

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-

Record Number PLN-2021-17384

Assessor's Parcel Numbers: 105-101-011

Resolution by the Board of Supervisors of the County of Humboldt to certify compliance with the California Environmental Quality Act, deny the Chambers Road residents Appeal and conditionally approve the Cisco Farms, Inc. Conditional Use Permits and Zoning Clearance Certificate.

WHEREAS, Cisco Farms, Inc. submitted an application and evidence in support of approving a Conditional Use Permit and Zoning Clearance Certificate for Record No, PLN-2021-17384. Permit requested is a Conditional Use Permit for 130,680 square feet (sf) of outdoor cannabis cultivation, 43,560 square feet of light deprivation cannabis cultivation, 43,560 sf of mixed-light commercial cannabis cultivation, a Zoning Clearance Certificate for a proposed processing facility, a Zoning Clearance Certificate for 67,760 sf of commercial nursery space, employee housing, and appurtenant facilities to support the operation. The applicant is also seeking a Conditional Use Permits for use of a road not meeting Category 4 standard for a cannabis support facility and cultivation exceeding one acre.

WHEREAS, the Planning and Building Department reviewed application and substantial evidence supporting the application and has referred the application and evidence to involved reviewing agencies for site inspections, comments, and recommendations; and

WHEREAS, on November 17, 2022, the Planning Commission took the following actions:

1. Adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Cisco Farms, Inc. project.
2. Found based on the submitted evidence the proposed project complies with the General Plan and Zoning Ordinance, that the proposed development and conditions under which may be operated will not be detrimental to public health, safety or welfare or materially injurious to properties or improvements in the vicinity, and that the proposed development does not reduce residential density below that used by the Department of Housing and Community Development in determining compliance with housing element law.
3. Approved the Conditional Use Permit under record no. PLN-2021-17384

WHEREAS, on December 5, 2022, Dan Berger and Petrolia Residents and Landowners (“Appellant”) timely filed an appeal in accordance with the Appeal Procedures specified in Humboldt County Code §312-13 et seq; and

WHEREAS, the Board of Supervisors held a duly-noticed public hearing, *de-novo*, on January 24, 2023, and reviewed, considered, and discussed the application and appeal for the Conditional Use

Permits; and reviewed and considered all public testimony and evidence presented at the hearing.

Now, **THEREFORE BE IT RESOLVED**, that the Board of Supervisors makes all the following findings:

1. FINDING:

Project Description: A Conditional Use Permit for 5 acres of new cannabis cultivation, appurtenant drying facilities, commercial processing, and a community propagation center. Of the 5 acres being applied for, 3 acres will be full sun outdoor and, 2 acres will be light deprivation outdoor in traditional greenhouses. Cultivation will result in 1-3 harvests annually. A Zoning Clearance Certificate for a Commercial Nursery areas consisting of 40,320 SF in greenhouses, 6,000 SF of indoor/enclosed nursery, 21,440 SF of nursery gutter connect greenhouses, for a total of 67,760 SF of propagation space. A Zoning Clearance Certificate for processing, including 19,200 SF of dry space. The applicant is also seeking Conditional Use Permits for use of a road not meeting Category 4 standard for a cannabis support facility and cultivation exceeding one acre. The applicant proposes to construct a 3,000 square foot processing facility to process cannabis produced on site, as well as cannabis produced off site by other cultivators. The applicant proposes to utilize a rainwater catchment to supply irrigation water for the project. 2,840,000 gallons of water storage are proposed for irrigation storage, consisting of a 2,650,000-gallon rainwater catchment pond and 38 -5,000-gallon hard tanks (190,000 gallons of hard tank storage). Annual water usage for cannabis cultivation is estimated at 2,154,095 gallons (7.54 gallons/SF/yr). Water for domestic purposes and ancillary activities will be provided by a well. Power will be provided by PG&E, which includes a proposed upgrade, and solar panels. There will be a maximum of 34 employees at peak of season with 12 employees anticipated as permanent employees. A 1,280 SF farmhouse/employee housing is proposed for up to 8 employees. The site will be accessed via Chambers Rd. A transport-only self-distribution license will be sought at the state level to satisfy operational logistics.

EVIDENCE:

Project File: PLN-2021-17384

2. FINDING:

CEQA: The Project has been reviewed for potential environmental effects in conformance with the California Environmental Quality Act and the public review provisions of CEQA have been satisfied.

EVIDENCE:

- a) As part of adoption of the Commercial Cannabis Land Use Ordinance, the County certified a Programmatic EIR on May 8, 2018 (State Clearinghouse number 2017042022). The Mitigation Measures from the EIR are embedded within the CCLUO.
- b) A project specific Mitigated Negative Declaration was prepared to evaluate project impacts which could not have been envisioned by the Programmatic EIR.

