



COUNTY OF HUMBOLDT

For the meeting of: 1/18/2024

File #: 24-91

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

SUBJECT:

Organic Humboldt, LLC. Conditional Use Permit
Assessor's Parcel Numbers: 214-233-002-000
Record Numbers: PLN-12312-CUP
Redway area

A Conditional Use Permit request for 37,428 square feet (SF) of existing outdoor and 22,000 SF of existing mixed light commercial cannabis cultivation, for a total of 59,428 SF of commercial cannabis cultivation. Irrigation water is sourced from two permitted groundwater wells. Existing water storage is 162,000 gallons in hard tanks. The estimated annual irrigation water need is 261,900 gallons. Plants are delivered to the site as no propagation occurs on-site. Drying and processing will occur onsite in existing facilities. Power is provided by a generator and a recommended condition of approval will be to require electricity to be sourced from renewable sources by January 1, 2026.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt resolutions (Resolution 24-__) (Attachments 1) which does the following:
 - a. Finds that the Planning Commission has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Organic Humboldt, LLC project (Attachment 3); and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Organic Humboldt, LLC Conditional Use Permit subject to the recommended conditions of approval (Attachments 1A).

DISCUSSION:

Project Location:

The project is in the Redway area, on the east side of Wood Ranch Road, approximately 3.4 miles

north from the intersection of Eel River Camp Road and Wood Ranch Road, then north on a private road for approximately 1.25 miles, on the property known as 1520 Wood Ranch Road.

Present General Plan Land Use Designation:

Timberland (T) Density: 40-60 acres per dwelling unit, Slope Stability: Moderate instability (2) and High Instability (3)

Present Zoning:

Agricultural Exclusive (AE) and Timber Production Zone (TPZ)

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:

A Conditional Use Permit for 37,428 square feet (SF) of existing outdoor and 22,000 SF of existing mixed light for a total of 59,428 SF of commercial cannabis cultivation on the 189-acre parcel. Irrigation water is sourced from two permitted groundwater wells. Existing water storage is 162,000 gallons in hard tanks. The estimated annual irrigation water requirement is 261,900 gallons (7.18 gal/SF). Drying and processing will occur onsite in existing facilities. Up to five employees may be utilized during peak operations. Power is provided by a generator.

All drying and processing will be conducted in existing structures, as specified on the site plan, by members of the Corporation. A total of three full-time and an additional two seasonal workers during the peak of the harvest seasons. At harvest, plants will be cut down, dried and further processed. If the members are unable to process all harvested cannabis on-site, the applicant will deliver the product to a licensed processing facility.

No timber conversion is associated with the project. A Water Resource Protection Plan was prepared for the project and the project is conditioned to implement the conditions specified for a Tier II discharger. The project conditions include the standard inadvertent discovery protocol.

Cultivation Area:

The application was filed for 37,428 square feet of existing outdoor cultivation and 22,000 square feet of existing mixed-light cultivation. In March of 2018 the County completed a Cultivation Area Verification (CAV) utilizing 2014 imagery and found 16,155 square feet of existing outdoor cultivation and 20,454 square feet of mixed-light cultivation, which had been incorrectly derived. The applicant's representative provided additional information in November 2018 identifying additional areas and

some potential mistakes in the original CAV, including the mixed light total being 22,434 square feet and 13,455 square feet outdoor, and the result was a revised CAV issued by the County in the amount of 34,937 SF of outdoor cultivation and 22,000 SF of mixed-light cultivation. A subsequent investigation of the revised CAV revealed an additional calculation error. A total of 32,941 square feet of existing mixed light and 26,487 square feet of existing outdoor cultivation was located in the revised CAV. The County allowed the applicant to keep the 22,000 existing mixed light requested and transition the additional 10,941 square feet of mixed light to outdoor cultivation, which brought the total outdoor entitlement to 37,428 square feet. The CAV information is found in Attachments 4H, 4I, 4J, and 4K.

Water Resources:

The project is in the South Fork Eel River Watershed and the nearest names streams are Hooker Creek and Coon Creek. Coon Creek drains the northwest portion of the parcel. Both creeks are tributaries to the South Fork Eel River.

Water for irrigation is sourced from two permitted wells. Groundwater well WCR2020-002739 and WCR2018-010668 underwent Assessments of Hydrologic Isolation of Well from Surface Waters on April 26, 2023 by Lindberg Geological Consulting. The purpose of the assessment was to estimate the potential for hydrologic connectivity with any adjacent waterbodies and if the wells had the potential to impact adjacent wells and surface waters. The wellhead for WCR2020-002739 is at an elevation of approximately 1,760 feet and the elevation of the bottom of the well is 1,460 feet and has an estimated yield of 15 gallons per minute (gpm) with zero feet of drawdown reported. The closest waterbody, Coon Creek, is more than 2,000 feet to the northwest and 20 feet higher than the depth of the well. The wellhead for WCR2018-010668 is at an elevation of approximately 1,750 feet with a depth elevation of 1,550 feet and has an estimated yield of 5 gpm. The closest waterbody, Hooker Creek, is 1,600 feet away to the southwest and is 330 feet lower than the base of the well. The assessments of both wells conclude that they are subsurface and did not demonstrate connectivity to surface waters (**Attachment 4A and 4B**).

