COUNTY OF HUMBOLDT

For the meeting of: 10/3/2024

File #: 24-1372

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:
RiveRidge Farms, LLC Special Permit and Conditional Use Permit
Assessor Parcel Number 033-271-021
Record No.: PLN-2023-18697
Piercy Area

A Special Permit for 34,705 square feet of new mixed light commercial cannabis cultivation, distribution, non-volatile manufacturing, and off-site processing. Also proposed is a Conditional Use Permit for farm-based retail sales with customer traffic. The project parcel has a previously approved Special permit (10993) for 8,855 square feet of existing mixed light commercial cannabis cultivation. If approved total cultivation will be one acre of mixed light commercial cannabis cultivation. The estimated annual water usage of 560,000 gallons for the entire operation is sourced from rainwater catchment supported by a proposed 950,000-gallon pond. The existing approved irrigation groundwater well will transition to a backup and supplemental water source once rainwater catchment infrastructure is installed. Power is sourced from an existing PGE connection and a proposed solar array.

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 RiveRidge Farms, LLC project; and
    b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
    c. Approves the Conditional Use Permit and Special Permit subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location:
The project is In the Piercy area, on the North Side of State Highway 271, approximately 210 feet from the intersection of Highway 101, on the property known as 900 Milky Way, Piercy CA 95587.

Present General Plan Land Use Designation:
(RA5-20) Residential Agriculture. Inland GP, 2017 General Plan. Density: 5 to 20 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 for 34,705 square feet of new mixed light commercial cannabis cultivation, distribution, non-volatile manufacturing, and off-site processing. Also proposed is a Conditional Use Permit for farm-based retail sales with customer traffic. The project parcel has a previously approved Special permit (10993) for 8,855 square feet of existing mixed light commercial cannabis cultivation. If approved total cultivation will be one acre of mixed light commercial cannabis cultivation. The estimated annual water usage of 560,000 gallons for the entire operation is sourced from rainwater catchment supported by a proposed 950,000-gallon pond. The existing approved irrigation groundwater well will transition to a backup and supplemental water source once rainwater catchment infrastructure is installed. Power is sourced from an existing PGE connection and a proposed solar array.

Per a rainwater catchment analysis, during a low rainfall year, the catchment system has the potential to harvest approximately 649,000 gallons, which exceeds estimated annual irrigation needs. Previously approved Special Permit 10993 authorized up to 360,000 gallons from the well. This Special Permit does not modify that authorization. Using the gallons per square foot value described above, the applicant may, once this Special Permit is approved, cultivate up to 31,304 square feet of cultivation using exclusively the well until the rainwater catchment system is built and filled. Approval of Special Permit (10993) by the Zoning Administrator found the well is not hydrologically connected to surface water. Therefore, continued use of groundwater well will not interfere with the Public Trust

or substantially impair the public rights to navigation, fisheries, or water related activities or access. There is a second well used for domestic purposes only that shall not be connected to irrigation infrastructure

Recommendations included in the Biological Assessment have been incorporated into the Conditions of Approval. The Botanical Survey concluded the proposed project will impact already disturbed areas and will not impact special status plants, natural communities, or wetlands. There are no recent positive sitings of Northern Spotted Owl on record within 1.3 miles according to recent surveys and no recorded activity centers within 2.1 miles. The Biological Assessment provided with the application was conducted in 2020 before the NSO surveys were done. The project does not propose to remove any NSO habitat. Therefore, 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 is subject to noise performance standards consistent with the noise assessment. There will be no prime soils affected by the project. Electricity is sourced from and existing PGE connection through an eligible renewable energy program with a generator for emergencies only. Access to the cultivation area is from a road that is equivalent to Category 4 and the commercial area takes access from a publicly maintained Category 4 Road. There will be no timber conversion or tree removal and project conditions include cultural monitoring for grading and inadvertent discovery protocol.

Water Resources:
The total estimated annual irrigation water usage will be approximately 560,000 gallons. Including the previously approved cultivation and ancillary nursery, estimated annual water usage translates to approximately 11.5 gallons per square foot per year. The proposed addition of rainwater catchment is intended to ultimately replace the well as the primary irrigation water source reserving the permitted well for supplementation or emergencies as needed. Previously approved Special Permit 10993 authorized up to 360,000 gallons from the well. This Special Permit does not modify that authorization. Using the gallons per square foot value described above, the applicant may, once this Special Permit is approved, cultivate up to 31,304 square feet of cultivation using exclusively the well until the rainwater catchment system is built and filled. Once the rainwater catchment system is built and filled, the applicant may cultivate the full one acre of mixed light authorized by this Special Permit **(Condition of Approval A1)**. Water storage will be provided by a proposed 950,000-gallon pond.

Per a rainwater catchment analysis provided in the Operations Plan **(Attachment 1B)**, the operation will utilize four catchment surfaces totaling 44,760 square feet. The rainwater catchment analysis examined both average rainfall data, 64.5 inches per year, and low rainfall data, 23.3 inches per year. During a low rainfall year, the system has the potential to catch approximately 649,000 gallons, which exceeds estimated annual irrigation needs.

