, Kellogg’s black oak, Oregon white oak, California bay, and Pacific Madrone. Much of the upland area has been invaded by English ivy, French broom, and Black locust. Riparian areas occur near the Eel River, and tributary on the West and North sides of the property respectively. Riparian forest on the property includes White alder, Oregon ash, Black cottonwood, Shining pacific willow, arroyo willow, and big leaf maple. The riparian area surrounding the tributary stream is heavily invaded with English ivy.

A biological habitat assessment was prepared for the parent project November 5, 2019 to consider and determine the potentiality of species and habitat(s) that could be affected by the current operations and the proposed project based on available spatial data and habitat requirements. All of the original recommendations and associated conditions remain in full force an effect.

Watershed protection is accomplished through the implementation of BMPs and corrective measures prescribed in the Water Resource Protection Plan (WRPP) developed by Timberland Resource Consultants, a RWQCB approved third-party program administrator for the parent project.

Floodway:

The subject parcel is within the mapped 100-year flood plain of the South Fork Eel River. Flood Elevation Certificates have been provided for this project; all existing and proposed structures will have finish floor elevations above the 100-year base flood elevation. The overall average base flood elevation is approximately 328 feet above sea level. Site elevation ranges from 322 to 334 feet in elevation. This project is not anticipated to impede, or re-direct flood flows based on the proposed project design.

Security:

Access to the subject parcel will be restricted by placement of a locked metal gate at the entrance. There will be a cyclone style security fence encircling all processing and cultivation related activities. This fence will tie into the locked gate for ingress/egress to the subject property. Motion activated cameras will be employed to cover the nursery cultivation area, ingress/egress, and other areas such as parking. The interior of the processing facility and clone rooting area will be monitored by cameras 24 hours a day. All businesses on the property will employ security systems provided by Advanced Security to monitor any unauthorized entry to the property or buildings. There will be an adequately secure storage area in place for all dried cannabis belonging to clients, both pre and post processing. Protocols shall be implemented to ensure that processed cannabis belonging to clients is removed from the premises in a timely manner by an appropriate licensed third-party (transporter/distributor).

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)

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 originally adopted Mitigated Negative Declaration for the Verdant Futures project and has prepared an addendum for consideration 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 Map
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
5. Referral Agency Comments and Recommendations
6. Adopted Initial Study and Mitigated Negative Declaration for the Verdant Futures Conditional Use Permit (Bear Canyon Road project)

Owner

Western Sea Management, LLC
6728 London Drive
Eureka, CA 95503

File #: 22-1797

Applicant

Verdant Futures, LLC
6728 London Drive
Eureka, CA 95503

Please contact Portia Saucedo, Planner II, at (707)268-3745 or by email at psaucedo1@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.