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Community Development Department  
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For Meeting of March 12, 2024

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: March 7, 2024

Subject: Northwestern Flower Company Application  
Cannabis Cultivation Expansion & Design Review - Conditional Use Permit  
File No. 205-111-075; Case No's. CUP-DR-01-2024; CCLUO 01-2024

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**Recommendation:**

That the Planning Commission:

1. Receive staff's report regarding the proposed project; and
2. Open the public hearing, receive public input, close the public hearing, and deliberate; and
3. Assuming that public testimony is substantially in support of the proposal, find that:
  - (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances.
  - (b) The proposed design, location, size, landscaping and operating characteristics of the proposed activity are compatible with and will enhance the character of the neighborhood and community and future land uses in the vicinity; and
  - (c) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior

appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties; and

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

(e) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and

(f) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(g) The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

4. Adopt Resolution No. PC 174-2024 approving the Conditional Use Permit, subject to the Conditions of Approval, Exhibit A.

## **Background**

Northwestern Flower Company (Applicant and Operator) is requesting a Conditional Use Permit (CUP) for the indoor cannabis cultivation of an additional 12,200 square feet of canopy. The site is currently developed with an existing two-story 19,200 square-foot building accommodating 9,600 square feet of cannabis cultivation. **See Figure 1.**

The expansion is proposed to occur in two phases. **Phase I** will include a 60' x 200' building (B2) accommodating approximately 6,480 square feet of cultivation. **Phase II** will include three additional buildings, B3, B4 and B5. Buildings B3 and B4 will be 60' x 100' (6,000 square feet each) and will accommodate approximately 3,240 square feet of cultivation each. Building B5 will be 60' x 60' and will be used for drying, processing and storage. Please refer to the Plan Set, **Attachment 2.**

Cultivation will take place in raised beds with soil. The beds will be approximately 6' X 90'. The beds will be lined with pond liners to eliminate possible leaching or draining of soil or nutrients. Like the current operation, the plants will be hand-watered to avoid over-watering.

At full build-out, the applicant anticipates four (4) full-time employees and three or four additional part-time employees for planting and harvesting activities. The applicant anticipates 4-5 growing cycles per year. Please refer to the Plan of Operation, **Attachment 3.**



Figure 1

## Required Findings/Staff Analysis

### Section 17.35.030 Rio Dell Municipal Code (RDMC) Conditional Use Permits.

#### 1. Zoning Consistency

*(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;*

**Land Use:** The property is zoned Industrial Commercial (IC). The purpose of the Industrial Commercial zone is to provide for industrial and commercial uses. Section 17.30.0990 the City's Commercial Cannabis Land Use Ordinance (CCLUO), allows commercial cannabis activities at the former Eel River Sawmill site, now known as the Humboldt Rio Dell Business Park with a Conditional Use Permit (CUP).

All cannabis applications for the required Conditional Use Permit requires the submittal of a completed application form, a Site Plan and a Plan of Operations which is required to include the following:

- A complete project description including the proposed use(s), hours and days of operation, number of employees, and the duration (temporary, seasonal or permanent) of the operation.
- The number of daily and/or weekly incoming and outgoing deliveries
- A Security Plan that addresses the cultivation, storage, processing of any cannabis, including but not limited to any video monitoring and commercial alarm systems.
- A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.
- A description of the storage or use of any, fertilizers, pesticides, fungicides, rodenticide, or herbicides.
- A description of any discharge or emissions the operation will generate.
- A description of any noise level increase as a result of the operation.
- A description of the operation's use of public facilities such as roads, water or sewer systems.
- A description of any proposed water source, storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection.

The Plan Set (Site Plan and Elevations) is included as **Attachment 2** and the Plan of Operations and is included as **Attachment 3**. As the Commission is aware, the State must approve all cannabis activities and issue a State License prior to the operation commencing.

The proposed buildings comply with the development standards of the Industrial Commercial (IC) zone, including setbacks, lot coverage and building height. Parking and landscaping will be evaluated in the Design Review Zoning consistency discussion.

The proposed cannabis activities are allowed in the Industrial Commercial (IC) zone with a Conditional Use Permit provided the activities comply with the pertinent Performance Standards in Chapter 17.30.0990 of the Rio Dell Municipal Code (RDMC).

## Performance Standards

### Cultivation

Again, at full build-out the applicant is proposing 21,800 square feet (sf) (canopy area) of indoor cultivation in four (4) separate buildings.

### Section 17.30.090(8) RDMC

*Indoor commercial cultivation of cannabis shall be conditionally permitted in the Industrial Commercial (IC) and Natural Resources (NR) designations located in the Sawmill Annexation area and the Rural (R) designation located on the Dinsmore Plateau area pursuant to the "Indoor" cultivation area provisions described in Table 8.1 and subject to the conditions and limitations set forth in this Section and as deemed appropriate by the Planning Commission and/or the City Council.*

**Table 8.1  
Indoor Cultivation**

Industrial Commercial (IC), Natural Resources (NR) and Rural (R) Designations

State License Type	Allowable Canopy
"Specialty Cottage"	500 sq. ft.
"Specialty Indoor"	5,000 sq. ft.
"Small Indoor"	10,000 sq. ft.
"Medium Indoor"	22,000 sq. ft.

*Note: There are no limits on canopy size. Limits are based on State requirements. Currently applicants are allowed one "Medium" license which must be backfilled with smaller licenses for*

The City's limits for cultivation are based on the State's limits. The applicant will be required to get a "Medium Indoor" (22,000 square feet) State license.