The existing well is permitted by the Division of Environmental Health (19/20-0793) and a Well

Completion Report has been provided **(Attachment 4A).** The well for cannabis irrigation was already approved under the previous Special Permit (10993) and the annual amount authorized is not changing and the proposal is to transition the well to supplemental and emergency use. In the resolution (21-55 for the previous Special permit (10993) the Zoning Administrator found the well is not hydrologically connected to surface water. Therefore, continued use of groundwater well will not interfere with the Public Trust or substantially impair the public rights to navigation, fisheries, or water related activities or access. There is a second well used for domestic purposes only that shall not be connected to irrigation infrastructure **(Condition of Approval B2)**.

The applicant has provided documentation demonstrating enrollment in the State Water Board General Order by providing a copy of the Notice of Applicability and Site Management Plan **(Attachments 4G and 4H)**. The project referral to the Division of Environmental Health resulted in a recommendation of approval with conditions. Processing, manufacturing, and retail sales must be supported by an approved wastewater treatment system. Seasonal cultivation sites may be supported by portable toilets. Industrial tailings from manufacturing activities cannot be discharged into the onsite wastewater system **(Condition of Approval B3)**. Per the Operations Plan, most irrigation will be applied via an automatic drip system, while some irrigation and fertigation may be more efficiently managed via hand watering, which allows for daily inspection of each plant by the cultivator. Daily inspection of each plant allows the cultivator to tailor irrigation and nutrient application based on the needs of each individual plant.

Comments from the California Department of Fish and Wildlife (CDFW) **(Attachment 5)** requested a condition of approval regarding Lake and Streambed Alteration Agreement (LSAA) 1600-2019-0707-R1. Review of the LSAA indicates it pertains exclusively to the domestic water system. The comments were given to the applicant and agent. However, as there is no nexus between the domestic water system and scope of this cannabis permit, the requested condition to extend or amend the LSAA is not included in staff recommendations.

CDFW comments also requested a Site Management Plan. The Site Management Plan provided by the applicant was forwarded to CDFW after receiving the comments. Comments also included concerns about ground disturbance from grading and potential tree removal. The grading permit application for the pond will be referred to CDFW per Department procedure. The project Operations Plan states no timber conversion or tree removal will occur. See Timber Conversion section below for additional information and staff recommendations. CDFW requested that a wildlife exit ramp be installed in the pond which is incorporated **(Condition of Approval A2)**.

Biological Resources:

A Biological Assessment prepared by a Biologist was provided **(Attachment 4B)**. The Assessment concluded the proposed project represents moderate risks to biological resources without mitigations. The Assessment included give recommendations to mitigate risks to biological resources. These recommendations include: 1) Adhering to dark sky standards for artificial light; and 2)

Conducting preconstruction surveys for raptors or avoiding ground disturbance between February 1 and July 31; and 3) Avoid use of heavy equipment between February 1 and July 31; and 4) Perform a floristic survey; and 5) Monitor and remove invasive species in the project area. Recommendation four was conducted and provided therefore recommendations one, two, three, and five are incorporated into the conditions of approval **(Conditions of Approval C3, A3, A4 and A5)**.

A Botanical Survey was prepared by a qualified professional and provided **(Attachment 4C)**. The Survey concluded the proposed project will impact already disturbed areas and will not impact special status plants, natural communities, or wetlands. The Survey included reference resources regarding the control of invasive species French broom, Scotch broom, and Himalayan blackberry. The conditions of approval incorporate these references for invasive species management **(Condition of Approval A5)**.

The nearest mapped Northern Spotted Owl (NSO) activity center (MEN 0501) is 2.1 mile to the southeast and the next closest NSO activity center (HUM0012) is 2.3 miles to the north. The Biological Assessment concluded that potential NSO nesting/roosting habitat is present within the property boundaries. The Assessment further concluded that NSO have a high potential of being found within the Biological Assessment Area. This conclusion is based on one nearby positive siting of NSO 0.25 miles away. However, this siting was in 1998. The specific 1998 observation location is mapped on the banks of the South Fork Eel River in Mendocino County. The applicant provided evidence of NSO surveys within 1.3 miles of the project site that have been done recently in association with Timber Harvest Plans **(Attachment 4F)**. There are no recent positive sitings on record within 1.3 miles and no recorded activity centers within 2.1 miles. The Biological Assessment provided with the application was conducted in 2020 before the NSO surveys were done. The project does not propose to remove any NSO habitat. Therefore, 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 has been conditioned to ensure supplemental lighting associated with the onsite nursery 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)**.

CDFW comment requested that construction authorized by this permit shall not occur during the nesting bird season of March 1 to August 15 unless protocol level surveys are conducted that conclude construction will not result in impacts to nesting birds **(Condition of Approval A7)**. During a site visit, CDFW noted uncontained compost associated with cannabis cultivation. The project is conditioned to contain compost piles no later than October 15, 2024 **(Condition of Approval A8)**.

