



COUNTY OF HUMBOLDT

For the meeting of: 9/19/2024

File #: 24-1288

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

PJC Wellness, LLC Conditional Use Permit
Assessor Parcel Number 200-243-010
Record No.: PLN-2023-18808
Fortuna Area

A Conditional Use Permit to conduct additional ancillary operations in the form of a microbusiness in the Fortuna Community Planning Area including non-volatile manufacturing, self-distribution, and farm-based retail at offsite special events with no customer traffic. All additional ancillary operations would source cannabis from cultivation occurring onsite, no offsite cannabis is imported. The site contains an existing, approved cannabis permit for 10,000 square feet of mixed light commercial cannabis cultivation with onsite processing. Water source remains unchanged with an existing permitted well. The proposal includes adding rainwater catchment as an irrigation source to provide at least 33% of irrigation needs. If approved, permitted annual water usage will increase to up to 180,000 gallons per year to align with annual use per data from installed water meters. The existing approximate 32,000 gallons of irrigation water tank storage is proposed to increase to up to 62,000 gallons total of tank storage. Electricity is provided by PGE.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 24-___), (Attachment 1) which does the following:
 - a. Finds the Planning Commission has considered the Final Environmental Impact Report for the Commercial Cannabis Land Use Ordinance and the Addendum that was prepared for the PJC Wellness, LLC project; and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Conditional Use Permit subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location:

The project is in the Fortuna area, on the North side of Riverview Road, approximately 576 feet from the intersection of Hansen Drive and Riverview Road, on the property known as 220 Riverview Road.

Present General Plan Land Use Designation:

Residential Estates. Fortuna Area Community Plan. 2017 General Plan. Density is 2.5-5 acres per unit. Slope stability: Moderate Instability (2).

Present Zoning:

Agriculture General, Special Building Area 5 - 5 Acres (AG-B-5(5)).

Environmental Review:

An Addendum to a previously adopted Environmental Impact Report has been prepared for consideration per §15164 of the State CEQA Guidelines.

State Appeal:

Project is NOT appealable to the California Coastal Commission.

Major Concerns:

None.

Executive Summary:

A Conditional Use Permit to conduct additional ancillary operations in the form of a microbusiness in the Fortuna Community Planning Area including non-volatile manufacturing, self-distribution, and farm-based retail at offsite special events with no customer traffic. All additional ancillary operations would source cannabis from cultivation occurring onsite, no offsite cannabis is imported. The site contains an existing, approved cannabis permit for 10,000 square feet of mixed light commercial cannabis cultivation with onsite processing. Water source remains the existing legal, non-conforming well with the addition of rainwater catchment to provide at least 33% of irrigation needs. Annual water usage was originally estimated at up to 112,500 gallons and this permit will increase the permitted water use to up to 180,000 gallons per year to align with actual annual usage per data from installed water meters. There will be no change in the amount of water used from the well due to the installation of rainwater catchment. The existing approximate 32,000 gallons of irrigation water tank storage is proposed to increase to up to 62,000 gallons total of tank storage. Electricity is provided by PGE.

The well has been determined to be legal non-conforming by the Division of Environmental Health. An analysis has concluded the well is disconnected from surface waters and the rainwater catchment analysis demonstrates that sufficient rainfall can be collected for irrigation in a low rainfall year. The project adds accessory uses to existing buildings so there will be no new ground disturbance and therefore no impact to any potential biological resources. The project is not expected to add new

noise sources nor will it impact prime soils. The project is conditioned to develop an energy plan to demonstrate electricity serving the new accessory uses are sourced from an eligible renewable energy program.

The project site takes access from a privately maintained road that has adequate capacity to service the project. No new employees or additional traffic is expected. No grading or timber conversion is associated with the project. Conditions of approval include the standard inadvertent discovery protocol. The project, if approved, does not increase the amount of cultivation in the Lower Eel watershed therefore the number of permits and cultivation acres under Resolution 18-43 is not increased by this project.

Water Resources:

The total estimated annual irrigation water usage will be approximately 180,000 gallons. Including the previously approved cultivation and ancillary nursery, estimated annual water usage translates to approximately 16.8 gallons per square foot per year. Use of the well will remain approximately the same as was originally estimated in the original cultivation approval (10456) at approximately 112,500 gallons. The additional annual water usage of 60,000 gallons will be met by rainwater catchment. This increase from 112,500 to 180,000 is because the operation converted from outdoor to mixed light cultivation and cultivates more cycles per year. The annual water budget is also increasing because the original annual water budget was an estimation with no historical data. Examination of four years of water usage data indicates that more water is needed to support the onsite method of cultivation which includes use of living soil in 20-inch beds. The total water usage is within range of what has been observed in the industry for year-round mixed light operations. The increase in water will be provided by the rainwater catchment system.

The Operations Plan contains a rainwater catchment analysis. Using the lowest rainfall year in the last 50 years, 2013, which was 19.73 inches of rain, approximately 74,000 gallons can be collected for irrigation. This is sufficient evidence to support that the rainwater catchment system can collect the proposed increase of 60,000 gallons per year. There are currently 32,000 gallons of tank storage and an additional 30,000 gallons of tank storage is proposed to bring the total tank storage capacity to 62,000 gallons.

The existing well is legal non-conforming because it has been in place since before permitting requirements (**Attachment 4A**). Per an analysis conducted by Fisch Drilling in August 2016 (**Attachment 4B**) the well is located approximately 1050 feet east of Palmer Creek and approximately 0.5 miles north of the Eel River. The elevation of the well puts it approximately 200 feet above Palmer Creek. The analysis examines well completion reports in the vicinity and concludes there are aquitards in the stratigraphy within surrounding wells demonstrating disconnection from surface waters. Because the well is not connected to surface water, continued use of the groundwater well will not interfere with the Public Trust or substantially impair the public rights to navigation, fisheries, or water related activities or access. Additionally, the increased amount of water used for irrigation will

not alter the amount of water being drawn from the well, as the increase will be provided for solely by rainwater catchment.

