

Reed Mountain Farms, LLC
Record Number: PLN-13186-CUP
Assessor's Parcel Number: 033-140-008

Recommended Planning Commission 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 for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the Reed Mountain Farms, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary: Reed Mountain Farms, LLC, seeks a Conditional Use Permit to allow the continued cultivation of 16,050 square feet (SF) of outdoor cannabis in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA20-160) in the Humboldt County 2017 General Plan Update and zoned Agricultural Exclusive with a Planned Unit Development combining zone (AE-P).

Currently, there are four (4) outdoor light deprivation greenhouses utilized for a total of 12,070 SF of cultivation onsite. The project proposes an additional 3,980 SF greenhouse to fully utilize the 16,050 SF that has been verified as existing prior to the CMMLUO baseline date of January 1, 2016, through the County's Cultivation Aerial Verification (CAV) process (Attachment 3). Currently, cultivation takes place primarily in the eastern portion of the parcel. Per the applicant, the additional 3,980 SF greenhouse would be located on the western side of the parcel and outside of required setbacks. Ancillary propagation currently occurs on the east end of the parcel within a 1,000-square foot greenhouse and a 600-square-foot greenhouse. The applicant is proposing to relocate and consolidate the two existing greenhouses into one 1,590-square-foot greenhouse approximately 300 feet east of the historic propagation location. additional 1,590 SF of propagation space, bringing total propagation area to 2,590 SF. Two (2) harvests are expected annually for a growing season that extends from April through October.

Processing, including drying, curing, and packing, occurs onsite within two 768 SF structures. The applicant is proposing to relocate the processing and drying activities to one 2,400-square-foot structure onsite. Up to nine (9) employees may be utilized during peak operations. Power is provided by a generator, utilized for drying, curing, and supplemental domestic uses, the applicant is proposing to transition to Pacific Gas and Electric prior to the 2025 cultivation season. The operation is secured utilizing, security lighting, and locked doors to processing and storage areas.

Soils

An R2 Soils Report was prepared by DTN Engineering, dated January 21, 2021 (Attachment 3), which included a field investigation to evaluate existing soil and geologic conditions for the project location. General slopes across the property are described as slightly inclined (less than 10% to greater than 25%). According to the Humboldt County WebGIS, all proposed areas for development are located outside of any mapped historic landslides. The Garberville Briceland Fault Zone is located approximately 0.5 miles to the southwest and northwest of the parcel; however, the subject site is not located within a mapped hazard zone per Humboldt County WebGIS. The Report indicates that the site's potential for liquefaction, surface rupture, soil strength loss, or faulting is moderate, and no special mitigation hazards are necessary. The Report did include general recommendations for any future grading activities to be performed for greenhouse pads and a seasonal access road on the southern portion of the parcel. Additional grading activities would include development of the foundation of the existing building, of which the project is conditioned to adhere to and implement through the life of the project.

Water Resource

Estimated annual water usage for irrigation is 121,552 gallons (7.57 gal/SF). Water for irrigation is provided by the Del Oro Water Company (Benbow District). Water storage onsite consists of four (4) 2,500-gallon, one (1) 1,100-gallon, and three (3) 550-gallon hard sided water tanks for a total of 12,750 gallons of onsite water storage.

A Final Streambed Alteration Agreement (Notification No. 1600-2016-0056-R1) from the California Department of Fish and Wildlife (CDFW), initiated July 13, 2016, includes approval of three (3) encroachments at the site, which include two (2) points of diversion (one from a Class III stream and one from the main stem of the Eel River) for replacement of an undersized failing culvert. The points of diversion were described as being utilized for cannabis irrigation and domestic uses. However, the project as proposed does not utilize a point of diversion for irrigation. The use of a point of diversion for the use of cannabis irrigation is not allowed under this permit.