### Performance Standards for all Cultivation Operations:

(a) *No surface water withdrawals shall be allowed as part of any cultivation operations.*

No surface water withdrawals are proposed. The HRDBP is provided City water. It should be noted that this parcel is not provided water from the Northwestern water line installed by Glenn White.

*(b) No Timberland Conversion Permits or Exemptions as approved by the California Department of Forestry and Fire Protection (CAL-FIRE) shall be used to facilitate the cultivation of cannabis.*

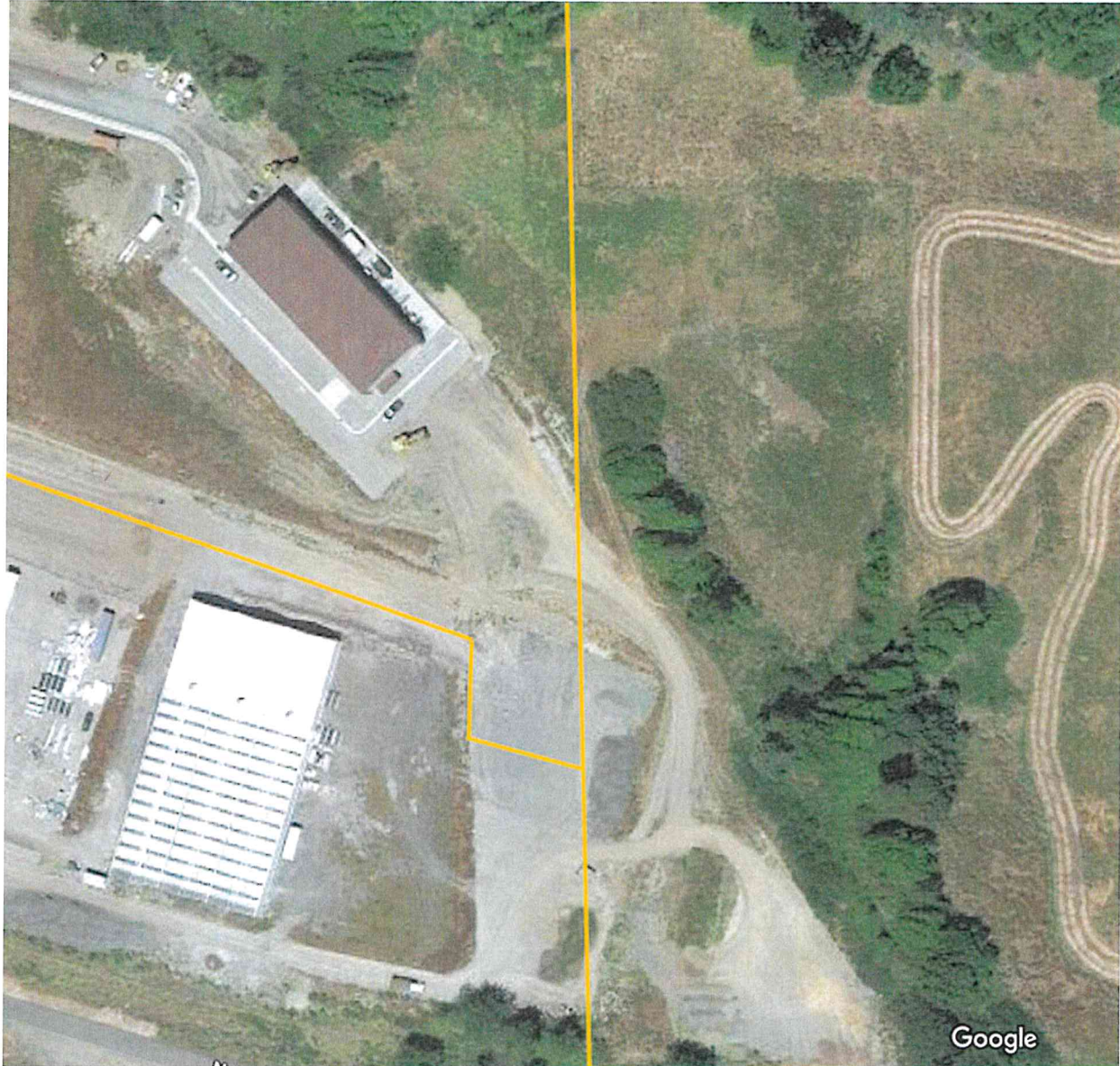
A Timberland Conversion Permit is not necessary.

*(c) The area of cannabis cultivation shall be located as shown on the application site plan, set back at least 50 feet from any property line in the Natural resource (NR) zone and 1000 feet from any School. Cannabis cultivation is declared to be development, subject to compliance with Section 17.30.110, Environmentally Sensitive Habitat Area's (ESHA's). For purposes of this section, where enhanced, reduced, or modified watercourse or wetland setbacks have been agreed to by the operator and the RWQCB under enrollment pursuant to NCRWQB Order No. 2015-0023 and/or preparation of a Water Resources Protection Plan, these may control and supersede any setback applied pursuant to Section 17.30.110.*

The above-referenced 50-foot setback from the property line only applies to cultivation on lands designated Natural Resources (NR) and do not apply to the Industrial Commercial (IC) zone.

In regards to Environmentally Sensitive Habitat Area's (ESHA's) and required setbacks. There are no ESHA's on site. The parcel immediately to the east does contain two small seasonal creeks and associated riparian corridors. Proposed Building B5 is to be located about 75 feet west of the edge of the riparian vegetation. **See Figure 2.** The City's ESHA regulations require a 25-foot setback from the edge of the hinge point of the riparian corridor. Again, the proposed location of Building B5 is setback at least 75 feet from the edge of the riparian vegetation. The project was referred to the California Department of Fish and Wildlife (CDFW) and they did not identify any concerns regarding the proposed location of Building B5.

