



COUNTY OF HUMBOLDT

For the meeting of: 3/7/2024

File #: 24-282

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

SUBJECT:

Pacific Roots Cannabis, LLC Special Permit
Assessor Parcel Numbers 105-141-001 and 104-232-012
Record No.: PLN-2022-17669
Petrolia Area

A Special Permit to add 33,576 square feet of outdoor commercial cannabis cultivation to a previously approved project. If approved, the total cultivation area will be 43,560 square feet. The project proposal also adds non-volatile manufacturing and distribution. The previously approved wholesale nursery and ancillary nursery will be reconfigured and consolidated. The total size of the previously approved nursery spaces, including the cloning space, will remain 4,736 square feet. The previously approved research and development space will remain the same size. The previously approved onsite processing will be modified to also allow offsite processing. Estimated annual water needs are approximately 463,000 gallons. Irrigation water for cultivation is sourced from rain catchment and a previously approved and permitted groundwater well will support the processing and manufacturing uses. The well will also be used as a supplemental irrigation water source for cultivation. A total of 495,000 gallons of irrigation water storage is proposed through a 425,000-gallon pond and 70,000 gallons in tanks. Electricity is sourced from PGE through an eligible renewable energy program as well as onsite solar with a generator for emergencies only.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 24-__). (Attachment 1) which does the following:
 - a. Finds that the Planning Commission has considered the Final Environmental Impact Report for the Commercial Cannabis Land Use Ordinance and the Addendum that was prepared for the Pacific Roots Cannabis, LLC project; and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and

- c. Approves the Special Permit subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location:

The project is in the Petrolia area, on the North side of Chambers Road, approximately 0.65 miles East from the intersection of Mattole Road and Chambers Road, on the property known as 631 Chambers Road.

Present General Plan Land Use Designation:

Agricultural Grazing (AG) 2017 General Plan; Density: Density range is 20 to 160 acres per unit; Slope Stability: Low Instability (1).

Present Zoning:

Unclassified (U).

Environmental Review:

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

State Appeal:

Project is NOT appealable to the California Coastal Commission.

Major Concerns:

None

Executive Summary:

A Special Permit to add 33,576 square feet of outdoor commercial cannabis cultivation to a previously approved project. If approved, the total cultivation area will be 43,560 square feet. The project proposal also adds non-volatile manufacturing and distribution. The previously approved wholesale nursery and ancillary nursery will be reconfigured and consolidated. The total size of the previously approved nursery spaces, including the cloning space, will remain 4,736 square feet. The previously approved research and development space will remain the same size. The previously approved onsite processing will be modified to also allow offsite processing. Estimated annual water needs are approximately 463,000 gallons. Irrigation water for cultivation is sourced from rain catchment and a previously approved and permitted groundwater well will support the processing and manufacturing uses. The well will also be used as a supplemental irrigation water source. A total of 495,000 gallons of irrigation water storage is proposed through a 425,000-gallon pond and 70,000 gallons in tanks. Electricity is sourced from PGE through an eligible renewable energy program as well as onsite solar with a generator for emergencies only.

Including the previously approved cultivation and nursery space, water use translates to 9.6 gallons per square foot. The rainwater catchment analysis demonstrates that even in the lowest rainfall year on

record (2013, 26.24 inches) the operation can collect approximately 464,000 gallons of rainwater and support the entire operation.

The cultivation operation and associated development exceeds the minimum setback from the streamside management area. The well will be used to support the processing and manufacturing components of the operations. Before using the well as a supplemental irrigation water source for cultivation, the applicant must provide an updated water plan as well as technical analysis by a qualified professional demonstrating the well is not connected to surface waters and is not likely impact other nearby water resources or wells. The referral to the Division of Environmental Health resulted in a recommendation of approval with conditions. The project is conditioned to require water meters and water usage logbooks which must be kept and made available during annual inspection of the cannabis operation.

A Biological Survey noted that the ongoing disturbed nature of the site from existing and ongoing activity contributed to the conclusion that there will be no impact to any listed or special status plant species. A Botanical Report concluded that due to the low quality of habitat from historic grazing and high numbers of invasive grasses present, it is not expected that cultivation operations or other ground disturbances will impact habitats. The project includes a Bullfrog Monitoring and Management Plan and a Pest Management Plan. As proposed and conditioned, the project is consistent with CCLUO performance standards and CDFW guidance and will not negatively affect the northern spotted owl or other sensitive species.