Noise:

A Noise Source Assessment and Mitigation Plan dated February 2022 was prepared by NorthPoint Consulting Group **(Attachment 4D)**. Potential noise sources include circulation and exhaust fans and use of the generator in emergencies. The noise assessment took three readings at various property lines to establish an average decibel (dB) baseline. In accordance with the CCLUO performance standards, noise limits shall be three decibels above ambient noise measurements. Therefore, the following noise limits are incorporated into the conditions of approval **(Condition of Approval C2)**:

1. 49.1 dB at the eastern property line; and
2. 43.5 dB at the western property line; and
3. 47.1 dB at the southeastern property line.

Additionally, any generator use is limited to 50dB at 100 feet or forest edge, whichever is closer. If more than one noise standard applies (e.g. generator and property line) then the more restrictive standard shall be used. The Noise Plan also describes various noise attenuation measures such as construction materials and design as well as monitoring.

Prime Soils:
According to mapping resources available through the county GIS, there are no mapped prime soils present on the property. Coverage of prime soils by the proposed project is 0% which is below the 20% maximum allowed under the CCLUO.

Energy:
Electricity is sourced from and existing PGE connection through an eligible renewable energy program with a generator for emergencies only **(Condition of Approval B4).** The project was referred to PGE which responded requesting project redesign because one proposed greenhouse was within 15 feet horizontal distance of PGE facilities. The applicant provided an updated site plan with proposed structures relocated outside the areas of concern for PGE. The project is conditioned to ensure a minimum 15 feet horizontal distance from PGE facilities **(Condition of Approval B5).**

Access:
The project parcel takes access from two routes. The cultivation areas take access from Milky Way, a privately maintained road that takes access from the intersection with Highway 101 approximately 0.3 miles away. Referral of the project to Public Works resulting in a response confirmation that access does not encroach on a county-maintained road. A Road System Assessment Report was provided with the application **(Attachment 4E)**. The Report concluded that while Milky Way is not paved in its' entirety, it is equivalent to a Category 4 road in all other aspects.

The portion of the property proposed for manufacturing, distribution, and processing take access from Highway 271 which is a Category 4 road. The project was referred to CalTrans which did not respond. A condition of project approval requires the applicant to provide documentation from CalTrans demonstrating that an authorized encroachment from Highway 271 is present prior to

constructing the cannabis activities in that area **(Condition of Approval A9).**

At full build out the operation will have 24 employees during a peak shift. The site plan depicts adequate parking for employees.

Geologic Suitability:
The project parcel is mapped in the County GIS as low instability. The project is proposed in areas mapped as less than 0-15% and 15-30% slope. The CCLUO requires cultivation sites be located to areas of the parcel where the slope is 15% or less. Prior to installing or constructing structures for cultivation a qualified engineer must provide documentation demonstrating that cultivation location approved by this Special Permit are in areas where the natural grade is 15% slope or less **(Condition of Approval A10)**. The project will require some grading and the construction of structures will increase the coverage of impermeable surfaces. Grading permits, and an Erosion and Sediment Control Plan consistent with the County of Humboldt Grading Ordinance will be required.

Timber Conversion:
Per section 1.4.5 of the Operations Plan **(Attachment 1B)** no timber conversion or tree removal is proposed for this project. Tree removal within 30 feet of structures previously approved under Special Permit (10993) is allowed for fire safe purposes. All new structures authorized by this entitlement (18697) must be located at least 30 feet from trees. If tree removal for the new structures authorized under this permit is recommended by a registered professional forester, then one of the following must occur: 1) Relocate the structure to avoid tree removal; OR 2) Remove the structure and convert to a compatible use (e.g. remove greenhouse and convert to full sun cultivation; OR 3) Provide additional biological assessment conducted by a qualified professional demonstrating to the satisfaction of the Planning and Building Department that the tree removal will not have an impact on habitat or species or sensitive communities **(Condition of Approval A11)**.

Security and Safety:
Per the project Operations Plan, the cultivation area accessed from Milky Way must pass through a locked gate. The commercial area accessed from Highway 271 will also have an entry gate and be surrounded by a perimeter fence. Video surveillance will also be installed. The Site Plan depicts a 2,500-gallon tank dedicated to fire suppression and an adequate area for emergency vehicle turnaround. The property is located within the State Responsibility Area and the Garberville Fire Protection District. Referral to the Fire Protection District received no response. Referral to CalFire resulted in a response of no comment.

Tribal Consultation:
The project was referred to the Northwest Information Center, the Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkyone Wilderness Council. Consultation with the Bear River Tribal Historic Preservation Office resulted in a request for a cultural monitor during grading as well as the standard inadvertent discovery protocol **(Conditions of Approval A6 and 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 River Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 301 permits and the total approved acres would be 86.21 acres of cultivation.

Environmental Review:
An 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 previous 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.

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. Well Completion Report
    - B. Biological Assessment
    - C. Botanical Survey
    - D. Noise Source Assessment and Mitigation Plan

E. Road Assessment Report

F. Northern Spotted Owl Assessment

G. Notice of Applicability

H. Site Management Plan

5. Referral Agency Comments and Recommendations

A. Building Inspection Division

B. Division of Environmental Health

C. Pacific Gas and Electric (PGE)

D. California Department of Fish and Wildlife (CDFW)

6. Watershed Map

APPLICANT AND OWNER INFORMATION:

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