It should be noted that all on-site drainage is proposed to directed to the existing on-site detention/retention basin located on the west side of the parcel. Based on the proposed location of Building B5 and the lack of comments from CDFW, the project will not impact the nearby riparian corridor or the seasonal creeks.



**Figure 2**

*(d) Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the City of Rio Dell or other responsible agency.*

The project was referred to the RWQCB. The City did not receive any comments or recommendations. It's staff's understanding that indoor cultivation is not subject to the RWQCB's Tier 1 standards. However, the RWQCB also reviews and comments on applications at the State level. The applicant is not entitled to commence operations until they have obtained their State license.

*(e) For cultivation areas for which no enrollment pursuant to NCRWQB Order No. 2015-0023, is required by that Order, compliance with the standard conditions applicable to all Tier 1 dischargers.*

It's staff's understanding that indoor cultivation is not subject to the RWQCB's Tier 1 standards. Again, the RWQCB also reviews and comments on applications at the State level. The applicant is not entitled to commence operations until they have obtained their State license.

*(f) The storage or use of any fertilizer, pesticide, fungicide, rodenticide, or herbicide shall comply with the manufacture's recommendations and regulations administered by the State Department of Pesticide Regulation. Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA).*

The applicant has submitted a Plan of Operation indicating that all fertilizers, pesticides, fungicides, etc. shall comply with the manufacture's recommendations and regulations regarding the storage and application of the materials. Staff has conditioned the project to require the applicant to enroll in the County Hazardous Waste program. Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA). The applicant shall provide evidence of enrollment. The project has been conditioned accordingly. **Please see Exhibit A.**

*(g) Trucked water shall not be allowed as the primary water source. Water is to be sourced locally (on-site), except for emergencies. For purposes of this provision, "emergency" is defined as: "a sudden, unexpected occurrence demanding immediate action."*

The site is provided with community water. The City has three sources of water. The primary source is an infiltration gallery in the river at the south end of town, Permit Number 021161. This source is used typically in the winter, spring, early summer and late fall. The secondary source are wells located at the Humboldt Rio Dell Business Park, Permit Number 010464. This source is used during late summertime low flows in the river and when the turbidity is extremely high during storm events. The City's third source is what is known as Dean Creek



Springs, located about two miles up Monument Road, Permit Number 013193. This source has not been used for decades. The City's allowed allocation between the three permits is 1565.2 acre-feet or 510,021,896 gallons annually. The City's 2023 water usage was 89.655 million gallons.

*(h) Carbon filter fans or equivalent superior filters/scrubbers shall be required to eliminate odor discharges to neighboring properties from cultivation and processing facilities.*

The proposed cultivation facilities are considered a "closed system". There are no intake or exhaust vents proposed. Each building will be equipped with a Rheem 25 ton HVAC system providing heating (if necessary) and air conditioning. Should odor become an issue, the project has been conditioned to install carbon filter fans or equivalent superior filters/scrubbers to eliminate odor discharges to neighboring properties from cultivation and processing facilities. **Please see Exhibit A.**

*(i) A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.*

The Plan of Operation indicates that all green waste will be disposed of as needed. Humboldt Recology accepts green waste. All disposal of cannabis waste is subject to Section 40290 of the California Code of Regulations (CCR). Section 40290(e) of the CR's requires that the cannabis waste be rendered to make it unusable and unrecognizable before removing the waste from the premises. This requires that the cannabis waste be grinded and incorporated with other ground material so that the resulting mixture is at least 50% non-cannabis material by volume. The project has been conditioned accordingly. **Please see Exhibit A.**

*(j) Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. Should the City receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.*

The proposed project does not include mixed-light and is therefore not subject to this performance standard.

*(k) Generators are only allowed as an emergency back-up power source. The noise produced by a generator used for cannabis cultivation shall not be audible from neighboring residences. The decibel level for generators at the property line shall be no more than 60 decibels.*

Electricity from the grid will be provided to the site. All emergency generators are subject to the following conditions:

1. Noise levels shall not exceed 60 decibels at any property line.
2. The generator(s) shall be Tier 4.
3. The applicant shall enroll in the County Hazardous Waste program which includes the storage of fuel (diesel). Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA). The applicant shall provide evidence of enrollment.

The project has been conditioned accordingly. **Please see Exhibit A.**

*(l) Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, and in such a way that no spillage occurs.*

As indicated above, the project is conditioned to require the applicant to enroll in the County Hazardous Waste program which includes the storage of fuel (diesel).