The project will be subject to the noise performance standards of the CCLUO. No prime soils are covered by the proposed project. The project must improve the intersection of the driveway and county-maintained Chambers Road prior to commencing the project per the request of Public Works. Cultivation operations are proposed for areas of 0% to 15% slope in accordance with the CCLUO. No timber conversion is associated with the project. The project includes the standard inadvertent discovery protocol for tribal cultural resources.

Water Resources:

Estimated annual water needs are approximately 463,000 gallons and sourced from rainwater catchment. Including the previously approved cultivation and nursery space, water use translates to 9.6 gallons per square foot. The applicant provided a rainwater catchment analysis as part of the Operations Plan (**Attachment 1B**). The analysis uses a catchment area of approximately 28,400 square feet which includes the proposed pond, greenhouses, and accessory structures. The analysis demonstrates that even in the lowest rainfall year on record (2013, 26.24 inches) the operation can collect approximately 464,000 gallons of rainwater and support the entire operation. Per the Operations Plan, irrigation water will be applied using drip irrigation systems. Comment from the California Department of Fish and Wildlife requested the installation of an exit ramp for the proposed pond (**Condition of Approval A3**).

There is an existing, permitted (20/21-0027) well on the parcel. The well will be used to support the processing and manufacturing components of the operations. Before using the well as a supplemental irrigation water source for cultivation, the applicant must provide an updated water plan as well as

technical analysis by a qualified professional demonstrating the well is not connected to surface waters and is not likely impact other nearby water resources or wells (**Condition of Approval B2**).

Mill Creek, a perennial stream, runs north to south along the eastern property boundary. The cultivation operation and associated development exceeds the minimum setback from the streamside management area.

The referral to the Division of Environmental Health resulted in a recommendation of approval with conditions. Processing activities must be supported by an approved onsite wastewater treatment system (OWTS) and the applicant must obtain a permit for and install an approved system prior to conducting processing or manufacturing activities (**Condition of Approval B3**). Cultivation sites may be supported by portable toilets (**Condition of Approval B4**). Industrial tailings from manufacturing activities cannot be discharged to the OWTS (**Condition of Approval B5**).

The project is conditioned to require water meters on the pond outflow and the well and water usage logbooks which must be kept and made available during annual inspection of the cannabis operation (**Condition of Approval A3**). This will allow staff to ensure that the rainwater collection is adequate to support the irrigation needs. The project is further conditioned requiring the application to provide documentation demonstrating enrollment in the State Water Board General Order by providing a copy of the Notice of Applicability and Site Management Plan (**Condition of Approval A2**).

Biological Resources:

A Biological Survey dated May 31, 2019, by LACO was provided (**Attachment 4A**). The survey concluded that no special status plant species were present on site. The survey noted that the ongoing disturbed nature of the site from existing and ongoing activity contributed to the conclusion that there will be no impact to any listed or special status plant species. The survey recommends that vegetation removal or other on-site work be prohibited during the migratory bird breeding season of March 1 to August 16 unless the applicant conducts a nesting bird survey. This recommendation is included in the project (**Condition of Approval A4**). Requiring preconstruction surveys is also consistent with comments received from the California Department of Fish and Wildlife. The survey identifies an ephemeral drainage in the center of the site which is depicted on the site plan. The survey recommended notification to the California Department of Fish and Wildlife for a potential Lake and Streambed Alteration Agreement (**Condition of Approval A7**). The survey also recommended preconstruction surveys for the Grasshopper Sparrow. (**Condition of Approval A4**).

A Botanical Report of Special Status Native Plant Populations and Natural Communities dated September 18, 2022, by Naiad Biological Consulting was provided (**Attachment 4B**). The report concluded that due to the low quality of habitat from historic grazing and high numbers of invasive grasses present, no sensitive plant species, communities, or habitats were encountered during the botanical field survey. It is not expected that cultivation operations or other ground disturbances will impact habitats further. No further botanical surveys were recommended.

A Bullfrog Monitoring and Management Plan was provided (**Attachment 4C**). The project is conditioned to follow the plan as it pertains to the ongoing maintenance of the pond (**Condition of**

Approval B7). A Pest Management Plan was provided (**Attachment 4D**). The project is conditioned to follow the management practices and monitoring described in the plan as part of ongoing operations (**Condition of Approval B8**).

