



COUNTY OF HUMBOLDT

For the meeting of: 9/7/2023

File #: 23-1218

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Flore Farms Inc. Special Permit

Assessor Parcel Number (APN) 223-074-009

Record No.: PLN-10784-SP

Garberville area

A Special Permit for 10,000 square feet of existing outdoor light-deprivation cannabis cultivation occurring in 17 greenhouses, and a 600 square-foot ancillary propagation nursery. There will be up to two flowering cycles per year. Water for irrigation will be sourced from a 230,000-gallon rain catchment tank. Water is currently sourced from a well and a 50,000-gallon tank on an adjacent property (APN 223-074-011). The applicant is proposing to stop using this system when the 230,000-gallon rain catchment tank is installed. There is an additional 17,300 gallons of hard storage that will be filled from the catchment tank. Annual water use for irrigation is 126,000 gallons. There will be up to two full time seasonal employees on site during cultivation cycles. Cannabis will be dried and stored in a proposed 2,880 square-foot barn structure. The dried cannabis will then be moved to the applicant's licensed distributorship in Santa Rosa, CA where it will be trimmed, tested, packaged, and distributed. No power is required for cultivation activities.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt the resolution (Resolution 23-__). (Attachment 1) which does the following:
 - a. Finds that the Zoning Administrator has considered the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Flore Farms Inc. project; and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Flore Farms Inc. Special Permit subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location: The project is located in the Garberville area, south of Tooby Ranch Road on an Unnamed Road, approximately 1.6 miles south from the intersection of Flat Rock Road and Tooby Ranch Road, on the property known to be in Section 29 of Township 04 South, Range 04 East, Humboldt Base & Meridian.

Present General Plan Land Use Designation: Agricultural Grazing (AG), 2017 General Plan, Density: 20-160 acres per unit, Slope Stability: Moderate to High Instability (2,3).

Present Zoning: Agriculture Exclusive with Special Building Site combining zone specifying a 160-acre minimum size (AG-B-5(160)). Timberland Production Zone (TPZ).

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

State Appeal: Project is NOT appealable to the Coastal Commission.

Major concerns: None

Executive Summary: A Special Permit for 10,000 square feet of existing outdoor light-deprivation cannabis cultivation occurring in 17 greenhouses, and a 600 square-foot ancillary propagation nursery. There will be up to two flowering cycles per year. Water for irrigation will be sourced from a proposed 230,000-gallon rain catchment tank. Water is currently sourced from a well and a 50,000-gallon tank on an adjacent property (APN 223-074-011). The applicant is proposing to stop using this system when the 230,000-gallon rain catchment tank is installed. There is an additional 17,300 gallons of hard storage that will be filled from the catchment tank. Annual water use for irrigation is 126,000 gallons. There will be up to two full time seasonal employees on site during cultivation cycles. Cannabis will be dried and stored in a proposed 2,880 square-foot barn structure. The dried cannabis will then be moved to the applicant's licensed distributorship in Santa Rosa, CA where it will be trimmed, tested, packaged, and distributed. No power is required for cultivation activities.

Structures associated with the property include 17 cannabis cultivation greenhouses, a nursery greenhouse, a 240 square-foot tool/storage shed, a 100 square-foot tool/storage shed, a proposed 230,000-gallon rain catchment tank, a proposed 2,880 square-foot barn structure, and a 864 square-foot residence used for domestic habitation. The applicant is conditioned to obtain building permits for existing structures and associated grading with a nexus to cannabis.

Fertilizers and pesticides will be stored in a storage structure that meets all requirements for secondary containment. No fuels are stored on site. Solid waste and recycling are taken to the Recology Redway Transfer Station. Portable toilets and hand washing stations are available for use of employees on-site.

The Department of Environmental Health (DEH) has requested that processing activities be supported by an approved onsite wastewater treatment system and that seasonal/outdoor cultivation sites be

supported by portable toilets. As trimming of cannabis will be off site, the project is conditioned that the applicant provides portable toilets and hand washing stations to cultivation areas for his seasonal employees.

The subject parcel is under a Williamson Act Contract that has been non-renewed by the County. The County Williamson Act Committee and Board of Supervisors have determined that cannabis cultivation is a compatible use within Williamson Act lands and the proposed project does not affect the non-renewal of the existing Williamson Act Contract.