The project is also unlikely to adversely impact groundwater resources. A research study published by the USGS (Flint, 2013) indicates that approximately 34% of precipitation in Northern California percolates into groundwater recharge. That translates to 175,000 to 530,000 gallons a year per acre of land with the low range representing data for drought years and the high range for average rain years. The recharge rate can be higher in above average rainfall years. For the 8-acre project parcel, there is approximately 1,400,000 to 4,240,000 gallons of aquifer recharge depending on whether it is a drought or average rainfall year. Annual well water usage of 120,000 gallons represents 8% to 2.8% of the annual recharge occurring on the parcel depending on rainfall. Therefore, more water is going into groundwater on the subject property than is coming out for cannabis irrigation. The project already has two meters installed that measure total water from the well and total water for irrigation.

The applicant provided a copy of their Notice of Applicability (**Attachment 4D**). The project is conditioned requiring the applicant provide documentation demonstrating complete enrollment in the State Water Board General Order by providing a copy of the Site Management Plan (**Condition of Approval A1**). The project referral to the Division of Environmental Health resulted in a recommendation of approval.

Biological Resources:

The proposed project is to add accessory uses to an already permitted cannabis cultivation operation. The proposed project will take place in existing structures and will not cause any ground disturbance of any kind. Therefore, there are no likely impacts to biological resources. The project is conditioned to development and implement and invasive species monitoring and management plan (**Condition of Approval A2**).

The project has been conditioned to ensure supplemental lighting associated with the onsite nursery adheres to Dark Sky Association standards including security lighting (**Condition of Approval C3**). Permit conditions of approval also prohibit using synthetic netting (**Condition of Approval C5**), ensure refuse is contained in wildlife-proof storage (**Condition of Approval C6**), and prohibit use of anticoagulant rodenticides to further protect wildlife (**Condition of Approval C8**). As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect the northern spotted owl or other sensitive species.

As proposed and conditioned, the project is consistent with CCLUO performance standards and CDFW guidance and will not negatively affect the northern spotted owl or other sensitive species.

Noise:

The proposed project adds accessory uses to existing structures. The proposed project does not add any new noise sources.

Prime Soils:

The proposed project adds accessory uses to existing structures. No new ground disturbance is proposed. Therefore, approval of the project will not affect any prime soils.

Energy:

Electricity is sourced from an existing PGE connection program with any generator use reserved for emergencies only (**Condition of Approval B5**). The project was referred to PGE which did not respond. The project is conditioned to require development of an energy plan prior to commencing the new accessory uses entitled by this approval to ensure that electricity is provided through an eligible renewable energy program (**Condition of Approval A1**).

Access:

The project parcel takes access from Riverview Road which is a privately maintained road which takes access from Hansen Drive, which is county maintained. The proposed uses are accessory to the previously approved cultivation operation and are not considered support facilities because third party cannabis or offsite cannabis will not be imported to the project parcel. Accessory uses do not require a Category 4 road. Hansen Drive is equivalent to Category 4 and the initial segment of Riverview Road, before it becomes a driveway, can serve existing traffic which is not increasing from the proposed project. A turn out was installed on Riverview Road as part of the previously approved project which provides adequate sight lines and passing facilities. The applicant provided a road evaluation form and photos of Riverview Road (**Attachment 4C**).

The total number of employees is unchanged and remains at three employees at peak operation.

Geologic Suitability:

The project parcel is mapped in the County GIS as low to moderate instability. The project is proposed to operate in existing structures and there will be no additional ground disturbance and no grading.

Timber Conversion:

No timber conversion is associated with the proposed project.

Security and Safety:

Per the project Operations Plan, the project parcel has a perimeter fence and a security gate. The property has surveillance cameras and lock pads on buildings.

Tribal Consultation:

The project was referred to the Northwest Information Center, the Bear River Band of the Rohnerville Rancheria, and the Wiyot Tribe and did not receive any responses. The project does not propose any ground disturbance. However, staff has included the standard inadvertent discovery protocol (**Condition of Approval C1**).

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43:

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is in the Lower Eel River Watershed, which under Resolution 18-43 is limited to 336 permits and 116 acres of cultivation. The approval of this project does not increase the amount of cultivation within this watershed.

Environmental Review:

An environmental review for this project was conducted and based on this analysis, staff concludes that all aspects of the project have been considered in a previous Final Environmental Impact Report (EIR) that was adopted for the CCLUO. Staff has prepared an addendum (**Attachment 3**) to the EIR for consideration by the Planning Commission.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval (**Attachment 5**).

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or delete other conditions of approval. The Planning Commission could deny the project if unable to make all the required findings. Staff has concluded the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Resolution
 - A. Conditions of Approval
 - B. Cultivation Operations Plan
 - C. Site Plan w. Floor Plan
2. Location Map
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Well Legal Non-Conforming Determination
 - B. Well Connectivity Analysis by Fisch
 - C. Road Evaluation Documentation
 - D. Notice of Applicability
5. Referral Agency Comments and Recommendations

- A. California Department of Fish and Wildlife (CDFW)
- 6. Watershed Map

Applicant:

PJC Wellness, LLC
Pete Olson
220 Riverview Rd
Fortuna CA 95540

Owner:

Maria and Peter Olson
220 Riverview Rd
Fortuna CA 95540

Agent:

None.

Please contact Steven A. Santos, Senior Planner, at sasantos@co.humboldt.ca.us or (707)268-3749 for questions about this scheduled item.