*(m) Electricity for Indoor and Mixed Light cultivation activities shall be provided by any combination of the following:*

- (i) On-grid power with 42 percent renewable source.*
- (ii) Onsite zero net energy renewable source providing 42 percent of power.*
- (iii) Purchase of carbon offsets for any portion of power above 58 percent not from renewable sources.*
- (iv) Demonstration that the equipment to be used would be 42 percent more energy efficient than standard equipment, using 2014 as the baseline year for such standard equipment.*

*Purchase of carbon offset credits (for grid power procured from non-renewable producers) may only be made from reputable sources, including those found on Offset Project Registries managed the California Air Resources Board, or similar sources and programs determined to provide bona fide offsets recognized by relevant state regulatory agencies.*

Redwood Coast Energy Authority (RCEA) administers the County’s Community Choice program. This program includes two options for renewable energy. REpower is higher in renewable power than PG&E’s mix. REpower+ is sourced from 100% renewable energy. The project has been conditioned to require that 100% of the energy be supplied from a renewable source, in this case Repower+ or equivalent. **Please refer to Exhibit A.**

*(n) Comply with all federal, state, and local laws and regulations applicable to California Agricultural Employers, including those governing cultivation and processing activities.*

The project has been conditioned to require compliance with all governing laws and regulations that apply to cultivation activities. **Please refer to Exhibit A.**

*(o) Comply with any special conditions applicable to that permit or parcel which may be imposed as a condition of the required Conditional Use Permit.*

The project has been conditioned on compliance with the above operational Performance Standards. In addition, the project is conditioned to comply with all State regulations including security provisions, operational standards, the storage of materials, including fertilizers pesticides, fungicides, packaging and labeling. **Please see Exhibit A.**

### **Industrial Commercial (IC) Development Standards**

The purpose of the Industrial Commercial zone is to provide for industrial and commercial uses. The project was reviewed for Setbacks, Floor to Area Ratio (FAR) and Building Height.

<b>Development Standards</b>		
<b>Setbacks</b>	<b>Standard</b>	<b>Proposed</b>
Front	10’	Complies
Rear & Side	0’	Complies
Lot Coverage	N/A	Complies
Floor Area Ratio	.35	.08 - Complies
Building Height	4 Stories or 65’	<20’ - Complies

The proposed project complies with the development standards for the Industrial Commercial zone.

**Flood Zone:** Section 17.30.140 of the RDMC contains provisions for development within mapped flood zones. The parcel is located within the 100-year flood zone according to FEMA's Flood Insurance Rate Map (FIRM), Panel No. 1220. Please refer to Figure 3.

## National Flood Hazard Layer FIRMette

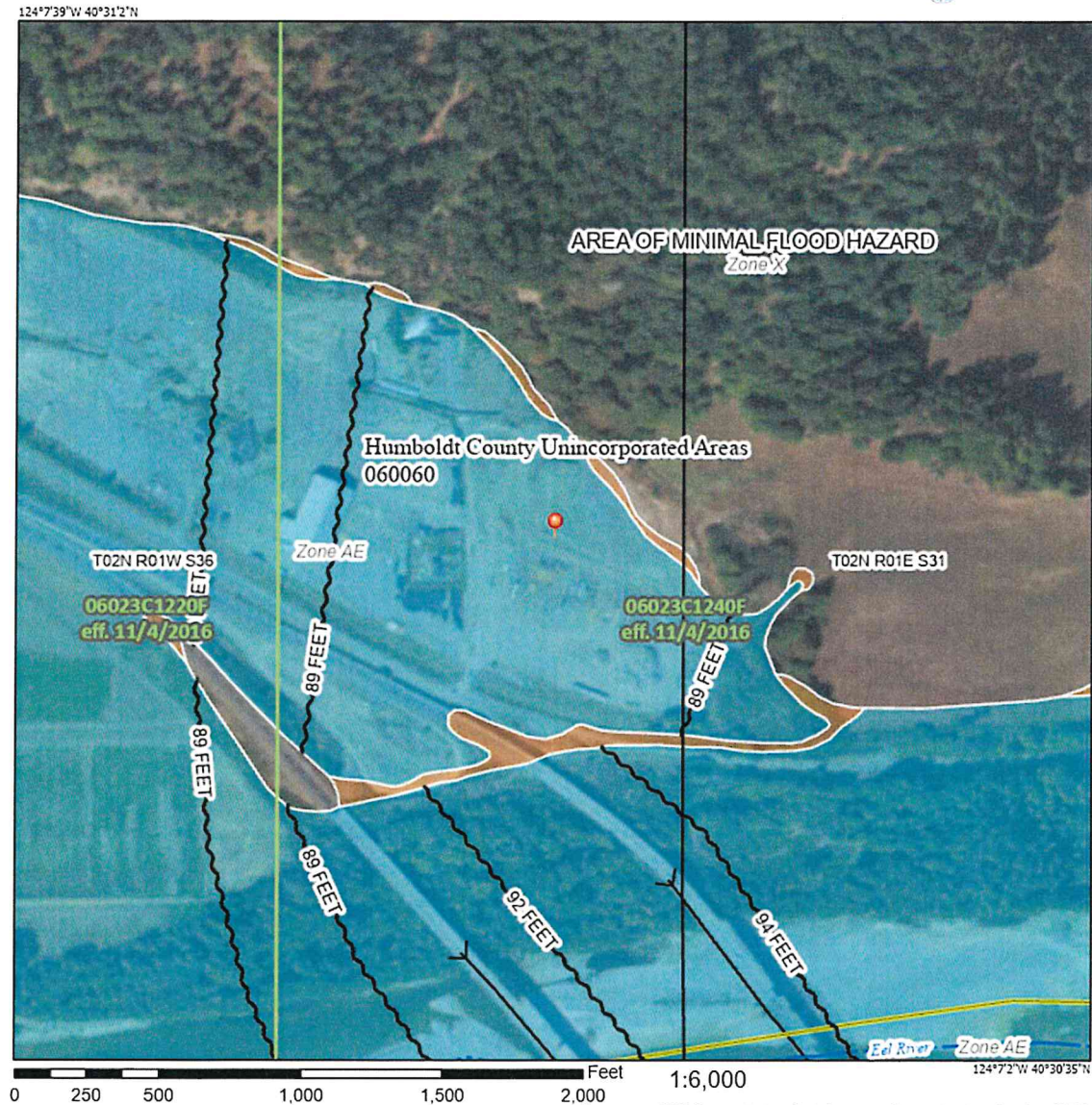


Figure 3

A Flood Elevation Certificate (FEC) was required to demonstrate that the existing building site was/is above the Base Flood Elevation (BFE). The BFE at the site 89' above mean sea level (AMSL). The applicant shall be required to submit a flood elevation Cert (FEC) documenting that the floor of the building is at least one floor above the BFE. The project has been conditioned accordingly. **Please see Exhibit A.**

