



COUNTY OF HUMBOLDT

For the meeting of: 1/5/2023

File #: 22-1789

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

SUBJECT:

Earthgreen Cali Farms Conditional Use Permit
Assessor Parcel Number: 217-032-013
Record No.: PLN-11850-CUP
Blocksburg area

A Conditional Use Permit for continued cultivation of 38,800 square feet (SF) of outdoor cannabis cultivation and 4,320 SF of ancillary propagation. Water for irrigation is sourced from a permitted groundwater well. Existing available water storage is 38,400 gallons in a series of hard sided tanks, with an additional 40,000 gallons proposed, for a total of 78,400 gallons of onsite water storage for cannabis irrigation. Estimated annual water usage is 540,000 gallons. Drying, curing, and bucking activities occur onsite, with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of seven (7) employees may be utilized during peak operations. Power is provided by solar power and two (2) back-up generators, with long-term plans to connect to PG&E.

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 Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CCMLUO) that was prepared for the Earthgreen Cali Farms project (Attachment 3); and
- b. Finds that 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).

DISCUSSION:

Project Location:

The project is located in Humboldt County, in the Blocksburg area, on the east side of Alderpoint Road, approximately 1.7 miles north from the intersection of Gold Ridge Lane and Alderpoint Road, on the property known to be in Section 15 and 22 of Township 01 South, Range 04 East, Humboldt Base & Meridian.

Present General Plan Land Use Designation:

Residential Agriculture (RA40) and Timberland (T), 2017 General Plan. Density: 40 acres and 40-160 acres per dwelling unit, Slope Stability: High Instability (3).

Present Zoning:

Agricultural Exclusive (AE), Timberland Production Zone (TPZ), and 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:

Project is NOT appealable to the California Coastal Commission.

Major Concerns:

None.

Executive Summary:

Earthgreen Cali Farms seeks a Conditional Use Permit to allow the continued cultivation of 38,800 square feet (SF) of outdoor cannabis cultivation and 4,320 SF of ancillary propagation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA40) and Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Agricultural Exclusive (AE), Timberland Production Zone (TPZ), and Unclassified (U); however, the portion of the subject site where cultivation occurs is designated and zoned as T and U, respectively. Cultivation activities occur within three (3) areas within the eastern portion of the site, and currently includes 29,200 SF of full-sun outdoor cultivation grown within twenty-eight (28) raised beds and 9,024 SF of outdoor cultivation utilizing light deprivation techniques within five (5) hoophouses. Per the Cultivation and Operations Plan (Attachment 1B), ancillary propagation occurs in two (2) 2,160 SF hoophouses (4,320 SF total). One (1) harvest is anticipated annually in the full-sun outdoor areas and up to two (2) harvests per year for the light deprivation hoophouses for a growing season that extends from March through October.

Drying, curing, and bucking occurs onsite within existing drying sheds. All other processing including trimming and packaging will occur offsite at a licensed processing or manufacturing facility. A maximum of seven (7) employees may be utilized onsite.

Cultivation and Nursery Space

As noted above, the application is for 38,800 SF of existing outdoor cannabis cultivation and 4,320 SF of existing ancillary propagation. The onsite ancillary nursery equates to approximately 11.3% of the total current cultivation area, which is more than with what planning division staff and the Planning Commission have found allowable in the past (i.e., a nursery space of 10% of the cultivation area). Based on the County's cultivation area verification, 38,800 SF of cultivation was in existence prior to the CMMLUO environmental baseline date of January 1, 2016. The parcel is over 5 acres in size, the cultivation and propagation areas occur on slopes less than 8%, as described in the Site Management Plan (SMP, described further below under "Water Resources"), irrigation water will be derived from a non-diversionary source, and the portion of the subject property where cultivation and propagation occurs is zoned U. As a result, new cultivation could be considered on the subject parcel. Planning staff recommends a condition of approval to reduce the ancillary nursery space to be a maximum of 10% of the cultivation area (or 3,880 SF), as well as revising both the Site Plan and Operations Plan accordingly (**Conditions of Approval A.6-7**).

Water Resources:

Estimated annual water usage is 540,000 gallons (11.08 gal/SF) with peak demand occurring July through August at approximately 155,000 gallons per month, respectively, as provided in the table below.

Table 1. Estimated Monthly Water Usage (in gallons)

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
5,000	8,400	15,500	22,500	31,000	60,000	155,000	155,000	37,200	37,200	8,400	5,000

Total: 540,000 gallons

Existing available water storage for irrigation is 38,400 gallons in eight (8) 4,800-gallon hard sided tanks, with an additional 40,000 gallons proposed, for a total of 78,400 gallons of onsite water storage. Water for irrigation is provided by a permitted groundwater well (Permit #15/16-0596). The well is also registered with the California Department of Water Resources (WCR2017-001935; Attachment 4C). Onsite cannabis is irrigated at agronomic rates by hand to prevent excessive water use and irrigation runoff. Also on the subject property is a pond and a second well. The pond is utilized for non-cannabis agricultural use and the additional well is utilized for domestic use.