- c) The Mitigated Negative Declaration (IS/MND) was circulated from July 27, 2022 to August 25, 2022.
- d) The IS/MND included six mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Plan which is being adopted as part of the project.
- e) Pursuant to AB52 under the California Environmental Quality Act, formal consultation was requested from the following tribes: Bear River Band of the Rohnerville Rancheria, Big Lagoon Rancheria, Blue Lake Rancheria, Cher-Ae Heights Indian Community of the Trinidad Rancheria, Hoopa Valley Tribe, Karuk Tribe, Round Valley Reservation/Covelo Indian Community, Tsnungwe Council, Wiyot Tribe, and the Yurok Tribe. No consultation was requested in response to AB52 referral outreach.

3. FINDING

ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT- NO MITIGATION REQUIRED. The following impacts have been found to be less than significant and mitigation is not required to reduce project related impacts: Aesthetics, Agriculture and Forestry Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire.

EVIDENCE

- a) The site is not visible from a state highway or from a scenic overlook and thus will not have an impact on scenic resources. Cannabis regulations prohibit creating a source of light pollution or glare. There will be no impact to aesthetics.
- b) None of the Proposed Project would occur on Prime Agricultural Soils, Unique Farmland, or Farmland of Statewide Importance. Additionally, the Proposed Project is an agricultural project consistent with Agriculture Exclusive (AE) zoning. Therefore, the Proposed Project would not convert prime or unique farmland or farmland of statewide importance to a non-agricultural use. The proposed cannabis cultivation would not interfere with the grazing use of the property and is thus not in conflict with the Williamson Act Contract on the site. The cannabis cultivation would not be located or affect any timberland on the site and thus would not affect any forest land.
- c) Modelling using the California Emission Estimator Model (CalEEMod®) Version 2020.4.0 shows emissions of Greenhouse Gas Emmissions would be below the BAAQMD CEQA threshold, and, therefore, there would be no significant or cumulative impacts to the environment due to Greenhouse Gas Emissions. The IS/MND evaluated consistency with the Draft Humboldt County Climate Action Plan, County General Plan, Humboldt County Commercial Cannabis Land Use Ordinance, California Air Resources Board Climate Change Scoping Plan and the NCUAQMD

Particulate Matter Attainment Plan and found the project complies with the provisions of all these plans.

- d) The volume of hazardous materials used on site will require reporting to the County but is not in a volume to identify that there could be a significant impact. The site is just under a mile from the nearest public school, is not on a list of sites identified as containing hazardous materials, is not near an airport, and will not interfere with an emergency response plan. As such, there is a less than significant impact associated with Hazards and Hazardous Materials.
- e) Water for irrigation for the Proposed Project, including cultivation and nursery activities, would be provided exclusively by rainwater catchment. The rainwater catchment has been sized to allow for evaporation. Non-irrigation water for domestic uses, including drinking, plumbing, and processing (e.g., handwashing, surface and tool cleaning, and toilet flushing), would be sourced from a proposed on-site well. If the well is unable to be used for domestic water because it is pulling from surface water or is determined to adversely affect other wells or water sources, the applicant would add up to an additional 70,000 additional rainwater catchment storage tanks in the area proposed for storage tanks. The project will not alter existing natural drainage, increase the amount of run off, or impede flood flows and the requirements of the RWQCB and project requirements will protect water quality. Therefore, the impact associated with Hydrology and Water Quality, is Less than Significant.
- f) The project is an agricultural use on land intended for agriculture so there is no impact on Land Use and Planning.
- g) The Proposed Project site does not include any lands that are classified as MRZ-2 or any known locally important mineral resources. The Proposed Project is not within or adjacent to any mining operations. There are no known mineral deposits of significance on or near the Proposed Project site. Therefore, implementation of the Proposed Project would not result in the loss of availability of a locally important mineral resource recovery site, and no impact would occur.
- h) The Proposed Project is required to comply with the County's noise regulations which would ensure that impacts from the Proposed Project would be less than significant. The project does not propose activities which will expose persons to or generate excessive ground borne vibration or ground borne noise levels. The project is not located within the vicinity of a private airstrip or an airport land use plan or, within two miles of a public airport or public use airport. The Noise impact is Less than Significant.
- i) The Proposed Project would provide employment for approximately twelve (12) full-time employees during the cultivation season from March to November and up to 22 additional employees/contract laborers during peak seasonal events, such as harvesting and planting, for a total of 34

employees. The Proposed Project includes farmworker housing for eight (8) full-time employees. This level of development will not trigger other development to occur in the area. The project will not displace any existing housing, necessitating the construction of replacement housing elsewhere so there is no impact to Population and Housing,