**Parking:** Section 17.30.230 of the Rio Dell Municipal Code (RDMC) identifies Parking and Loading requirements, including the required number of spaces, landscaping, lighting, surface requirements, striping, wheel stops, number of spaces, handicap spaces, bicycle and motorcycle parking and loading spaces. It must be noted that the Planning Commission previously identified a parking demand of one space for every 800 square feet for cultivation activities.

As noted in the staff report for the existing building, applying the one space for 800 square feet would have required 24 spaces (19,200/800). The applicant requested a Parking exception for the existing building based on levels of anticipated use pursuant to Section 17.30.230(5) of the RDMC. The applicant proposed 18 spaces (1/1067 sq. ft.), which included one (1) handicap accessible space. Staff supported the request and the Planning Commission approved the request. It should be noted that based on staff's observations, staff has not seen more than seven (7) or eight (8) spaces occupied at any one time.

Again, based on the current levels of use, the applicant requested a Parking exception for the proposed buildings based on levels of anticipated use pursuant to Section 17.30.230(5) of the RDMC. The applicant is proposing twenty (20) additional parking spaces for an on-site total of thirty-eight (38) parking spaces. This equates to one space for every 979 square feet. Staff once again, supports the applicant's parking exception request. It should be noted that Section 17.30.230(1)(b) of the RDMC contains the following language:

*"It shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking even though such parking is in excess of the minimum requirements set forth in these requirements."*

Proposed Parking	
Parking Type	Number of Spaces
Standard Parking	36
ADA-Accessible Parking	2
Bicycle Parking	3
Motorcycle Parking	1
Loading Spaces	4

**Loading Spaces:** Section 17.30.220(21) of the RDMC identifies the number of required loading spaces. Industrial and manufacturing uses are required to provide 1 loading space for 5,000 to 40,000 square feet of gross floor area. Loading spaces must be at least 11' x 35' and have at

least 14 feet of vertical clearance. The site plan identifies three (3) 11' x 35' and one (1) 11' x 22' loading spaces.

The primary use of the loading space will be for the delivery of soil which is expected to be once a year. Loading areas are to be screened with a combination of dense landscaping and solid masonry walls with a minimum height of six feet. There is an exception to the screening requirements where the Community Development Director in consultation with the Director of Public Works may modify these requirements. Because the anticipated infrequent use of the loading space, staff **does not recommend** that the loading spaces be screened with a solid masonry wall and landscaping. The loading areas must be striped and identified for "loading only" and the striping and notation must be continuously maintained in a clear and visible manner. The project is conditioned accordingly. **Please refer to Exhibit A.**

**Accessible Parking:** The Rio Dell Municipal Code (RDMC) requires one disabled or accessible space per 25 parking. The applicant is proposing an additional accessible parking space for a total of two spaces. The handicap space must be permanently signed and the space painted with the international symbol of accessibility. The project has been conditioned accordingly. **Please refer to Exhibit A.**

**Parking Stall Dimensions:** Section 17.30.220(6) of the RDMC identifies the minimum dimensions of parking spaces and aisles. The applicant is proposing perpendicular spaces. The proposed parking space dimensions, 19' x 8.5', and aisle dimensions, 25', comply with the City's parking regulations.

**Parking Area Surface:** Section 17.30.220(7)(a) of the RDMC requires all parking spaces, access drives and maneuvering areas to be improved with and permanently maintained with an all-weather durable asphalt, concrete of comparable surface as required by the Director of Public Works. The applicant is proposing paving the required parking/maneuvering surface. Staff has included as an operational condition that all paving be permanently maintained in good condition. **Please refer to Exhibit A.**

**Parking Area Stripping:** Section 17.30.220(8) of the RDMC requires that the parking spaces be clearly delineated with white 4-inch-wide lines and that the stripping be continuously maintained in a clear and visible manner. The project has been conditioned accordingly. **Please refer to Exhibit A.**

**Parking Area Curbing:** Section 17.30.220(9) of the RDMC requires concrete curbing at least 6 inches in height and 6 inches wide around the perimeter of the parking and landscaped areas. The curbing is allowed to have breaks in it to allow stormwater to pass. The submitted site plan identifies the 6" curbing around the parking area. The applicant will need to provide the required curbing at the northwest corner of the building. See below. The project has been conditioned accordingly. **Please refer to Exhibit A.**