Water Resources:

Water is currently sourced from a well and a 50,000-gallon tank on an adjacent property (APN 223-074-011). The applicant is proposing to stop using this system when the 230,000-gallon rain catchment tank is installed. Rainwater will be captured from the top of the tank and from the roof of the proposed 2,880 square-foot barn structure. The catchment area square footage of the tank is 2,445.5 square feet and the catchment area square footage of the barn structure roof is approximately 2,880 square feet (5,345.5 square feet total). The project area received approximately 40.13 inches of rainfall in 2022 (a substantial drought year) as recorded by the PRISM Climate Group. The rain catchment potential of the tank and the barn structure roof combined is approximately 133,643 gallons in a substantial drought year. Total estimated annual water usage is 126,000 gallons.

A Site Management Plan (SMP) was prepared for the subject parcel (APN 223-074-009) and APN 223-074-015 (formerly 223-074-004 and 223-074-006) by Hohman and Associates Forestry Consulting in October of 2020 (Attachment 4A) which details existing site conditions and remediation efforts needed to comply with the best practical treatment or control (BPTC) measures listed in Attachment A of the Cannabis General Order. According to the SMP there are no cannabis facilities within any Streamside Management Areas (SMAs) on the subject parcel. The project is conditioned to implement all remaining corrective actions (i.e., rolling dip installation, culvert placement, upgrades, or maintenance) detailed in the SMP for the subject parcel to minimize any potential impacts associated with the project and minimize runoff into SMAs.

The applicant has submitted a copy of a Lake or Streambed Alteration Agreement (LSAA) (No. 1600-2017-0771-R1) (Attachment 4B) that describes 12 proposed encroachments. One proposed encroachment is to upgrade a road crossing with no infrastructure. The 11 other proposed encroachments are to upgrade failing and undersized culverts. Work for these encroachments will include excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. The work within the SMAs will be conducted in accordance with the LSAA and does not require a Special Permit pursuant to Section 314- 61.1.4.1 H.C.C. The project was referred to the California Department of Fish and Wildlife (CDFW) on March 29, 2018, and again on August 4, 2023, and CDFW had no comments on the project. The project is conditioned that the applicant submits evidence of execution the above-described LSAA.

Fire Hazards:

The project is in an area designated to have Very High Fire Hazard Severity. The project is located

within the State Responsibility Area for fire protection. The proposed 230,000-gallon water tank and the proposed 2,880 barn structure will both be constructed of metal. There are several water tanks on site meeting or exceeding 2,500 gallons with adequate SRA turnarounds in close proximity. The project is conditioned that one of the tanks, or an additional 2,500-gallon tank is reserved for fire suppression and is fitted with the appropriate fire hose connection that meets CalFire SRA requirements.

Biological Resources:

A Biological Habitat Assessment was prepared for the subject parcel (APN 223-074-009) and APN 223-074-015 (formerly 223-074-004 and 223-074-006) by Hohman and Associates Forestry Consulting in January of 2021 (Attachment 4C). The document assessed habitats and potentially occurring special-status animals and identified potential impacts of cultivation-related activities on biological resources. The document included an evaluation of biological resources on the site, determinations of whether the project has the potential to significantly impact biological resources, recommendations of additional surveys needed to adequately assess potential impacts, and recommended mitigations to avoid, minimize, or compensate for any potentially significant impacts.

A subsequent Preliminary Biological Resource Assessment was prepared for the subject parcel (APN 223-074-009) and APN 223-074-015 (formerly 223-074-004 and 223-074-006) by Trans Terra Consulting in March of 2021 (Attachment 4D). The document provides baseline biological-resource data, observations, analysis, and, as needed, mitigation recommendations to fulfil the requirements of the cannabis permitting process by Humboldt County. It was designed to determine the potential extent of special habitats and whether protocol-level special status species surveys are necessary prior to development. Though protocol level surveys for plants were not conducted as recommended in the previous Biological Habitat Assessment, according to the report, surveys for sensitive natural communities followed CDFW's (2018) Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. According to the report, the Oregon Oak Woodland was the only sensitive natural community identified in the assessment. Of the recommendation included in both reports, the following are relevant to the proposed project.

