



COUNTY OF HUMBOLDT

For the meeting of: 5/2/2024

File #: 24-816

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Big Rock Farms, Inc., Conditional Use Permit
Assessor Parcel Numbers (APN) 217-271-005
Record No.: PLN-12565-CUP
Blocksburg area

A Conditional Use Permit for 6,480 square feet of existing mixed light and 13,950 square feet of existing outdoor for a total of 20,430 square feet of commercial cannabis cultivation. A 2,043 square foot ancillary nursery is also proposed. Estimated annual water usage is 200,000 gallons and sourced from an existing permitted well, for which the applicant has provided an engineer evaluation. There is 35,000 gallons of existing tank storage. Processing will occur onsite in a proposed 3,000 square foot facility. Electricity is provided by PGE, with a generator for emergency backup use.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 24-___). (Attachment 1) which does the following:
 - a. Finds the Planning Commission has considered the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Big Rock Farms, Inc. project; and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Conditional Use Permit subject to the recommended conditions of approval (Attachment 1A); and

DISCUSSION:

Project Location:

The project is in the Blocksburg area, on the east side of Alderpoint Road, approximately 0.15 miles north from the intersection of Cemetery Road and Alderpoint Road, on the property known as 28306 Alderpoint Road.

Present General Plan Land Use Designation:

Rural Community Center (RCC), Timberland (T), Agriculture General (AG), 2017 General Plan, Slope Stability: High Instability (3).

Present Zoning:

Unclassified (U).

Environmental Review:

An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

State Appeal:

This project is NOT appealable to the California Coastal Commission.

Major Concerns:

None.

Executive Summary:

A Conditional Use Permit for 20,430 square feet existing cannabis cultivation, 6,480 square feet of which is mixed light cultivation, and 13,950 of which is full sun outdoor, and 2,043 square feet of ancillary nursery space. Irrigation water is provided by an existing permitted well, for which the applicant has provided an engineer evaluation. There are currently 35,000 gallons of hard tank water storage on site. Estimated annual water usage is 200,000 Gallons (9.8 gallons per square foot). Processing will occur onsite in a proposed 3,000 SF processing building after the facility has been constructed subject to review and approval by the Building Department and the Division of Environmental Health (DEH). Until such time as the processing facility has received final signoff from the Building Department and DEH, trimming will take place off site at a licensed third-party processing facility. Electricity is provided by PGE, and the applicant has a generator stored onsite for emergency backup use.

Water Resources:

Irrigation water is provided by an existing permitted well, for which the applicant has provided an engineer evaluation prepared by Marvin Chapman of Chapman Engineering. The well evaluation notes there are no additional registered wells within 2,000 feet, and the nearest surface water feature is a seasonal creek 350 feet from the subject well, and the bottom of the creek elevation is approximately 80 feet above the water bearing strata per the well completion report. The report concludes that the well exhibits a low probability for hydrologic connectivity or negative impact on adjacent surface water resource, and that the project will not substantially adversely affect an existing water or hydrologic resource. Staff analysis of the well yielded similar results, with a difference in depth and distance measurements estimated at a maximum of 3.7% difference. Staff analysis further

found the unnamed intermittent stream approximately 800 feet north of the well was approximately 120 feet above the water bearing strata of the well, and Larrabee Creek at its nearest point, approximately 1,340 feet southwest of the well, was approximately 50 feet below the bottom of the water bearing strata of the well. The nearest mapped spring (H509249) is approximately 1,850 feet south of the existing well, with an elevation difference roughly in line with the bottom of the water bearing strata of the well. Given the distance of the well to surface water features in the vicinity and differences in elevation between the water bearing strata and surface water features, there is a low likelihood the well is connected to surface water.

The use of the well would not deplete surface waters of necessary water to support healthy stream flows due to the low withdrawal rate compared to the amount of water infiltrating to groundwater from rainfall. The subject property is 47 acres in size and the cultivation requires approximately 200,000 gallons of water annually for irrigation. According to the USGS publication Fine-scale hydrologic modeling for regional landscape applications: the California Basin Characterization Model development and performance. Flint, 2013, a property of this size in our region is capable of providing 28.7 million gallons of water to recharge the subsurface aquifer in an average rainfall year of 65.5 inches, and 14.5 million gallons of water in a low rainfall year of 30.08 inches. Assuming low annual rainfall, the withdrawal of 200,000 gallons from the groundwater well would be as little as 1.4% of the total potential recharge to groundwater that would occur on the property. Accordingly, impacts to groundwater from the use of this well would be negligible.