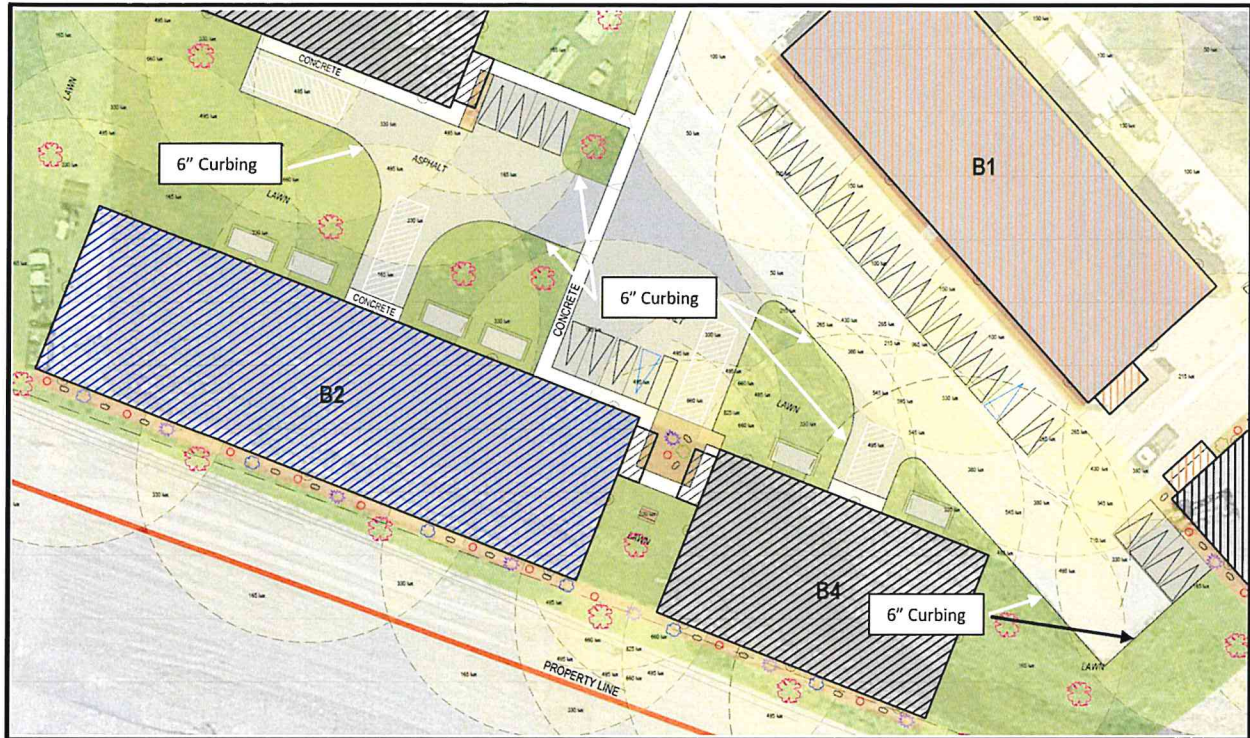


Figure 2

**Driveway-Access Requirements:** Section 17.30.230(10) of the RDMC identifies driveway and access requirements. The purpose of the driveway provisions is to limit the number of driveways to avoid potential conflicts with pedestrians, bicyclists, and vehicles. The number of access drives per parcel shall be the minimum number required to serve the intended use of the parcel. There is an existing driveway onto the parcel. No additional driveways are proposed. The existing driveway does not create potential conflicts with pedestrians, bicyclists, and vehicles.

Section 17.30.230(10)(b) of the RDMC requires that each access driveway be located a minimum of 50 feet from the nearest intersection, as measured from the centerline of the access road driveway to the centerline of the nearest travel lane of the intersecting street unless a lesser or greater distance is approved or required by the Director of Public Works. The existing driveway location complies with this regulation.

Section 17.30.230(11)(b) of the RDMC requires that one-way driveways be a minimum of 16 feet wide and two-way driveways be a minimum of 25 feet wide. The existing driveway into the site is 24 feet wide, two 12-foot travel lanes with curb, gutter and a 4-foot sidewalk. The referenced 25-foot width is to allow turning movements in and out of parallel parking spaces accessed by the driveway. The applicant is proposing 25 feet behind the parking spaces as required.

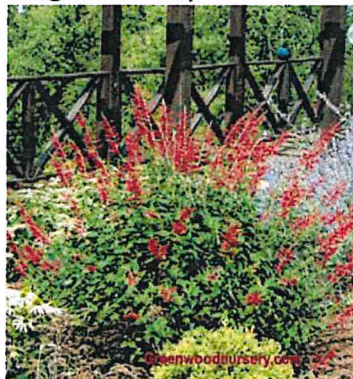
**Landscaping:** Sections 17.30.230(12), (13) and (14) of the RDMC identifies parking area landscape requirements for parking lots containing 3 spaces or more. Landscaping has to be provided throughout the parking lot as a combination of ground cover, shrubs and trees. The Site Plan does contain landscaping information and does incorporate the use of ground cover including shrubs and trees. The applicant is proposing Sargent Cherry trees along the perimeter of the top of the building pad. Spanish, English and French lavenders along with Rosemary, Pineapple Sage and Yarrow plants are proposed on the back side of the sidewalk and in back of buildings B2 and B4 and along the front and side of Building B5.



Sargent Cherry



Lavender



Pineapple Sage



Rosemary



Yarrow

Section 17.30.220(13)(a) of the RDMC requires that parking areas be screened from streets and adjoining properties and contains the following perimeter parking landscaping requirements:

*(i) A proposed parking area adjacent to a public street shall be designed with a landscaped planting strip between the street right-of-way and parking area with a minimum depth of 6 feet.*

The proposed parking area is not along Northwestern Avenue. The parking area for the proposed buildings will be screened from Highway 101 by the buildings.