- j) The project will not require the construction of expansion of new public facilities to serve the project. There is a less than significant impact to Public Services.
- k) The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated or include recreational facilities or require the expansion of recreational facilities which might have an adverse effect on the environment. There is no impact to Recreation.
- l) The project site is a rural location without requirements for transit, bicycle or pedestrian improvements and thus would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The provision of onsite housing for 75% of the permanent employees minimizes the vehicle miles traveled to the site. The project would not substantially increase hazards due to geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) and does not result in inadequate emergency access. The road has been determined to a Category 4 road which meets design requirements for the level of traffic generated and existing on the road. The Transportation impact is less than significant.
- m) The design and conditions placed on the project ensure that adequate water and wastewater facilities can be constructed. The project will compost and recycle material in accordance with regulations and will not generate a substantial amount of waste directed to the landfill (25% of what a typical household generates.) The impact to Utilities and Service Systems is Less than Significant.
- n) The project would not substantially impair an adopted emergency response plan or emergency evacuation plan; would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; would not require the installation or maintenance of associated infrastructure (e.g., roads, fuel breaks, emergency water sources) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; and would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. The project does not propose activities

which greatly increase the risk of wildfire, and the project will be constructed in compliance with the Fire Safe Regulations.

4. FINDING

ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT – The Initial Study identified potentially significant impacts to Air Quality, Biological Resources, Cultural Resources, Energy, and Geology and Soils, which could result from the project as originally submitted. Mitigation Measures have been required to ensure potential impacts are limited to a less than significant level.

EVIDENCE

a) **Air Quality:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for air quality:

i. During construction and operation, the following dust control measures shall be implemented:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, active graded areas, excavations, and unpaved access roads) shall be watered two times per day in areas of active construction.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All vehicle speeds on unpaved roads shall be limited to 15 mph, unless the unpaved road surface has been treated for dust suppression with water, rock, wood chip mulch, or other dust prevention measures.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
- All construction and operation equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications.

b) **Biological Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for biological resources:

- i. Preconstruction surveys for American badgers (*Taxidea taxus*) shall be conducted prior to any ground disturbance or construction in the Proposed Project area. Surveys shall be conducted by a qualified biologist no more than one week prior to ground disturbance. If active badger dens are determined to be present, badger relocation to other onsite suitable habitat shall occur in coordination with CDFW.
- ii. For all construction-related activities that take place within the nesting season, accepted as February 1 through August 31, a preconstruction nesting-bird survey for migratory birds, including Cooper's hawk (*Accipiter cooperii*) and Golden eagle (*Accipitridae chrysaetos*), shall be conducted by a qualified biologist no more than

two weeks prior to construction within the Proposed Project area and a buffer zone determined by the qualified biologist, depending on the species nesting. The timing of surveys shall be determined in coordination with the CDFW. If active nests are found, a no-disturbance buffer zone shall be established, the size of which the biologist shall determine based on nest location and species. Within this buffer zone, no construction shall take place until the young have fledged or until the biologist determines that the nest is no longer active.

c) **Cultural Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for cultural resources:

i. If cultural materials for example: chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 50-foot buffer of the discovery location, per the Cultural Resources Investigation Report. Work near the archaeological find(s) shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

If human remains are discovered during project construction, work would be stopped at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

d) **Energy:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for energy use:

i. Power supply shall be developed to support the scale of the Proposed Project during phased build out. Mixed-light cultivation shall not occur until required power sourced from a renewable source is brought to the site (e.g., installation of solar power or completion of a PG&E upgrade). Prior to the onset of power, proposed cultivation shall be outdoor

cultivation cultivated using light-deprivation techniques in greenhouses. At no point in time shall onsite activities exceed existing site power capacity.

- e) **Geology and Soils:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for geology and soils:
 - i. If paleontological resources are encountered during implementation of the Project, ground disturbing activities will be temporarily redirected from the vicinity of the find. A qualified paleontologist shall be retained by the developer to make an evaluation of the find. If a significant paleontological resource(s) is discovered on the property, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.

5. FINDING

CEQA Public Comments: Comments were received from the public and comments from the California Department of Cannabis Control, the Department of Toxic Substances Control, and the State Water Board, on the Mitigated Negative Declaration. These comments have been considered and none of these comments change the conclusions of the Mitigated Negative Declaration.

EVIDENCE

- a) Light impacts.
 - i. Section 55.4.12.4 of the CCLUO provides that lighting shall be shielded so that no light escapes between sunset and sunrise.
 - ii. The project is conditioned such to prohibit light escape 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program;
 - iii. Lighting visible outside the greenhouses or nursery during nighttime hours is a violation of the CCLUO and the permit and if it persists can result in action against the permit and fines and penalties.
- b) Water use.
 - i. Irrigation water will come from rainwater catchment. The amount of water collected for Rainwater Catchment accounts for both the projects irrigation needs and evapotranspiration during drought years.
 - ii. The rainwater catchment system represents less than one percent of the water that would fall on the 517-acre property during a drought year and is part of the water that would normally run off the site during rainfall events. Water is still available for infiltration into the soil, ground water recharge and to support riparian corridors.