A Site Management Plan (SMP) was prepared by DTN Engineering on December 31, 2020 (Attachment 3) for the subject site pursuant to the State Water Resources Control Board (SWRCB) Cultivation Policy, in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (General Order). The SMP did not identify any specific locations onsite that currently do not comply the requirements as outlined in the General Order. The SMP did, however, outline specific Best Practicable Treatment or Control measures (BPTC) to be utilized onsite including monitoring of locations that may represent potential points of sediment discharge, including bi-annual culvert inspections to ensure they are functioning properly and do not require cleaning or replacement outside of the rainy season. There are BPTCs included for chemical storage and use, petroleum product storage and use, trash or refuse and domestic wastewater measures, and winterization measures that the project is required to implement and adhere to. As such, the project is conditioned to adhere to and implement the BPTCs described in the SMP.

As shown on the Site Plan, three unnamed Class III streams traverse the subject property with several forks, and generally run east to west towards Fish Creek and the South Fork Eel River. The respective 50-foot Streamside Management Area (SMA) buffers are depicted on the Site Plan. As identified in the SMP, the nearest cultivation area is over 50 feet from any streams onsite as measured through geo-referenced aerial imagery and further verified with in-field measurement. The Site Plan depicts all cultivation areas outside of the SMA; however, two (2) 768 SF drying, and processing structures currently reside within an SMA.

Biological Resources

Per review of CDFW's California Natural Diversity Database (CNDDDB) in October 2021, there are no mapped sensitive species onsite and the nearest NSO activity center is located approximately 1.7 miles from the nearest cultivation area, with the nearest NSO sighting located approximately 1.6 miles away. Per the Cultivation and Operations Plan, "the applicant has applied for and paid a deposit for a PG&E power drop from the existing power pole located on this parcel. Applicant is actively working with PG&E to facilitate getting power to this parcel as soon as possible and is expecting to have PG&E service by 2025. In the meantime, power for this outdoor light deprivation cultivation is sourced from a generator, minimally utilized for ancillary activities." 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 of a maximum of 50 decibels at the property line. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service (USFWS). Additional conditions of approval require the applicant to refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, refrain from using anticoagulant rodenticides, prepare and adhere to the applicants' Waste Management Plan (Attachment 3), and Pest Management Plan (Attachment 3), prepared by CannaFarms Consulting on November 30, 2018. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance, and will not negatively impact NSO or other sensitive species.

Access

Access to the site is via an access road (Thistle Lane) from Lower Kona Road (a private road) from Red Rock Road. Redrock Road is accessed off Fairway Drive via Benbow Drive, which is a County maintained road. Two engineered road evaluations have been performed for the access roads onsite and leading to the property: one dated February 2, 2018, that focused on the ability for the access roads to accommodate the traffic in conjunction with the proposed project, and the other dated December 21, 2020, that evaluated the ability for the onsite access roads to accommodate emergency vehicle access (Attachment 3). The project is conditioned to require that the applicant construct and/or implement the recommendations contained in the Roadway Evaluation Report, prepared by Omsberg and Preston, dated January 31, 2019, for Thistle Lane and engineer recommendations provided by DTN Engineering and Consulting, dated 12,31,2020, including the following:

- a. Minor grading and rocking in addition to the clearing of road turnouts is required to make the turnouts usable (less than 50 cubic yards).
- b. Turnouts at miles 0.25, 0.30, and 0.45 will need to be cleared of brush and/or debris.
- c. Clearing of brush and limbing of trees at key locations (described in report), mostly along inside curves.
- d. Lime treatment to the surface of the Driveway to create a hard surface and construct appropriate water bars and rolling dips (as shown in exhibit D of the DTN Engineering and Consulting Road Evaluation Report).

Due to the number of cultivation projects along Red Rock Road, Kona Road, and Thistle Lane Road, and recommendations in the Road Evaluation Report, both approved and pending, conditions of approval require the applicant to take steps to form a Road Maintenance Association for the maintenance of Red Rock and Kona Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

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

Planning staff determined 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 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 approved permits in this Planning Watershed would be 305 permits and the total approved acres would be 86.38 acres of cultivation.

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If 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 staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.