



COUNTY OF HUMBOLDT

For the meeting of: 11/17/2022

File #: 22-1543

To: Planning Commission
From: Planning and Building Department
Agenda Section: Public Hearing

SUBJECT:

Cisco Farms, Inc.
Assessor Parcel Number(s) (APN) 105-101-011, 104-232-005, and 104-191-001
Record No.: PLN-2021-17384
Petrolia area

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, 1 acre will be light deprivation outdoor in traditional greenhouses, and 1 acre will be mixed-light cultivation in gutter connect greenhouses. Cultivation will result in 1-3 harvests annually. Nursery areas will consist 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. Processing includes 19,200 SF of dry space. 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 groundwater well and rainwater catchment to supply water for the project. A total of 2,840,000 gallons of water storage are proposed for irrigation storage, consisting of 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). 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. 1,280 SF farmhouse/employee housing is proposed for up to 12 employees. Water for domestic use and cannabis processing will be sourced from rainwater catchment and bottled water, and septic system associated with the farmworker housing and processing facility will be installed. 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. The Humboldt County Planning Commission will consider adoption of a Mitigated Negative Declaration that has been prepared for the project pursuant to State CEQA Guidelines. The project is located in the Petrolia Area, on Chambers Road, approximately 1 mile east of the intersection of Chambers Road and Mattole Road, on the property identified as 1414 Chambers Road.

RECOMMENDATION(S):

That the Planning Commission:

Open the public hearing, receive and consider the staff report, and accept public comments; and

1. Close the public hearing; and
2. Adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
 - a. Adopt the Mitigated Negative Declaration prepared for the Cisco Farms, Inc. project pursuant to section 15074 of the State CEQA guidelines; and

- b. Make all required findings for approval of the Conditional Use Permits; and
- c. Approve the Cisco Farms, Inc. Conditional Use Permits as recommended by staff and subject to the recommended conditions.

DISCUSSION:

Project Location: The project is located in Humboldt County, in the Petrolia area, on the North and South side of Chambers Road, approximately 1.1 miles from the intersection of Mattole Road and Chambers Road, on the property known 1414 Chambers Road.

Present General Plan Land Use Designation: Agricultural Grazing (AG). 2017 General Plan. Density: 20 to 160 acres per unit, Slope Stability: Low Instability (1), Moderate Instability (2).

Present Zoning: Agriculture Exclusive (AE) - Special Building Site (B-5(160))

Environmental Review: An Initial Study/Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000-21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387).

State Appeal: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission

Major concerns: Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils.

Executive Summary: Cisco Farms, Inc. proposes to develop a commercial cannabis full sun outdoor, light-deprivation, and mixed-light cultivation project on property located in the Petrolia area, in an unincorporated area of Humboldt County, California (“Project”). The Project involves the conversion of land historically utilized for grazing operations to commercial cannabis cultivation activities on one legal parcel comprised of Assessor’s Parcel Numbers (“APNs”) 105-101-011, 104-232-005, and 104-191-001, which total approximately 517 acres (“Site”). The Site is zoned Agriculture Exclusive with a Special Building Site Combining Zone. The Project involves 5 acres of new cannabis cultivation, appurtenant nursery space, commercial processing, and a community propagation center. Of the 5 acres being applied for, 3 acres will be full sun outdoor, 1 acre will be light deprivation outdoor in traditional greenhouses, and 1 acre will be mixed-light cultivation in gutter connect greenhouses. Cultivation will result in 1-3 harvests annually. Nursery areas will consist 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. Processing includes 19,200 SF of dry space. 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. Existing land uses on the Site are agricultural, with historic activities consisting of commercial grazing operations pursuant to a Williamson Act Contract. The applicant is also seeking a Conditional Use Permit for use of a road not meeting Category 4 standard for a cannabis support facility. An engineer evaluation of the road has been included for review.

Table 1: Proposed Structures and Associated Areas

Structures	Dimensions	Area
(17) light deprivation greenhouses	105’x24’ each	42,840 square feet
(1) light deprivation greenhouse	30’x24’	720 square feet
Gutter connected greenhouses	325’x200’	65,000 square feet

(16) commercial nursery greenhouses	105'x24' each	40,320 square feet
(2) commercial nursery greenhouses	30'x100' each	6,000 square feet
(1) commercial processing building	30'x100'	3,000 square feet
(4) ancillary drying and storage containers	40'x120' each	19,200 square feet
(4) modular housing units	40'x8' each	1,280 square feet

Project Phasing: The Project is anticipated to be built out over the course of five years. Amounts are listed below along with associated total square footages.