1. Pesticides that may be used for cannabis cultivation are limited to low-risk exempt substances and those that are broadly labeled by the Department of Pesticide Regulation. The potential impact of insecticide use on pollinators shall be reduced by not spraying in the presence of pollinators and not allowing drift to flowering plants in the surrounding area (Hohman and Associates Forestry Consulting, January 2021).
2. Complete floristic surveys based on the Protocol for Surveying and Evaluating Impacts to Special Status native Plant Populations and Natural Communities (CDFW 2018) (Hohman and Associates Forestry Consulting, January 2021).
3. While much of the Project Area is previously disturbed, if further ground disturbance or vegetation removal is to occur botany surveys and preconstruction surveys are recommended (Trans Terra Consulting, March 2021).

According to the Operations Plan the applicant uses no poisons and uses food grade products to eliminate pests. They utilize PH adjusted water to eliminate a variety of pests which replaces chemical pesticides. All storage of these compounds is in storage sheds with secondary containment.

Construction of the 230,000-gallon ware tank and the 2,880 square-foot barn structure will take place in previously disturbed areas and staff concludes that floristic/botany surveys and preconstruction surveys are not necessary prior to development of these structures.

The project was referred to CDFW on March 29, 2018, and again on August 4, 2023, and CDFW had no comments on the project.

Security and Safety:

The project is located in a gated secure community with a neighborhood watch program. The property and products are locked and insured and cameras and alarms are installed.

Tribal Cultural Resource Coordination:

The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkyone Wilderness Council. NWIC replied recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Bear River Band replied recommending that a cultural resources survey be conducted on the property. The applicant retained Archaeological Research and Supply Company to complete a comprehensive field survey and prepare a Cultural Resource Investigation Report, which was completed in November of 2017. The report states that no significant historical resources were identified during the survey and no pre-existing resources have been recorded on the property, and that no resources will be impacted by the project. However, the report recommends that heightened inadvertent discovery protocol be followed. A condition of project approval has been incorporated regarding the heightened inadvertent discovery protocol to protect cultural resources.

Access:

The site is accessed via Little Buck Mountain Road, which intersects with Alderpoint Road, and a private drive. The Public Works Department (PW) recommended approval with a condition that the existing on-site driveway be improved to commercial standards as Alderpoint Road is approved by the PW for use by commercial cannabis operations. An encroachment permit has since been issued, and this work has been completed by the applicant's father for his permitted commercial cannabis nursery on APN 223-074-011. The access roads serve both the subject parcel and APN 223-074-011. A Roadway Evaluation Report for the access roads serving both APN 223-074-011 and the subject parcel was prepared for the applicant's father by Trinity Valley Consulting Engineers, Inc. in April of 2019 (Attachment 4C). The report identified several road points in need of repair and/or maintenance and recommendations were made in the report to address these issues. Per a Roadway Evaluation Work Inspection letter from Trinity Valley Consulting Engineers, Inc. dated December 28, 2020 (Attachment 4D), an inspection by Josh McKnight, P.E. showed the work to have been completed adequately in conformance with the Roadway Evaluation Report noted above. Ongoing maintenance is also recommended in the report that is conducted annually by the applicant and his father.

As the project will utilize no more than two employees, it is determined that the project would not result in a significant increase in traffic, and it has been determined that the access roads (with the completed recommended improvements and maintenance) meet the functional capacity for the project's needs.

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 cultivation 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 cultivation permits and 251 acres of cultivation. With the approval of this project the total approved cultivation permits in this Planning Watershed would be 217 permits and the total approved acres would be 84 acres of cultivation.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and responding agencies have responded recommending conditional approval. (Attachment 5)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

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 made 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 unable to make all of the required findings.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Operations Plan
 - C. Site Plan
2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Site Management Plan
 - B. Lake or Streambed Alteration Agreement
 - C. Biological Habitat Assessment
 - D. Preliminary Biological Resource Assessment
 - E. Roadway Evaluation Report
 - F. Roadway Evaluation Work Inspection
5. Referral Agency Comments and Recommendations

Applicant

Flore Farms Inc.

File #: 23-1218

60 Rausch Street #208
San Francisco, CA 94103

Owner

#3 Tooby Rd, LLC
60 Rausch Street #208
San Francisco, CA 94103

Agent

Gallegos Law Firm
c/o Paul Gallegos
931 Third Street
Eureka, California 95501

Please contact Rodney Yandell, Senior Planner, at 707-445-7541 or by email at ryandell@co.humboldt.ca.us, if you have any questions about the scheduled item.