The estimated annual commercial cannabis irrigation water requirement is 261,900 gallons (7.18 gallons per square foot). Water storage totals 162,000 gallons in multiple tanks in various locations as depicted on the Site Plan.

The water storage tanks currently serving the project include three (3) 1,000 gallons, fifteen 3,000 gallon, four (4) 3,500 gallon, and twenty 5,000-gallon tanks, for a total 162,000 gallons. Water usage logbooks shall be kept and made available during annual inspection of the cannabis operation. Additionally, the non-cannabis point of water diversions on the project parcel, as referenced in the Right to Divert and Use Water, shall be monitored separately (**Condition of Approval A2**).

The project was referred to the Division of Environmental Health (DEH) on October 30, 2019. DEH provided a response November 6, 2019, which requested certification of the existing septic system (**Attachment 5B**). The project is conditioned requiring the use of portable toilets for cultivation

activities until the septic system is permitted or certified by DEH as having capacity to serve the cannabis operation. Additionally, onsite processing is not allowed until a commercial structure is built and connected to an approved wastewater system (**Condition of Approval B2**).

Per the Operations Plan, irrigation methods include hand-watering and use of emitters. All water and nutrient applications will be performed at agronomic rates consistent with, but not more than plant needs or manufacturer's specifications.

A Water Resource Protection Plan (WRPP) was prepared by OurEvolution Energy Engineering in August 2018 (**Attachment 4D**) for the project under the North Coast Regional Water Quality Control Board, Order No. R1-2015-0023 (WDID: 1B170576CHUM). The WRPP addresses each of the 12 standard conditions for the project, as it qualifies as a Tier II discharger. The applicant must adhere to and implement the WRPP conditions and maintain enrollement (**Condition C14 and C15**).

Biological Resources:

Per the California Natural Diversity Database, there are no mapped species of concern on the project parcel. The nearest Northern Spotted owl activity center (HUM0527) is approximately 1.13 miles away from the northern cultivation area and the closest positive identification was last recorded in 1996 and is 0.68 miles away from the northern most cultivation area, which is full-sun outdoor cultivation. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect the northern spotted owl or other sensitive species. Use of the generator is subject to the standard condition limiting noise to 50dB at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer (**Condition of Approval C2**).

The California Department of Wildlife (CDFW) was referred the project on October 30, 2019 and provided a response November 2, 2023. CDFW visited the project parcel on November 1, 2013. The applicant submitted a Notification of Lake or Streambed Alteration Agreement (LSAA) No. 1600-201-0374-R1 as well as a subsequent submittal on October 12, 2018 to CDFW. On November 11, 2018, the Notification was deemed complete by Operation of Law, however that approval has expired as of January 1, 2024. During the November 1, 2023 site visit, CDFW observed that none of the work for the LSAA has been initiated or completed. CDFW also observed a Class III stream that has been disconnected from its natural water course and diverted to a ditch. An additional culvert for the class III stream will need to be installed. The applicant is conditioned to renotify CDFW prior to project commencement and to file a new LSAA for the remediation work on the project parcel, as well as to complete the work within a 2 year period. The project is conditioned such that if the LSAA work is not completed within 2 years of the effective date of project approval the permit will be scheduled for revocation. CDFW also observed infrastructure and debris associated with decommissioned cultivation sites, including water lines in the stream channels. The project is conditioned to have these infrastructure and debris disposed of at a waste management facility prior to the 2024 cultivation season (**Condition of Approval A3**).

The project has been conditioned to ensure supplemental lighting associated with the onsite nursery

and mixed light cultivation 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 CMMLUO performance standards and CDFW guidance and will not negatively affect the northern spotted owl or other sensitive species.

An Environmental Justification of Onsite Relocation of Cannabis Cultivation was prepared by OurEvolution Energy and Engineering. The base year utilized to calculate existing cannabis cultivation was 2014. Some of these sites were environmentally inferior and/or non-compliant with existing regulations of the State Water Resourced Control Board. The primary detrimental impacts of retaining the cultivation in the historic locations include immediate/impending threats to watercourses, water diversions, proximity to wetlands and riparian areas, erosion due to grading, steep slopes, and additional road utilization that would occur if the historic footprints were retained. Per the Environmental Justification report, several areas on the parcel have been identified as environmentally superior. The purpose of the Environmental Justification was to identify Relocation Donor Areas and Relocation Receiving Areas and document the environmentally inferior conditions at those locations observed. Cultivation Areas #2, #6, #8, #10, #15, and #16 were identified as either partially or entirely environmentally inferior to adjacent areas on the project parcel. Collectively, these cultivation areas total approximately 27,541 square feet. This entitlement will be relocated to cultivation areas #1, #9, greenhouse 27 & 28, and area S. No additional grading is proposed. Of the four cultivation areas, area S and greenhouse #27 & #28 included areas that include post-2016 development. Cultivation area #9 will be increased in size by a minimal infill within the existing footprint. Cultivation area #1 will encompass the footprint established in 2015 with an additional 25% beyond the historic footprint. Minimal earthwork is proposed and includes shoveling by hand for stabilization of outdoor cultivation containers. Table 1 in Attachment 4E provides a breakdown of the relocation plan activities and impacts. The applicant shall relocate the existing cultivation areas, before the 2024 cultivation season commences, while maintaining the entitlement of 37,428 SF full-sun outdoor and 22,000 SF mixed light for a total of 59,428 SF, as specified in the Environmental Justification (**Condition of Approval A12**).