Year one:

- 10,000 square feet of light deprivation cannabis cultivation.
- One acre of full sun outdoor cultivation.
- Two nursery greenhouses (5,040 square feet).
- Water storage, including rainwater catchment pond, plastic tanks, and fire tanks.
- Drying and processing will occur offsite at the applicants other related facilities.

Year two:

- 10,000 square feet of light deprivation cannabis cultivation (20,000 square feet total).
- One acre full sun outdoor cultivation (two acres total).
- Two nursery greenhouses (10,080 square feet total).
- One nursery building (3,000 square feet).
- One drying building (4,800 square feet).

Year three:

- 10,000 square feet of light deprivation cannabis cultivation (30,000 square feet total).
- One acre full sun outdoor cultivation (three acres total).
- Four nursery greenhouses (20,160 square feet total).
- One drying building (9,600 square feet total).
- 3,000 square foot processing building.

Year four:

- 13,560 square feet of light deprivation cannabis cultivation (43,560 square feet total)
- Two nursery greenhouses (25,200 square feet total).
- One drying building (14,400 square feet total).
- Two employee housing units (640 square feet total).

Year five:

- One acre gutter connected mixed light greenhouses.
- 21,440 square feet gutter connected nursery.
- Six nursery greenhouses (40,320 square feet total).
- One nursery building (6,000 square feet total).
- Two employee housing units (1,280 square feet total).
- One drying building (19,200 square feet total).

Water Resources: The Project’s annual irrigation demand has been estimated at 2,154,095 gallons (approximately 7.54 gallons per square foot per year), with a monthly maximum of approximately 413,218 gallons during the month of July. Irrigation water for nursery operations will be needed year round, and for cultivation from March through November of each year. The applicant estimates an additional water need of 111,710 gallons annually for non-irrigation needs, including processing activities and employee use, for a total annual water use of 2,265,805 gallons.

The Project’s estimated irrigation and employee water usage, by month, is shown in Table 2, below.

Table 2: Projected Irrigation and Employee Water Use in Gallons

Month	Mixed-Light	Light-Dep	Full-Sun Outdoor	Nursery	Processing and Employee Use	Total Cultivation
January	-	-	-	11,530	5,846	17,376
February	-	-	-	28,862	5,280	34,142
March	11,575	-	-	55,492	10,806	77,873
April	112,011	70,438	-	62,700	10,457	255,606
May	117,239	116,771	20,211	67,016	10,806	332,043
June	113,878	112,568	67,998	43,894	10,457	348,795
July	117,239	116,646	128,600	50,733	10,806	424,024
August	117,674	116,460	128,600	10,216	10,806	383,756
September	47,231	99,068	124,452	5,174	10,457	286,382
October	-	-	61,767	3,354	10,806	75,927
November	-	-	6,849	2,867	9,337	19,053
December	-	-	-	4,982	5,846	10,828
Total	636,847	631,951	538,477	346,820	111,710	2,265,805

The applicant expects approximately 677,929 gallons of water stored in the rainwater catchment pond will be lost to evaporation.

The applicant has proposed a rainwater catchment system to supply irrigation water, and a groundwater well to supply water for employee use and processing. Recommended conditions include verification that the proposed well will not adversely impact groundwater resources and the well must be disconnected from surface water features. This must be demonstrated in a report prepared by a licensed geologist or hydrogeologist and subject to County review. If the report is unable to demonstrate hydrologic dysconnectivity and no negative impacts on groundwater resources, the applicant has proposed to increase rainwater catchment and import bottled water to supply all project needs. The applicant has provided rainwater catchment calculations that have been included as an attachment demonstrating project feasibility during each phase of the proposed project buildout. Rainwater catchment calculations demonstrate project feasibility even in drought years, and the applicant has proposed to utilize additional structures for rainwater catchment and to obtain additional infrastructure if the groundwater well cannot be used.

Drinking Water, Toilets, and Handwashing Facilities: The applicant proposes to supply water for employee use and processing from a groundwater well. The proposed well has not been constructed, and an evaluation of the well by a geologist or hydrogeologist has been included as a recommended condition of approval. The

report must demonstrate no negative impacts on groundwater resources and isolation from surface water features. If such determinations cannot be made, the applicant has proposed a rainwater catchment system and utilizing bottled water for employee drinking water as an alternate water source. (**Attachment 1A General Conditions 4 & 5**)

The applicant supplied a Septic Feasibility Study prepared by Ourevolution engineering that concluded the area proposed to be used for an Onsite Wastewater Treatment System (OWTS) is adequate to design a safe and effective wastewater treatment system.