A review of the well report indicates an estimated yield of 36 gallons per minute. Per the well completion report a six-hour pump test conducted in October of 2017 resulted in a total drawdown of 0 feet. There are currently 35,000 gallons of hard tank water storage on site. Estimated annual water usage is 200,000 Gallons (9.8 gallons per square foot).

Two existing greenhouses are located within Streamside Management Areas. The applicant has been conditioned remove the existing greenhouses and remediate the areas. Per California Department of Fish and Wildlife recommendation the applicant has been conditioned to submit a remediation plan for review and approval prior to commencing work.

Public Trust Resources:

There is no potential for the use of the well to affect public trust resources. There are no known uses of Larabee Creek for waterborne commerce and the well will therefore have no impact on commerce. While Larabee Creek provides important fish habitat and recreational opportunities, the well will not impact flow rates within this watercourse and will therefore have no detrimental impact on these public trust resources. Based on the facts above, the proposed groundwater well will not interfere with the Public Trust or substantially impair the public rights to navigation, fisheries, or water related activities or access.

Biological Resources:

Per a review of the California Natural Diversity Database (CNDDDB) the property is within an occurrence of obscure bumble bee (*bombus caliginosus*). The occurrence is based on a specimen collected in June of 1935, and has a low accuracy (the exact location is unknown, the area mapped is a one mile radius circle centered on Blocksburg). The nearest Northern Spotted Owl (NSO) activity center is over 1 mile from the property, and the nearest mapped marbled murrelet critical habitat is over eight miles from the property.

The applicant has submitted a Biological Resource Assessment Report prepared by TransTerra Consulting dated March, 2020. The Report assessed areas of cultivation, roads and infrastructure locations, and areas targeted for relocation. The report indicated potential habitat for several sensitive species was present onsite, however also found that the scope of the project is unlikely to significantly affect the species for which habitat is present onsite.

The California Department of Fish and Wildlife (CDFW) conducted a site visit on the property in February 2024. Recommendations have been included as conditions of approval (**Conditions A.11 and A.16**).

Energy:

Electricity is provided by PGE, and the applicant has a generator stored onsite for emergency backup use.

Access:

The property is accessed via access points that intersect Alderpoint Road, a county-maintained road that meets Category 4 road standards. The applicant has submitted a road evaluation prepared by a licensed engineer for the private access road and driveway utilized on the property, which confirmed the roadway can accommodate the expected traffic. Recommendations from the Public Works, Land Use Division include paving of the intersections with Alderpoint Road, meeting sight visibility requirements, and adhering to all recommendations included in the road evaluation report. These recommendations have been included as conditions of approval.

Tribal Consultation:

The project is within the ancestral territory of the Bear River Band of the Rohnerville Rancheria. The project was referred to the Northwest Information Center and the Bear River Band of the Rohnerville Rancheria. The applicant submitted a Cultural Resources Investigation prepared by Archaeological Research and Supply Company which documented one historic and two prehistoric resources on the property. Report recommendations include removal of bladders from the identified prehistoric site which has already been completed. The report also recommended heightened inadvertent discovery protocol consisting of onsite orientation of staff before construction as well as the presence and oversight of a professional archaeologist and tribal professionals during any ground disturbing activities within 100 feet of the identified prehistoric site. The report was submitted to the Bear River Band of the Rohnerville Rancheria, who recommended conditional approval. Recommendations from

the Cultural Resources Investigation and conditions recommended by the Bear River Band of the Rohnerville Rancheria have been included as conditions of approval (**Conditions B.10 and B.11**).

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43:

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 Lower Eel Planning Watershed. Under Resolution 18-43, the Lower Eel Planning Watershed is limited to 336 permits and 116 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 76 permits and the total approved acres would be 35.41 acres of cultivation.

Environmental Review:

Environmental review for this project was conducted and based on this analysis, staff concludes that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration (MND) that was adopted for the CMMLUO. Staff has prepared an addendum to the MND for consideration by the Planning Commission.

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 to add or delete conditions of approval. The Planning Commission could deny approval if unable to make all of the required findings. Staff has concluded the required findings in support of the proposal can be made. Consequently, Staff does not recommend further consideration of these alternatives.

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
 - A. Site Management Plan
 - B. Notice of Applicability
 - C. Lake and Streambed Alteration Agreement
 - D. Engineer Well Evaluation
 - E. Biological Scoping Report
 - F. Road Evaluation Report

5. Referral Agency Comments and Recommendations
 - A. Building Inspection Division
 - B. Division of Environmental Health
 - C. Public Works
 - D. CalFire
 - E. California Department of Fish and Wildlife
6. Watershed Map

Applicant:

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