- iii. The project proposes to install a new groundwater well to supply water for processing and employee use. Prior to use of the well, a geologist must determine the proposed well will not adversely impact groundwater resources or nearby wells and the well is not drawing from subterranean water that is part of surface water. If the report is unable to demonstrate these criteria can be met, the applicant has proposed to increase rainwater catchment to supply all project needs.
- c) Odor. Pursuant to requirements of the CCLUO, cultivation activities are more than 300 feet from the nearest off-site residence. The majority of nearby residences are over 600 feet from proposed project activities. The size of the parcel, distance to sensitive receptors, and topography minimize odors to sensitive receptors from cannabis cultivation.
- d) Traffic. The Project area will be accessed via a private driveway from Chambers Road. The initial segment of Chambers Road is County maintained from Mattole Road for 1.09 miles, with further segments of Chambers Road privately maintained. The distance from Mattole Road to the private driveway is approximately 1.43 miles. The applicant has submitted engineer prepared road evaluations for all relevant segments of Chambers Road verifying that the roadway is capable of safely supporting the increased traffic due to cannabis related activities. The road is generally 20' wide, with turnouts and good visibility at pinch points. Road evaluations have been referred to the Department of Public Works who recommended approval of the project with the inclusion of conditions. At full build-out, the Proposed Project would result in an average of 8 daily trips by full-time employees and 44 trips by seasonal contract laborers during peak seasonal events and 0-2 daily truck trips. Thus, at peak season during full build out, the maximum daily vehicle trips would be approximately 54 trips per day.

Traffic concerns related to pedestrian use of Chambers Road. While pedestrian facilities exist in the form of crosswalks associated with signage designating a school zone and crossings, the remainder of Chambers Road has no existing pedestrian facilities. When pedestrians and cyclists are utilizing roads that do not have pedestrian facilities, they are entering the right of way at their own risk. Current pedestrian users of Chambers Road assume this risk. In addition, vehicle users of the road must recognize and yield to pedestrian traffic and drive safely on Chambers Road. Cisco Farms, Inc. employees would be required to follow posted speed limit signs. Chambers Road is a rural County road, equivalent to Category 4 road standards, relatively straight and has ample site distance, allowing users of the road to see each other, with no designated pedestrian facilities other than the crosswalk in front of the school. This is typical for many roads within the County including the community of Petrolia. The project would not remove or impact existing pedestrian facilities, and the majority of traffic associated with the project would occur outside of school pickup and drop-off times. The applicant will ensure that all employees are aware of

the pedestrian use on Chambers Road. Employees would be required to follow posted speed limit signs and drive with caution.

- e) Noise pollution. Project activities are not expected to generate noise levels exceeding the Humboldt County General Plan Noise Element standards. Project activities within the greenhouses and hoop structures will be limited from a noise-generating perspective (e.g., conventional air movement fans) and will meet applicable County building and zoning code requirements for noise levels. Outdoor noise-generating activities will include vehicle use and small agricultural support equipment.

Noise levels on the property range from 30 to 58 dBA, and compliance with the CCLUO allow for an increase of no more than 3 decibels above ambient noise levels. Due to proximity to NSO habitat, noise levels may not increase beyond 50 decibels unless ambient noise levels already exceed 50 decibels, in which case no increase is allowed.

The applicant has proposed a PG&E upgrade, with the instillation of a solar array proposed during the interim. Generators are only permitted for emergency backup power and will not be used in daily operations.

- f) Wildlife. Naiad Biological Consulting conducted a Biological Reconnaissance and Project Feasibility Assessment Report identifying a potential wetland feature; however, all project related infrastructure and operations are located approximately 0.45 miles from the potential wetland area, with several discrete geologic formations separating operations from the feature. A Botanical Survey was also conducted, finding:

- Special Status Species: A review of available literature indicates that 4 special status plant species and 5 special status animal species have a moderate or higher potential to occur within the Project area. Evidence of presence of American badger was detected on site; however, the species was not observed. Mitigation measures, including American badger surveys, have been included,
- The Project areas do not contain designated critical habitat for any listed species.
- No sensitive natural communities were identified within the Project area.
- No significant wildlife movement corridors were identified within the Project area.

- g) Project abandonment. Pursuant to the CCLUO upon termination of the approved cannabis permit, all cannabis related infrastructure must be removed, or permitted as part of another allowed use of the site.

- h) Cumulative impacts See Finding and Evidence 12 below.