Energy Supply and Use: The property is serviced by an existing Pacific Gas and Electric (PG&E) service line, and an application for a 600-amp service has been submitted by the applicant. The applicant proposes to install a 323 kilowatt (kW) photovoltaic power system to provide power for operations until the proposed PG&E upgrade can be installed. An emergency backup generator will be kept on site, with use limited to power outage events. Proposed phases 1-4 would be served entirely by the proposed solar power system and existing PG&E 200-amp service, except for emergencies. Given that PG&E has recently notified the County that there is little to no additional power capacity for this portion of the County for the immediate future, staff has recommended a condition of approval that clarifies that the proposed project phases can only occur with adequate demonstration of available power to the satisfaction of the Planning Director.

Biological Resources: Naiad Biological Consulting conducted a Biological Reconnaissance and Project Feasibility Assessment Report consisting of literature reviews and field observations and studies to identify potential sensitive biological resources that may occur within the Project area. In an initial assessment a potential wetland feature was identified, however the current proposal has all project related infrastructure and operations located approximately 0.45 miles from the potential wetland area, with several discrete geologic formations separating operations from the feature. An updated assessment was prepared to reflect the current proposal, which found no wetlands within or near the proposed project location. A Botanical Survey was also conducted, with key findings from the updated assessment and Botanical Survey summarized below:

- **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 as recommended conditions of approval, and a Botanical Survey was conducted by Naiad Biological Consulting during appropriate seasons for detection, and although Monterey cypress was observed, it was believed to be a planted ornamental and will not be impacted by cannabis operations.
- **Designated Critical Habitat:** The Project areas do not contain designated critical habitat for any listed species.
- **Sensitive Natural Communities:** No sensitive natural communities were identified within the Project area.
- **Wetland and Riparian Habitats:** A potential wetland area was identified approximately 0.45 miles southeast of the proposed project location. Due to the distance and landscape between the potential wetland and the project site, the potential wetland will not be disrupted by Project activities.
- **Wildlife Movement Corridors:** After a review of Essential Habitat Connections identified in the California Essential Habitat Connectivity Project, no significant wildlife movement corridors were identified within the Project area.

See Attachment 3 - Appendix 2, Botanical Report of Special Status Native Plant Populations and Natural Communities, Biological Reconnaissance and Project Feasibility Assessment Report, Invasive Species Control

Plan, and Golden Eagle Survey Report.

Storage and Use of Fertilizers, Pesticides, and Other Products: Storage and use of fertilizers and pesticides will be conducted in accordance with the Best Practicable Treatment or Control (BPTC) measures of State Water Resources Control Board (SWRCB) Order WQ 2019-0001-DWQ, which include requirements to apply fertilizers and soil amendments at only the proper agronomic rates, and to store materials in a manner that is protected from rainfall and erosion.

Agricultural chemicals will be stored in a designated area within one of the four proposed drying buildings when not in use. Agricultural chemicals associated with nursery activities will be stored within indoor structures for each within a locked cabinet/room. All chemical storage locations will have impervious floors and be completely enclosed from wind or rain to prevent leaching into soils or groundwater, and to prevent debris from entering surface waters.

Tribal Consultation: The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred 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. Pursuant to AB52 under the California Environmental Quality Act, formal consultation was offered to 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, Tsungwe Council, Wiyot Tribe, and the Yurok Tribe. No consultation was requested in response to AB52 referral outreach.

Access: 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. Conditions are listed in the Referral Response Comments and County Action/Response section below.

The applicant proposes thirty-four (34) parking spaces in three main locations near cultivation areas. The applicant proposes 24 parking spaces, and 2 Americans with Disabilities Act ("ADA") accessible spaces will be located near the proposed processing structure. Four parking spaces are proposed adjacent to the nursery facilities, and four parking spaces are proposed adjacent to drying spaces. The parking area will be developed consistent with County Zoning Regulations §314-109.1.

Access to cultivation sites and proposed nursery and processing facilities from Chambers Road will be provided by a proposed graveled driveway approximately half a mile in length. The applicant will construct the driveway in accordance with applicable SRA Fire Safe Regulations.

Hazards: 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 (Attachment 1A General Conditions 9 & 10). 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. A road evaluation form has been prepared by an engineer verifying that the road can accommodate the expected increase in traffic.