The well is located in the northeastern portion of the parcel, north of the existing cultivation (40.3703, -123.7148). According to the Well Completion Report (see Attachment 4C), the completed well is 140 feet deep and drilled through top soil, sandstone, and shale. A blank is installed for the first 40 feet, with additional screening for the remaining depth of the well.

A *Hydrological Isolation of Existing Well from Surface Waters* (Hydrological Evaluation) was prepared by Lindberg Geologic Consulting in October 2022 (Attachment 4F) to assess the existing well’s potential for hydrological connectivity with any adjacent wetlands and surface waters, and if pumping the well could affect surface waters in nearby watercourses. As noted in the Hydrological Evaluation, the subject well is located more than 650 northwest of the domestic well and more than 895 feet northeast of the pond. In addition, the nearest watercourse to the well is noted to be Martin Creek, which is more than 1,000 feet north of the well. The next closest watercourse is an unnamed ephemeral stream of Larabee Creek, which is more than 2,200 feet southwest of the well. The well is noted to be 140 feet deep with the wellhead at an elevation of 1,760 feet. The elevation of Martin Creek to the north is approximately 1,520 feet and the elevation of the unnamed perennial watercourse to the southwest is approximately 1,560 feet, and the total depth elevation is 1,620 feet, making the nearest watercourses 100 feet and 60 feet lower than the bottom of the subject well, respectively. When considered with the stratigraphy, and the underlying geologic structure, plus the distances (horizontal and vertically) from the nearest surface waters, and the depth of the producing zone of this well (approximately 21 to 140 feet), as well as the position of the well relative to the nearest surface waters in the vicinity, it is concluded in the Hydrological Evaluation that the depth of the surface seal, combined with the 5 feet of shale, are sufficient to preclude the potential for hydraulic connectivity with surface waters, of which there are none closer than 1,025 feet in Martin Creek (elevation approximately 1,550 feet) which at that point is lower than the total depth of the well at 1,620 feet. Thus, the water source from which this well draws appears to be a confined slightly artesian subsurface aquifer not demonstrably connected to any surface waters or unconfined, near-surface aquifer(s). As such, it is concluded that the well is likely to be hydraulically isolated from nearby wells, surface waters, springs, or wetlands, and would not have a negative impact or effect on proximal wetlands, wells, or surface waters in the vicinity.

Based on the results of the Hydrological Evaluation, Planning staff is supportive of continued use of the well for the irrigation of cannabis on the subject property. Since the well was found to not be likely to be hydrologically connected to surface waters, the well does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements.

Humboldt County's WebGIS shows two (2) mapped streams onsite, including Martin Creek, which traverses the northwestern corner of the parcel, and an unnamed tributary of Larabee Creek to the west that appears to terminate within the western portion of the property. Although the Site Plan does not depict the onsite watercourses or their respective required Streamside Management Area (SMA) buffers, due to the location of the cultivation within the eastern portion of the property, the cultivation and associated infrastructure occurs outside of the respective buffers. The project is conditioned to submit a revised plot plan showing accurate SMA buffers and setbacks in accordance with the Streamside Management Areas and Wetlands Ordinance (SMAWO) (**Condition of Approval A.6**).

A Site Management Plan (SMP; WDID 1B16190CHUM) was prepared for the subject site by Natural Resources Management Corporation in April 2021 (Attachment 4B) in compliance with the State Water Resources Control Board (SWRCB) Order No. WQ-2019-001-DWQ (Cannabis General Order). The SMP assesses current site conditions and compliance with the best practical treatment or control (BPTC) measures listed in Attachment A of the Cannabis General Order. It is noted in the SMP that the roads actively used for cannabis cultivation are well maintained and meet water quality guidelines; however, there are some minor discharge issues associated with legacy timber roads that are to be addressed and monitored, as appropriate. The SMP identifies corrective actions necessary to bring the site into compliance, including installation of drainage facilities, water bars and/or rolling dips to minimize the ruts and erosion, delivery of sediment to watercourses, and dissipate runoff, and installation of water meter(s) to monitor irrigation use. Recommendations pertaining to ongoing monitoring are also included in the SMP. Conditions of approval require continued compliance with the BPTC measures and monitoring, as well as implementation of all remaining corrective actions, identified in the SMP (**Condition of Approval A.11**).

A Final Streambed Alteration Agreement (SAA; Notification No. 1600-2020-0038-R1) was issued by the California Department of Fish and Wildlife (CDFW) in April 2021 for one (1) encroachment for water diversion from an onsite pond located on an intermittent Class II stream (not utilized for the cannabis operation; on file). Per the Final SAA, water is diverted for irrigation of an orchard.