- i) Fire safety. The majority of the project is located within the Petrolia Fire Protection District (Petrolia FPD), and the applicant has supplied verification from the Petrolia FPD that the entirety of the project will be served. Petrolia FPD requested conditions of approval, including installing a minimum of 2,500 gallons of water storage dedicated for fire suppression and adequate emergency vehicle access. The applicant has proposed to dedicate 10,000 gallons of water for fire suppression to recommended specifications. The applicant will construct the access routes in accordance with SRA Fire Safe Regulations. The project is located within the State Responsibility Area, and, as such, was referred to CalFIRE for review and comment. No conditions of approval were recommended.
- j) Williamson Act Contract. The property has historically been used for grazing activities consistent with the Class B requirements. Current activities include a grazing lease for a dairy operation owned by Mr. John Vevoda. The project was referred to the Williamson Act Committee for hearing on June 27, 2022, where the project was recommended to be approved with a 3-1 vote.
- k) Energy use. The applicant has proposed a PG&E upgrade, with the installation of a solar array proposed during the interim. Generators are only permitted for emergency backup power and will not be used in daily operations. The applicant has designed project buildout such that power needs can be supplied by the solar array constructed at each phase of buildout.

- 6. FINDING:** The Development and operation of the project will not result in a significant adverse impact.
- EVIDENCE:**
- a) The Mitigated Negative Declaration prepared for the project
 - b) Findings 3 and 4 above

FINDINGS FOR CONDITIONAL USE PERMITS AND ZONING CLEARANCE CERTIFICATES

- 7. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE**
- a) General Agriculture and Intensive Agriculture are allowable uses in the Agricultural Grazing land use designation. Cannabis is an agricultural product, proposed on land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
 - b) The General Plan Circulation Element requires *Decisions to change or*

expand the land use of a particular area shall include an analysis of the impacts to existing and proposed transportation facilities and services so as to minimize or avoid significant operational, environmental, economic, and health-related consequences. The project does not change or expand the allowable land uses in this area, as the project site is an existing agricultural operation.

Public Works Department recommended approval with the condition that the privately maintained section of Chambers Road be graveled for a minimum width of 20 feet and a length of 50 feet where it intersects with the County maintained section of Chambers Road. Public Works also requested that the intersection of the privately maintained and County maintained portions of Chambers Road, and the intersection of the driveway with Chambers Road be maintained in accordance with County Code Section 351-1 (Sight Visibility Ordinance). These are included as a conditions of project approval.

- c) The proposed project is consistent with the Conservation and Open Space Element – The potential for impacts to biological resources has been conducted. (Naiad Biological Consulting conducted a Biological Reconnaissance and Project Feasibility Assessment Report and associated Botanical Survey) and mitigation to protect sensitive resources has been incorporated into the Mitigation Monitoring and Reporting Plan.
- d) The Goals and policies of the Conservation and Open Space Cultural Resources have been complied with based on the referral to Northwest Information Center, Bear River Band, and Sinkyone tribe. The applicant submitted a Cultural Resource Investigation prepared by William Rich and Associates evaluating the subject property. No artifacts, features, sites or other cultural resources were identified on the subject parcel. The Cultural Resource Investigation recommended Inadvertent Discovery Protocol, which has been included as a recommended condition of approval.
- e) The project is consistent with the Conservation and Open Space Scenic Resources policies as the only applicable policy is related to restricting light and glare. The project involves mixed-light cultivation. The CCLUO requires that mixed light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). The project is required to follow International Dark Sky Association Standards that exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.
- f) The project is consistent with the Water Resources Element through the following project design elements: The project does not utilize diversion from a surface water source, as water will come from rainwater catchment a well that is not a diversion of surface water. The well is located within

the Mattole River Valley subbasin. The subbasin is not subject to the Sustainable Groundwater Management Act (SGMA) and the basin prioritization is very low. Water storage features have emergency shutoff valves and float valves where appropriate, pond overflow features have been constructed consistent with engineering professional standards by a qualified licensed engineer in accordance with Humboldt County Code and SWRCB regulations. The slope of the cultivation area is approximately 2.7% and surface water naturally percolates through the soil without channelization. Irrigation water will be applied at agronomic rates and detected leaks in the irrigation systems shall be fixed immediately to reduce runoff. All proposed structures and cultivation areas will be located outside of Streamside Management Area buffer zones. The applicant has proposed appropriate erosion control measures including planting cover crop during the fallow season, weekly road inspections, and implementation of best practicable treatments and controls (BPTCs) at all areas of ground disturbance or spoil piles.

- g) The project complies with the Noise Element as there are no sensitive receptors which would be adversely affected by the project. Project parcels are a component of a large private land holding (350+ acres) of the Project applicant. The predominant land uses in the vicinity of the Project include grazing, agricultural and scattered rural residential uses. The surrounding vicinity is not heavily populated.

Project activities are not expected to generate significant noise levels that will exceed the Humboldt County General Plan Noise Element standards. Project activities within the greenhouses and hoop structures will be limited from a noise-generating perspective (e.g., conventional air movement fans) and will meet applicable County building and zoning code requirements for noise levels. Outdoor noise-generating activities will include vehicle use and small agricultural support equipment.

