

Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines, make all of the required findings for approval of the Special Permit and adopt the Resolution approving Benbow Valley Ranch Farms, LLC Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: Benbow Valley Ranch Farms, LLC seeks a Special Permit for an existing 10,000-square-foot (SF) mixed-light cannabis cultivation operation. All cannabis will be grown in three greenhouses that total to 9,600 SF on a single graded flat on the 300-acre parcel. The additional 400 SF of permitted cultivation area would be used to bring ancillary propagation up from 1,000 SF (10% of cultivation amount) to 1,200 SF in a fourth greenhouse and an additional 200 SF of clone propagation in the drying room. There is a maximum of three mixed-light harvests annually and natural prime agricultural soils and amendments are used. Processing activities including drying, curing, and trimming would be performed onsite in an existing 2,000-SF drying facility and 260-SF processing building. Up to three seasonal employees or contractors may be required during cannabis processing.

Three cultivation locations are to be retired and remediated from the 300-acre parcel and all cultivation consolidated to one location per California Department of Fish and Wildlife (CDFW) recommendation based on a site inspection on June 6, 2019. The applicant has revised the site plan to show the consolidated cultivation greenhouses and appurtenant structures, and residence located in a single flat area on the eastern edge of the parcel. In addition, the project will be removing three 3,000-gallon water tanks from above decommissioned historic cultivation areas and moving them 200 feet to a more stable area above the cultivation site due to an ongoing slow landslide. All structures will be permitted, and the retired cultivation areas remediated as a condition of approval (COAs #6 and #7).

Power for the project in the near term would be provided by a 400-kilowatt diesel generator used to power greenhouse lighting. A second 70-kilowatt generator powers pumps, atomizer, fans, dehumidifiers, trimming machines, etc., and daily domestic purposes in an existing residence. A third 320-kilowatt generator serves as backup. All diesel generators will be registered with the North Coast Unified Air Quality Management District as a condition of approval (COA #8). The applicant details that approximately 1,813 hours/year of generator time are used for cannabis operations and 2,310 hours/year for domestic uses in an Energy Generation and Consumption Plan prepared in October 2021 (**Attachment 3**). The applicant is proposing to install an alternative energy electrical system by the end of 2025 in the form of a Pacific Gas and Electric Company (PG&E) power drop (application in preparation) or a solar system consisting of 30 1,000-watt photovoltaic panels and three Tesla batteries; this requirement for transitioning to sustainable fuel sources within 4 years has been made a condition of approval (COA #9). Following the PG&E or solar transition, only a single generator will remain onsite as emergency backup power.

Based on comments received from the Department of Environmental Health, processing is required to be conducted offsite at a licensed processing facility until there is a permitted onsite wastewater treatment system (OWTS) the subject parcel. As a result, portable restrooms and handwashing stations must be provided for cultivation workers until it is demonstrated the existing OWTS is sufficient to meet the needs for the one employee working onsite during peak operations as a condition of approval (COA #10).

The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project, the total number of approved permits in this Planning Watershed would be 294, and the total approved acres of cultivation would be 80.08.

Water Resources

The primary irrigation water source is a 1,466,392-gallon rainwater catchment reservoir pond constructed in 2018 toward the bottom of the property, as detailed on the Grading, Drainage, and Erosion Control Plan diagrams provided by Omsberg & Preston, dated 11/13/18 (**Attachment 3**). Irrigation water use is detailed in a revised Water Irrigation and Storage Plan provided by the applicant on 1/31/22. The estimated projected water use for the project is approximately 235,425 gallons (23 gallons/SF/year); an additional 74,500 gallons is used for domestic purposes. A point of diversion with a documented water right H502329 and a 140-foot permitted well (20/21-0531) are used for domestic sources only. There are currently 15 high-density polyethylene (HDPE) water storage tanks on the project site: one 4,800-gallon tank filled from the spring diversion for firefighting use, one 3,200-gallon tank filled from the spring or well for domestic use, and thirteen 3,200-gallon tanks, some of which filled from the spring diversion outside of the forbearance period for domestic use, and from the pond during the summer forbearance period for irrigation use. All water irrigation sources (hard tank, pond, POD) will be monitored separately from domestic use as a condition of approval (COA #11) and in accordance with State Water Board policy. Cannabis cultivation would employ drip irrigation to prevent runoff from watering. The California Division of Water Rights has approved the project and verified the applicant has a water right certificate (H502329).

A Notification of a Lake or Streambed Alteration was submitted to the California Department of Fish and Wildlife (CDFW) (**Attachment 3**) in December 2018 for encroachments on three points of diversion and two Class III stream crossing installations. Adherence to the Final CDFW Notification and delivery to the County has been made a condition of approval (Ongoing Requirements). The applicant has registered with the North Coast Regional Water Quality Control Board (WDID: 1_12C403889) as a Tier 1, low-risk discharger in accordance with the State Water Resources Control Board Cannabis Cultivation Policy. In accordance with this policy, a Site Management Plan (SMP) was prepared by ETA Humboldt to describe how the best practicable treatment and control measures are being implemented property-wide, and to provide a schedule of priority improvements, when necessary. There was only one point of concern on the parcel (unarmored culvert) that will be ameliorated as a condition of approval (COA #12) and the SMP detailed general recommendations and winterization measures that are to be adopted by the project.

Biological Resources

No biological assessment has been prepared for the project. The nearest marbled murrelet mapped critical habitat is approximately 1 mile to the southwest. The nearest northern spotted owl (NSO) activity center is located 0.95 mile west of the consolidated cultivation area. The proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices. Generators are proposed as primary power until a sustainable power source (PG&E or solar) is installed by the end of 2025 at which point generators will be used for emergency purposes only. Per the applicant, all generators will meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11(o), which requires noise levels be at or below 50 decibels at 100 feet or edge of habitat, whichever is closer. As a result, the project is conditioned to ensure the combination of background, generator, and greenhouse fan or other operational equipment-created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service.

The project has been conditioned to ensure supplemental lighting associated with mixed-light cultivation is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat and avoid heavy equipment operations during the

NSO critical period (February 1–July 31) or perform protocol-level surveys prior to initiating that work. Furthermore, the project is conditioned to adhere to Dark Sky Association standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect NSO or other sensitive species.

Tribal Cultural Resource Coordination

The project was referred to the Northwest Information Center, the Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkyone Wilderness Council in August of 2019. The Bear River Band Tribal Historic Preservation Officer requested preparation of a Cultural Resources Report. William Rich and Associates prepared a Cultural Resources Report in January 2022 which determined that no artifacts, features, sites, or other cultural resources were identified during the field survey. The applicant shall abide by the Inadvertent Discovery Protocols as an ongoing condition of approval (COA # **Attachment B, Informational Note #3**). Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.

Access

The site is accessed on Reed Mountain Road, a privately maintained road, approximately 2.1 miles from its intersection with Benbow Drive (paved, County-maintained road). A Road Evaluation Report was prepared by the owner on 7/26/2018 indicated the entire road segment (Reed Ranch Road) is developed to the equivalent of a road category 4 standard. Public Works, Land Use Division provided recommended conditions of approval in a letter dated 8/19/20. Comments include: the applicant is advised of potential impacts from dust and other impacts on farms; that all fences and gates are to remain out of the County right-of-way; that any existing or proposed driveways that connect to a County-maintained road shall be paved for a minimum of 50 feet and be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Meeting the conditions of County Code is made a condition of approval (COA # **13**). A letter from Public Works will satisfy this condition.

RECOMMENDATION: 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 approval of the Special Permit.

ALTERNATIVES: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.