Energy:

A Honda 6000-watt generator is described in the project Operations Plan. Per the plan, the generators will be fully enclosed with proper containment. The project is conditioned to migrate electricity sourcing for the cannabis operation to all renewable sources by January 1, 2026, reserving generator usage for emergencies only (**Condition of Approval A7**).

Access:

Access to the site is provided by Wood Ranch Road. A private road system composed of over 13 miles of roads providing access to approximately 26 parcels held by separate owners, the width and condition of the road varies. The project parcel is located near the end of this road, approximately 4.8 miles from its intersection with the road to Eel River Conservation Camp #31, where the road begins. A Road Evaluation report was prepared by OurEvolution Engineering, LLC, dated March 27, 2019.

According to the report, the first 3.5 miles of this road complies with Category IV road standard (18-20 feet) or meets the same practical effect due to the location and frequency of existing shoulders and turnouts. The remaining 1.3 miles to the property are generally single lane with sections of passing points and do not meet a road category 4 equivalent. According to the engineering analysis, given the steep terrain, it does not appear to be feasible to improve the roadway, nor does it appear necessary given the low volume and the fact that the cannabis operation is not proposing to add any vehicle trips to the roadway beyond the existing baseline. The engineer recommends a Neighborhood Traffic Management Plan to be implemented in order to safely utilize the roadway. The Management Plan would include posting weekly road usage for the operation at the main branch fork of Wood Ranch Road. Adherence to this plan is recommended as a condition of approval to this project (**Condition of Approval B4**). A recommended condition will also require formation of a Road Maintenance Association and contribution to the annual maintenance of Wood Ranch Road (**Condition of Approval B3**). The project is conditioned to update the site plan to show designated parking areas for all employees including ADA parking (**Condition of Approval A8**).

Geologic Suitability:

The project parcel is mapped in the County GIS as moderate and high instability. The existing cultivation is in areas ranging from 15% slope or less to 15% to 30% slope. No new grading is proposed to implement the project. After the fact grading permits are required for grading that was done previously without permits (**Condition of Approval A10**).

Timber Conversion:

No timberland conversion is associated and no timberland conversion is proposed for the the project.

Security and Safety:

Per the project Operations Plan, access to the parcel is gated and locked and security cameras are used. The access road terminates on the parcel and solid fencing is situated between the cultivation areas and roads adjacent to the property. The applicant will be required to amend the Cultivation Operations Plan and Site plan to incorporate a dedicated 2,500-gallon tank (minimum) dedicated to fire suppression as well as a Hammer Head T emergency vehicle turnaround (**Condition of Approval A13**). The referral to CalFire responded with no comment.

Tribal Consultation:

The project was referred to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. A Cultural Resource Investigation Report by Willian Rich and Associates, Cultural Resource Consultants, June 11, 2021 and November 4, 2021. The survey concluded with no significant archaeological or historic resources within the project area. Bear River Tribal Historic Preservation Officer requested only the inadvertent discovery protocol. Therefore, the conditions of approval include the standard inadvertent discovery protocol (**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 South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of the project the total approved permits in this Planning Watershed would be 245 permits and the total approved acres would be approximately 58.93 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 (Attachment 3) 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 comments, comments, 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 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. Operations Plan
 - C. Site Plan
2. Location Map
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Well Assessment for WCR2020-002739
 - B. Well Assessment for WCR2018-010668
 - C. LSAA Notification & Operation of Law
 - D. Water Resource Protection Plan
 - E. Environmental Superiority Report Cultivation Relocation
 - F. Road Evaluation Report
 - G. State Water Resources Control Board, Division of Water Rights, Initial Statement of Diversion & Use
 - H. Original Cultivation Area Verification
 - I. Applicant Response to Cultivation Area Verification
 - J. Revised Cultivation Area Verification
 - K. County Cultivation Area Verification Calculation Correction 12.27.2023
5. Referral Agency Comments and Recommendations
 - A. California Department of Fish and Wildlife
 - B. Humboldt County Division of Environmental Health

C. California Division of Water Rights

Applicant

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