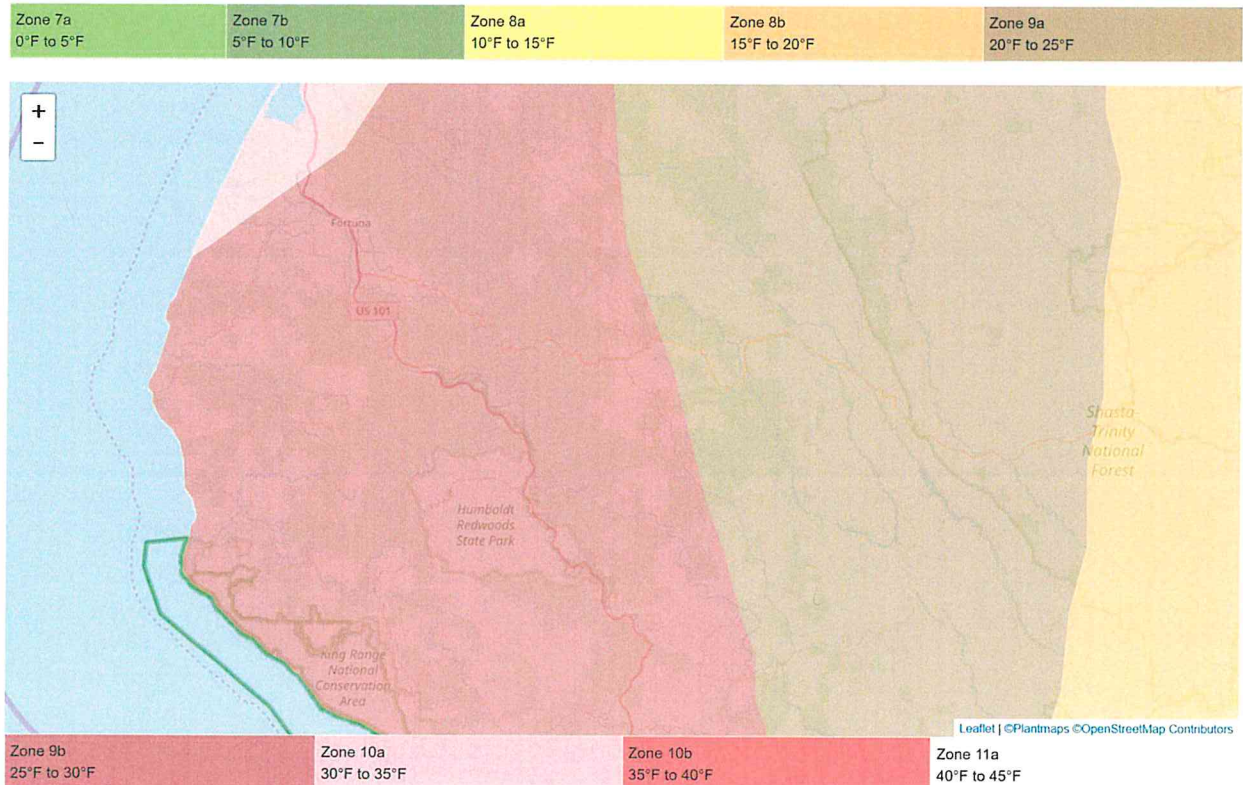
*(ii) Landscaping within the planting strip shall be designed and maintained to screen cars from view from the street to a minimum height of 18 inches, but shall not exceed any applicable height limit for landscaping within a setback.*



Although the applicant is proposing a landscaping strip along the access road and driveway, the parking will not be visible from the street.

*(iv) Trees that reach a mature height of at least 20 feet shall be provided within the planting strip in addition to trees within the parking lot interior required by Subsection (a)(v). Trees types shall have root systems that will not extend beyond the planting area.*

Although not within the parking lot interior, the submitted landscaping plan identifies 23 Sargent Cherry trees along the access driveway and throughout the parcel. However, Sargent Cherry's are not identified as a tree for USDA Hardiness Zone 9b. As with the original application where staff recommended that Crepe Myrtles, which do well in the hardiness Zone 9b, be planted, staff is again recommending that Crepe Myrtles or a similar (at least 20 feet in height) tree that does well in Zone 9b be planted. The project has been conditioned accordingly. **Please refer to Exhibit A.**



USDA Hardiness Zones

*(v) Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 17.30.090(1) (Corner Lots – Sight Distance).*

Any trees or shrubs planted near the driveway entrances shall be of size and shape so as not to impede visibility. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.230(14) of the RDMC requires that 10% of the gross area of the parking lot be landscaped. The parking areas, including the travelways immediately adjacent to the building and loading area, is approximately 23,000 square feet. Accordingly, about 2,300 square feet of landscaping within or adjacent to the parking area is required. The applicant is proposing 2,310 square feet of landscaping which satisfies the required landscaping.

In addition, pursuant to Section 17.30.230(14)(a) of the RDMC, trees that reach a minimum height of twenty (20) feet are required within or adjacent to the parking lot at a minimum ratio of one (1) tree for every five (5) parking spaces. The applicant is proposing 36 parking spaces, which requires at least 8 trees within or adjacent to the parking areas. Although not immediately adjacent, the applicant is proposing 23 trees throughout the area.

In total, the applicant is proposing a total of 9,510 square feet of landscaping. This includes 5,500 square feet along the road leading into the facility, 1,700 square feet facing Highway 101, and 2,310 square feet adjacent to the parking areas. This includes a combination of trees, shrubs and lawn.