- h) The project complies with the Safety Element of the General Plan as follows:

According to the Humboldt County Geographic Information System (GIS) the project location is not within the 100-year floodplain of any surface water features. The proposed project site is located within an area of low instability, and no mapped historic landslides are present in the project area.

The majority of the project is located within the Petrolia Fire Protection District (Petrolia FPD), and the applicant has supplied verification from the Petrolia FPD that the entirety of the project will be served. Referral comments from Petrolia FPD recommended conditions of approval, including a minimum of 2,500 gallons of water dedicated for fire suppression and adequate emergency vehicle access. These conditions have been included as recommended conditions of approval.

8. FINDING The proposed development is consistent with the purposes of the existing AE zone in which the site is located.

- EVIDENCE**
- a) The Agricultural Exclusive Zone or AE Zone is intended to be applied to areas of the County in which general agriculture is an allowable use for AE zones.
 - b) All general agricultural uses are principally permitted in the AE zone.
 - c) The location and height of all project elements meet the setback and building height requirements for the AE zone.
 - d) The parcel was created in compliance with all applicable state and local subdivision regulations. The lands presently known as APNs 104-191-001, 104-232-005, and 105-101-011 are one legal parcel created by Notice of Merger and Certificate of Subdivision Compliance (2021-012670) recorded June 7, 2021.
 - e) The two-acre lot coverage maximum for AE zoned parcels is not exceeded. Lot coverage is defined as the lot size covered by the vertical projection of any structure excluding structure not extending above the grade. Structure is defined as “Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground”. The temporary nature of greenhouses precludes them from this definition. Proposed permanent structures (i.e., the drying buildings, processing facility, and employee housing) total less than two acres.

9. FINDING The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

- EVIDENCE**
- a) The CCLUO allows commercial cannabis cultivation to be permitted in areas zoned AE (HCC § 314-55.4.6.1).
 - b) Pursuant to HCC §314-55.4.6.1.2 (c) and §314-55.4.7.3, the applicant has supplied a report prepared by a licensed engineer evaluating the road network and relevant segments of road that includes substantial evidence to support finding that standards for the protection of public health and safety, including fire safe road access, capacity to support anticipated traffic volumes, water quality objectives, and protection of habitat can be met.

The project will obtain water from rainwater catchment and a groundwater well that is within a defined groundwater basin and is not diverting from nearby surface waters. The applicant must submit a well evaluation report prepared by a licensed geologist or hydrogeologist demonstrating no adverse impacts to groundwater resources and a disconnection from surface water features. This report is subject to review by the Planning Department. If the report cannot make the determinations outlined above, the applicant shall increase rainwater catchment infrastructure and storage as proposed to provide water for project needs.

- d) The location of the cultivation complies with all setbacks and performance standards of the CCLUO.
- e) All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
- f) The project as proposed is in compliance with applicable siting criteria. No timberland conversion is proposed, and the project will not be located in areas identified as having prime agricultural soils.
- g) The project is proposed within the Cape Mendocino Planning Watershed, which has a cap of 650 permits and 223 acres. Approval of this project would result in 228 approved permits and 84.52 acres of cultivation in the Cape Mendocino Planning Watershed.
- h) Pursuant to HCC §314-55.4.6 nurseries are principally permitted with a Zoning Clearance Certificate when meeting eligibility and siting criteria, and when meeting all applicable performance standards. This project as proposed meets all applicable performance standards, eligibility criteria, and siting criteria.
- i) Pursuant to HCC §314-55.4.7.1 off-site processing is principally permitted with a Zoning Clearance Certificate when in the AE zone, when meeting all applicable performance standards, and eligibility and siting criteria. This project as proposed meets all applicable performance standards, eligibility criteria, and siting criteria.

10. FINDING

The operation of a commercial cannabis cultivation operation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on a paved privately maintained road that can safely accommodate the amount of traffic.
- b) The proposal to operate a commercial cannabis cultivation operation is similar to other agricultural uses in the immediate area.
- c) The location of the operation is more than 600 feet from any school, school bus stop, or church.
- d) Irrigation water will not be sourced from surface water.

11. FINDING

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE

The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element and is zoned heavy industrial.

FINDINGS FOR APPEAL

12. FINDING

The appellants argument that the Planning Commission depended on a legally deficient analysis of cumulative impacts is incorrect. The appellant argues that because the project is more than a mile up a dead-end road from “Greater Downtown” Petrolia and so the impacts on people and institutions in that area were not considered this is an incorrect assessment of the layered analysis which has been completed.