Biological Resources:

Per review of CDFW's California Natural Diversity Database (CNDDDB) in November 2022, there are no mapped sensitive species onsite and the nearest NSO positive observation is located approximately 0.30 miles from the nearest cultivation area, with the nearest NSO activity center located approximately 0.48 miles away.

As previously described, power is provided by solar, with two (2) generators utilized for back-up. Although the applicant has long-term plans to connect to PG&E, PG&E power is unlikely in the foreseeable future. Conditions of approval require the applicant to implement light and noise attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife (**Conditions of Approval A.15-18 and Ongoing Conditions of Approval B.1-7**). As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Energy:

Power is provided by solar, with two (2) generators utilized for back-up. The applicant has long-term plans to connect to PG&E; however, PG&E power is unlikely in the foreseeable future. As noted in the Cultivation and Operations Plan (Attachment 1B), there are a total of one hundred and thirty-one (131) solar panels used on the property, with sixteen (16) utilized by the house and sheds, with the remaining one hundred and fifteen (115) used for the cultivation areas to operate high efficiency water pumps, fans, and dehumidifiers via charge controllers and batteries linked to inverters. Each panel is 260 watts, with the entire system estimated to

produce 33 kilowatts (kW) of solar energy.

Access:

Access to the site is via a driveway off Alderpoint Road to State Highway 36. State Highway 36 is maintained by the California Department of Transportation (Caltrans). Alderpoint Road has been identified as a County-maintained roadway that meets (or is equivalent to) Category 4 road standards for cannabis projects. A Road Evaluation Report for an approximately 11-mile segment of Alderpoint Road, from State Highway 36 to Gold Ridge Lane, was prepared by a representative of the applicant in April 2020 (Attachment 4D), which indicates the roadway meets a Category 4 road equivalent standard and is adequate for the proposed use. The submitted road evaluation included photographic evidence of the private road (Attachment 4E) to verify the roadway condition as described, including roadway width and line of sight.

Per referral comments received from the Department of Public Works, Land Use Division, dated March 2018 (Attachment 5C), any existing or proposed non-County maintained road to serve as access for the proposed project that connects to a County-maintained road shall be improved to current standards for a commercial driveway, and, as a result, the access driveway shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Alderpoint Road) (**Condition of Approval A.13**). Additionally, all driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance) (**Condition of Approval A.14**).

As previously discussed, there will be a maximum of seven (7) employees onsite during peak operations, and, as a result, a significant increase in traffic is not expected.

Geologic Suitability:

The project parcel is mapped in the County GIS as “high instability” (3). The slope of the land where cannabis will be cultivated is less than 8%, as per the Site Management Plan (SMP; WDID 1B1716190CHUM) prepared by Natural Resources Management Corporation in April 2021 (Attachment 4B). Additionally, the applicant will be required to secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary (**Condition of Approval A.8**).

Timber Conversion:

No timber conversion was observed on the subject site during a review of historic aerial imagery dating back to 2004. No timber removal is proposed or authorized under this permit.

Security and Safety:

The operation will be secured behind locked gates and structures. Video surveillance will also be installed onsite. There are also guard dogs present on the subject site.

Tribal Consultation:

The project is within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria. The project was referred to the Northwest Information Center at Sonoma State and the Bear River Band of the Rohnerville Rancheria in February 2018. A Cultural Resources Investigation was performed by Archaeological Research and Supply Company in March 2020, in which no significant prehistoric or historic cultural resources were found. However, as there is always the possibility of inadvertent discovery of buried archaeological resources during ground disturbing activities with project implementation, inclusion of the inadvertent discovery protocol was recommended. The investigation final report was reviewed by the Bear River Tribal

Historic Preservation Officer in September 2021, which noted concurrence with the recommendations of the report and inclusion of the standard inadvertent discovery protocol, which has been incorporated into the project as an informational note (**Informational Note C.3**).

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 located in the Lower Eel Planning Watershed, which under Resolution 18-43 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 77 permits and the total approved acres would be 35.46 acres of cultivation.

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 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 and Operations Plan
 - C. Property Diagram & Premises Diagrams - Light Deprivation & Full Sun
2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Notice of Applicability
 - B. Site Management Plan
 - C. Well Completion Report
 - D. Road Evaluation Form
 - E. Private Road Photos
 - F. Hydrologic Evaluation Report
5. Referral Agency Comments and Recommendations
 - A. Building Inspection Division
 - B. Division of Environmental Health
 - C. Public Works, Land Use Division
 - D. CAL FIRE
 - E. Humboldt County Sheriff

Applicant

Earthgreen Cali Farms
C/O Joshua Young

File #: 22-1789

36492 Alderpoint Road
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Owner

Joshua Young
P.O. Box 212
Blocksburg, CA 95514

Agent

N/A

Please contact Megan Marruffo, Assigned Planner, at marruffm@lacoassociates.com or 707-443-5054 if you have any questions about the scheduled item.