Emergency ingress and egress routes have been identified as prepared by the Mattole Restoration Council in conjunction with the Lower Mattole Firesafe Council. The Mattole Restoration Council requested that the maps be kept confidential and as such have not been included in the attachments. Alternate emergency access routes have been submitted by the applicant and are included in Attachment 4.

Referral Response Comments and County Action/Response

Environmental Health

1. A proposed water well is described as the operation's source of water. Applicant shall submit a County certified CEQA Environmental Document resulting from the project's Planning review that explicitly addresses the well and all environmental impacts associated with its proposed use prior to DEH approval of a water well permit. The proposed well has been analyzed in the circulated IS/MND. The project has been conditioned to prepare and submit a well evaluation prepared by a licensed geologist or hydrogeologist for County review. If the well evaluation is unable to demonstrate hydrologic disconnection and no negative impacts on groundwater resources, the applicant will implement rainwater catchment and bottled water to supply the water required for employee use and processing.
2. Two existing wells are shown on the site plan prepared by Ourevolution Engineering, Inc. Legalize or destroy the wells: Owner shall either provide evidence of an approved permit for each well, destroy the wells, legalize the wells through installation of new sanitary surface seals, or provide compelling evidence that each well was installed prior to February, 1973. This has been included as a recommended condition of project approval. (Attachment 1A General Condition 7)
3. Onsite processing and employee housing must be supported by a permanent means of sewage disposal. Operator shall install a permitted onsite wastewater treatment system (OWTS), associated with a permitted structure, to support the needs of the project. This has been included as a recommended condition of project approval. (Attachment 1A General Condition 6)
4. Industrial wastewater tailings from indoor cultivation activities cannot be discharged to OWTS. Contact North Coast Regional Water Quality Control Board regarding industrial wastewater disposal requirements. No indoor cultivation is proposed.

Public Works

1. The applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these

impacts. Applicant is advised that a paved road may not always remain paved, and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts. Project activities are located approximately one quarter mile as the crow flies from the County maintained section of Chambers Road.

- All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County Road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. This is a condition of project approval. (Attachment 1A Development Restriction 10)

- Any existing or proposed non-county-maintained access roads that will serve as access for the proposed project that connect to a county-maintained road shall be improved to current standards for a commercial driveway. Applicant must apply for and obtain an encroachment permit from the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing intersection culverts; minimum size is typically 18 inches. If the County has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County Road. This is a condition of project approval. (Attachment 1A General Condition 8)

Petrolia Fire Protection District

- The Department request minimum 2,500-gallon water storage for fire plumbed at 2.5" NH thread and adequate emergency vehicle access. The applicant has proposed 10,000 gallons of water storage dedicated to fire suppression. Specifications are included as recommended conditions of approval. The applicant shall construct the access driveway in accordance with applicable SRA Fire Safe Regulations. (Attachment 1A General Conditions 9 & 10)

Environmental review for the proposed project included the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000-21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387). The IS/MND was circulated from July 27, 2022 to August 25, 2022 at the State Clearinghouse. There have been a significant number of comments from the public on the project and the Mitigated Negative Declaration, one comment from the California Department of Cannabis Control, one comment from the Department of Toxic Substances Control, and one comment from the State Water Board, DDW, on the Initial Study and Mitigated Declaration. Comments from agencies and the public were generally regarding traffic, noise, lighting impacts, biological resource impacts, fire safety, energy use, and water use. These comments (included in Attachment 6) are discussed in the attached Resolution for the Planning Commission's consideration and have been reviewed and considered by the Department. Staff's analysis is that none of these comments change the conclusions of the Mitigated Negative Declaration.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Conditional Use Permit.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either recommended approval or conditional approval. (Attachment 5)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. Modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

Staff prepared a thorough environmental analysis which included the preparation of an IS/MND pursuant to the CEQA Statute (Public Resources Code 21000-21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387). The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant unmitigable impacts.

ATTACHMENTS:

1. Resolution
 - A. Conditions of Approval
 - B. Mitigation Monitoring Report
2. Location Maps
3. Initial Study/Mitigated Negative Declaration
 - A. Appendix 1
 - B. Appendix 2
4. Applicant's Evidence in Support of the Required Findings
 - A. PVFD Will Serve Letter
 - B. Alternate Ingress/Egress Route
 - C. Final Road Evaluation
5. Referral Agency Comments and Recommendations
 - A. Department of Environmental Health
 - B. Department of Public Works, Land Use Division
 - C. Petrolia Fire Protection District
6. Agency and Public Comment - CEQA Circulation Period and 10-Day Noticing Period