EVIDENCE

- a) The Programmatic EIR prepared for adoption of the Commercial Cannabis Land Use Ordinance addressed cumulative impacts associated with approving new cannabis applications. The mitigation measures from the EIR are embedded within the ordinance. An example of the mitigation addressed in the EIR and the Ordinance impact to biological resources, cultural resources, groundwater, water quantity and water quality. Compliance with the provisions of the CCLUO addresses the potential for cumulative impacts.
- b) The IS/MND analyzes the project impacts of the project site and for pending and approved permits within one mile. The site is one mile from Petrolia and including approved and proposed projects within one mile of the project includes all the rural properties between the subject site and Petrolia. The types of projects that would be allowed or approved in Petrolia are far smaller and have different impacts than projects between Petrolia and the subject site.
- c) Including projects within 1 mile of the project also allows inclusion of projects along the access road leading to the site. There is a dense concentration of projects along this stretch of road. Extending the area of analysis beyond a mile would show a decreasing density of applications beyond the 1-mile radius.
- d) To effectively monitor the impacts of cumulative cannabis cultivation, the Board of Supervisors adopted Resolution 18-43 approved by the Humboldt County Board of Supervisors limits setting a cap on the number of permits that can be issued and the total acres appropriate of cultivation within each planning watershed consistent with the adopted EIR prepared for the Commercial Cannabis Land Use Ordinance. The project is proposed within the Cape Mendocino Planning Watershed, which has a cap of 650 permits and 223 acres. Approval of this project would result in 228 approved permits and 84.52 acres of cultivation in the Cape Mendocino Planning Watershed.
- e) County records do not show unaccounted for and foreseeable planning projects in the “Greater Downtown” Petrolia. The one-mile analysis allows consideration of potential impacts to the rural area east of Petrolia. There are not cannabis applications in the Petrolia area that would contribute to cumulative impacts that would be captured if the radius was expanded to include this area. Additionally, as noted by the appellant, this project is more than a mile up a dead-end road from the “Greater Downtown” Petrolia

area and allows consideration of the impacts associated with all approved and pending applications along that road.

13. FINDING

The appellants claim that the Mitigated Negative Declaration depends on a study that underestimates traffic that the project will generate is not accurate.

EVIDENCE

- a) The traffic study was prepared by a licensed engineer. This study referenced estimates of 54 trips by employees daily at the peak of operations and this includes employees who will live and work on site. That estimate is included to allow for the possibility of workers living on site to travel into town daily. This assessment does not assume employees residing on site will live “monastic” lives as the appellant claims, rather it assumes the probability of trips off the property by all employees. There is no indication that additional trips are necessary for the estimation. One round trip per employee per day is a sufficient estimate in staff opinion. It may also be important to note that the peak number of employees traveling Chambers Road would only occur seasonally, and only at full project buildout.

Additionally, according to the engineer prepared report Chambers Road is a very low-volume local road, as it has a local road with a design average daily traffic volume (ADT) of 400 vehicles per day or less. Each of the 34 employees proposed for the project at peak operations could make nearly six trips per day before exceeding the 400 ADT when factoring in other traffic on Chambers Road. During the majority of the time that the operation is in operation the number of employees is proposed to be 12 and therefore number of trips during the majority of operations will be substantially lower than the peak.

Current traffic on Chambers Road is estimated to be 202 trips per day based on existing cannabis projects, and 5 trips per day for the 24 parcels that take access from Chambers Road. The community use estimate is based on the Design Standards for Roadway Category (HCC Title III Div. 2 Appendix § 4-2(c)).

14. FINDING

The appellants claim that the project’s roads do not satisfy the minimum standards of the County’s SRA Fire Safe Regulations is inaccurate.

- a) The Engineer prepared Road System Evaluation Report submitted by the applicant verifies that Chambers Road meets SRA Fire Safe Requirements. The report also verifies that pinch points have good visibility and turnouts available on either side to facilitate safe ingress and egress, and that Chambers Road is a Category 4 equivalent roadway. The applicant has also supplied an alternate emergency ingress/egress route. The project was referred to CalFire, who had no comment, and the Petrolia FPD, who recommended approval with the recommendations that the applicant supply 2,500 gallons of water storage for fire suppression and adequate emergency

vehicle access. The applicant has supplied a will serve letter from the Petrolia VFPD stating that they will serve all portions of the proposed project. There is no indication from responsible referral agencies that Chambers Road is unsafe for the proposed use.

15. FINDING

The appellant's claim that enforcement is impossible, and neighbors will be impacted by light pollution from this operation is unfounded.

EVIDENCE

- a) The County has a dedicated team of staff members whose sole job is to inspect permitted cannabis operations and respond to complaints of light pollution. This project has been conditioned such that all artificial light shall be fully contained within structures such that no light escapes consistent with International Dark-Sky Association standards. If this operation is found to be in violation of permit conditions corrective action will be taken which may include permit revocation.
- b) Over 900 permit holders had in person site inspections, and 400 permit holders were given notice that they were going to be inspected remotely. These inspections involved review of the site improvements for conformance to the approved site plans and phone conversations with the applicant. During the periods of the year when lights are used in Greenhouses, the Planning and Building Department has conducted nighttime reconnaissance of the County to identify violations of the dark sky standards. If a light or noise complaint is received, the permit holder is required to correct the violation within ten days. Repeated violations may result in code enforcement action or permit revocation.