The nearest mapped Northern Spotted Owl activity center (HUM0154) is 2.5 miles to the southwest. The project is proposed for an open meadow with no tree line absent of any owl roosting, foraging, or nest habitat. The project has been conditioned to ensure any project lighting associated with adheres to Dark Sky Association standards including security lighting (**Condition of Approval C3**). Permit conditions of approval also prohibit using synthetic netting (**Condition of Approval C5**), ensure refuse is contained in wildlife-proof storage (**Condition of Approval C6**), and prohibit use of anticoagulant rodenticides to further protect wildlife (**Condition of Approval C8**). As proposed and conditioned, the project is consistent with CCLUO performance standards and CDFW guidance and will not negatively affect the northern spotted owl or other sensitive species.

Noise:

A noise source assessment was included as part of the Operations Plan. Noise sources are expected from greenhouse fans and vehicular traffic. The assessment describes an average ambient noise of 44 decibels (dB). Per the performance standard in the CCLUO, the project is conditioned such that noise shall not exceed 47dB at any property line. (**Condition of Approval C2**).

Prime Soils:

Per the County of Humboldt Web GIS, there are no mapped prime soils on the property. Therefore, the project will not exceed the 20% coverage limit under the CCLUO.

Energy:

Electricity is sourced from PGE through an eligible renewable energy program with a generator for emergencies only (**Condition of Approval B10**). Referral to PGE resulted in a comment that the project does not directly interfere with existing facilities or easement rights.

Access:

The project parcel takes access from Chambers Road, a county-maintained road. A road evaluation (**Attachment 4E**) from the applicant states that Chambers Road functions equivalent to Category 4. Referral to Public Works resulted in several comments. Public Works did not request additional evaluation of road function and capacity. Public Works requested standard conditions regarding visibility and encroachment. The project is conditioned that the applicant applies for an encroachment permit within 60 days of project approval (**Condition of Approval A1**). Additionally, the project is conditioned that the requested paving at the intersection of the project site driveway and Chambers Road be paved prior to commencement of the uses authorized by this Special Permit (**Condition of Approval A3**). There will be up to 10 employees at peak operation. The site plan depicts adequate parking area.

Geologic Suitability:

The project parcel is mapped in the County GIS as low instability. The parcel is mapped as having 0%

to 15% slopes in the proposed project areas. Other portions of the parcel are mapped 15% to 30% slopes. The applicant provided slope mapping evidence (**Attachment 4F**) demonstrating that proposed project facilities will occur in low slope areas in accordance with the CCLUO. Grading for a new pond is proposed and will be subject to a grading permit under the County of Humboldt Grading Ordinance.

Timber Conversion:

There is no timber conversion associated with the project.

Security and Safety:

Per the Operations Plan, the premises are locked when not staffed. Access to the property is via a locked gate. The Site Plan depicts a 5,000-gallon tank dedicated to fire suppression as well as adequate area for emergency vehicle turnaround. The property is located within the State Responsibility Area and the Petrolia Fire Protection District. Referral to the Petrolia Fire Protection District resulted in no response. Referral to CalFire resulted in a response of no comment.

Tribal Consultation:

The project was referred to the Northwest Information Center and the Bear River Band of the Rohnerville Rancheria. A Cultural Resource Investigation Report dated August 2019 was prepared by Archaeological Research and Supply Company. The report concluded that the project will not affect any significant historic resources. The Bear River Tribal Historic Preservation Officer did not respond to the project referral. The standard inadvertent discovery protocol has been included (**Condition of Approval C1**).

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 Cape Mendocino Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 236 permits and the total approved acres would be 89.26 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 Final Environmental Impact Report (EIR) that was adopted for the CCLUO. Staff has prepared an addendum (Attachment 3) to the EIR for consideration by the Planning Commission.

Public Comment:

An email was received on February 5, 2024, in support of the project and included in Attachment 6.

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 other conditions of approval. The Planning Commission could deny the project if unable to make all 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. 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. Biological Survey
 - B. A Botanical Report of Special Status Native Plant Populations and Natural Communities
 - C. Bullfrog Monitoring and Management Plan
 - D. Pest Management Plan
 - E. Road Evaluation
 - F. Slope Mapping
5. Referral Agency Comments and Recommendations
 - A. Division of Environmental Health
 - B. Public Works
 - C. CDFW
 - D. CalFire
 - E. PGE
6. Public Comment
 - A. Email in Support of Project 02.05.2024
7. Watershed Map

Applicant:

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Please contact Steven A. Santos, Senior Planner, at santos@co.humboldt.ca.us or (707) 268-3749 for questions about this scheduled item.