16. FINDING

The appellant's claim that the project is not adequately considering all power needs is not supported by the evidence.

- a) The project will not be supplied solely by the existing 200 amps on site. The applicant has proposed a solar array to be constructed in conjunction with the phased project buildout. The applicant modified the project away from including an acre of mixed light to an acre of light deprivation resulting in 3 acres of outdoor and 2 acres of light deprivation. The applicant had planned to not initiate the final phase of the project (1 acre of mixed light cultivation) until a proposed PG&E upgrade has been installed and this was in the conditions of approval. Application materials indicate that the proposed solar array will supply sufficient power for operations up to the final phase. Conditions of approval include demonstration of adequate renewable energy onsite prior to commencement of each phase of operations or release of building permits.

17. FINDING

The appellants claim that the project analysis overestimates the efficiency of the proposed rain catchment system is not supported by the evidence.

- a) The appellant offers no substantial evidence to support this accusation. The submitted rainwater catchment calculations anticipate an annual evaporative loss of approximately 26%. No evidence has been submitted to indicate that an increased estimate is appropriate. The study referenced that estimates collection efficiency at 75% is analyzing rainwater catchment systems for residential uses. This change in use includes a number of factors not pertinent to a large-scale agricultural operation, including first flush practices, potentially porous rooftop materials, and reservoir overflow during periods of intense precipitation. None of those factors are pertinent to this project and as such the collection efficiency and evaporation estimates are within acceptable margins.
- b) To date the applicant has not drilled a test well on site, and, as such, no geologist evaluation can be performed. The project has been conditioned to either provide a geologist evaluation of the proposed well, or transition completely to rainwater catchment as the sole water source for the project. With the inclusion of the recommended condition the project will not have an impact on groundwater resources. No deferment of analysis has occurred. After a geologist evaluation of the well has been submitted and approved, the groundwater well will be subject to the Division of Environmental Health permitting process.

18. FINDING

The appellant’s claim that the IS/MND improperly defers environmental analysis of the proposed well is inaccurate.

EVIDENCE:

- a) To date, the applicant has not drilled a test well on site, and, as such, no geologist evaluation can be performed. The project has been conditioned to either provide a geologist evaluation of the proposed well, or transition completely to rainwater catchment as the sole water source for the project. With the inclusion of the recommended condition the project will not have an impact on groundwater resources. No deferment of analysis has occurred.

Reported water use for agricultural operations in the Mattole River Valley Groundwater Basin is 140 acre feet, and industrial and municipal use totals 7 acre feet. The proposed use of the groundwater well represents approximately 0.29% of groundwater use in the Mattole River Valley Groundwater Basin.

The applicant estimated employee water use is similar to existing water use estimates in areas of California as demonstrated by the California Department of Water Resources. The Department of Water Resources lists 48 gallons per day as the current statewide median indoor residential water use, and notes that approximately a quarter of California households currently use less than 42 gallons per capita per day.

19. FINDING

The appellants claim that the Planning Commission did not consider public comments in opposition to this project is inaccurate.

EVIDENCE

- a) All of the letters of opposition received during the CEQA circulation period were included as an attachment to the Staff Report. Copies of the Staff Report (including all of the letters of opposition) were submitted to the Planning Commission for their review prior to the public hearing. Additionally, during the presentation of the staff report County staff discussed these public comment letters and summarized the issues as well as the staff response to the concerns raised.
- b) During the hybrid hearing, members of the public were able to make comment and the decision-making conversation and vote were viewable by the members of the public. It is not clear why people had trouble participating remotely. The noticing was correct, the hybrid links to the meeting was correct and the meeting was broadcast in the normal manner.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby:

- a. Adopts the Mitigated Negative Declaration for the Cisco Farms, Inc. Conditional Use Permits; and
- b. Adopts the Mitigation Monitoring and Reporting Program for the Cisco Farms, Inc. Conditional Use Permit; and
- c. Adopt the findings set forth in this resolution; and
- d. Denies the Appeal submitted by Dan Berger and Petrolia Residents and Landowners; and
- e. Conditionally approves the Conditional Use Permits for 5 acres of Cultivation and to allow a large cannabis site and Community Support Facility road that is not a paved Category 4 Road with a centerline stripe and Zoning Clearance Certificate for a Community Support Facility for Cisco Farms, Inc. subject to the conditions of approval.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on January 24, 2023, by the following vote:

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors--

NOES: Supervisors--
ABSENT: Supervisors--
ABSTAIN: Supervisors--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors

KATHY HAYES
Clerk of the Board of Supervisors of
the County of Humboldt, State of California