**Lighting:** Pursuant to Section 17.30.230(15) of the RDMC, outdoor lighting fixtures are limited to a maximum height of fifteen (15) feet and the fixtures must be directed downward and away from adjoining properties and public rights-of-way, so that no on-site lighting directly illuminates adjacent properties. The applicant is proposing a number of lighting fixtures on the back, front and ends of the building. The applicant submitted a Photometric Plan, Sheet # DR 1.1. The project is conditioned so that each light fixture is LED and be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties. **Please see Exhibit A.**

**Stormwater:** Section 17.30.180(12)(a)(iii) of the RDMC encourages on-site stormwater detention/retention, pollutant cleansing and groundwater recharge. In addition, the City's Open Space and Conservation Element, Policies CO 5.2-7 and CO 5.6-2 require the incorporation of detention/retention facilities and bio swales. It is the City's policy that there is no net increase in stormwater runoff during a 25-year storm event as a result of a project.

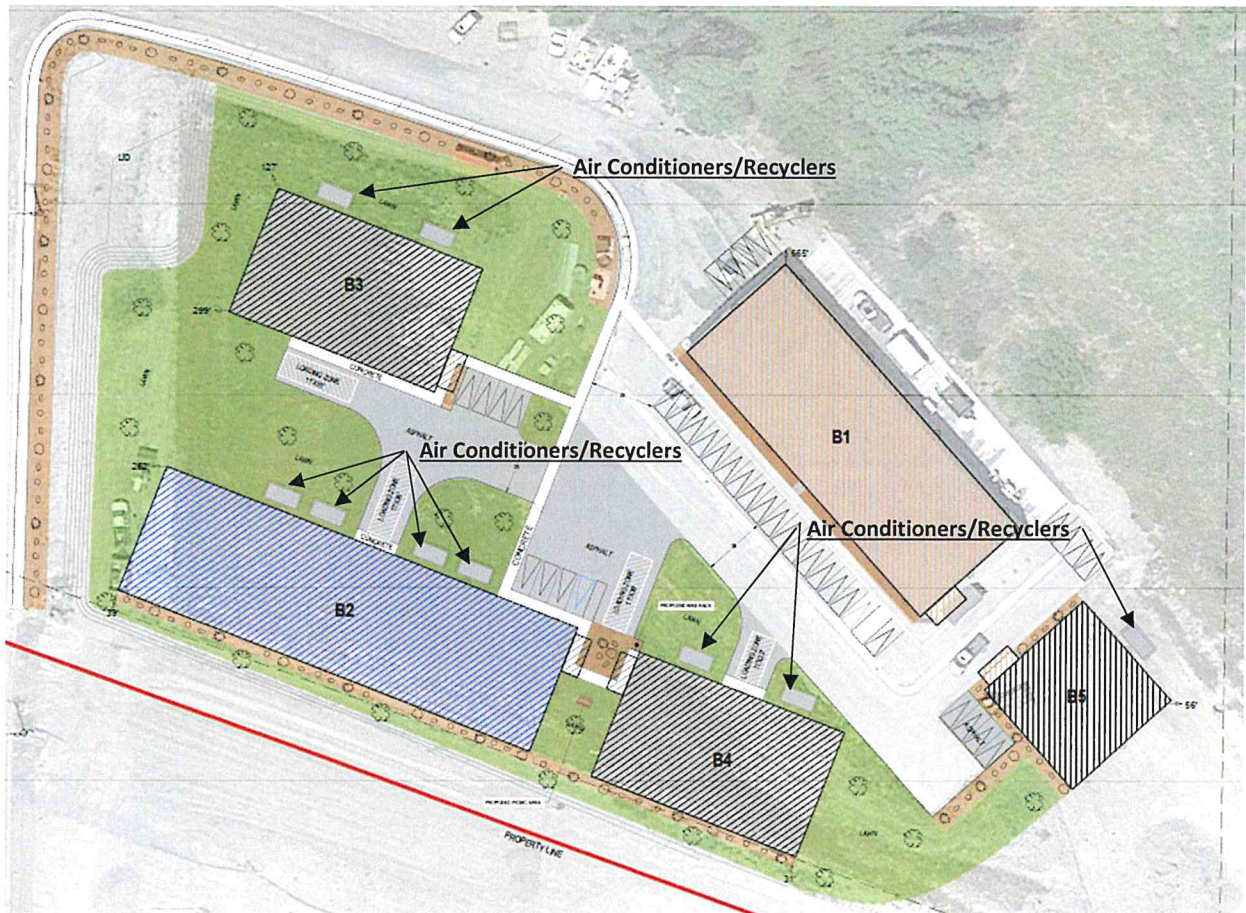
The project as proposed directs all stormwater runoff from the development to a vegetated retention/detention basin at the northwest corner of the development. The retention/detention basin was designed to accommodate a 25-year, 24-hour storm event for the existing development and potential future development. The retention/detention basin was constructed and is designed to accommodate the proposed development.

**Signs:** Section 17.30.320 includes the City's sign regulations. The project has been conditioned to require compliance with the sign regulations. **Please see Exhibit A.**

## Design Review

Section 17.25.050 *et. seq.* for the RDMC contains the Design Review Regulations. The Design Review Regulations apply to new buildings and/or structures. The existing building was subject to Design Review in 2017/2018. The Planning Commission approved the design/appearance of the building at that time. The applicant is proposing the same design. and colors.

Sections 17.25.050(6) and (8) require that mechanical equipment be screened. Building B2 will have four (4) air conditioners/recyclers, Building B3 and B4 will have two (2), and Building B5 will have one (1). The air conditioner/recycler for Building 5 will be placed behind the building effectively screening the unit. The other building's air conditioners/recyclers will be visible from the access road and within the landscaped areas. Staff has conditioned that these units be effectively screened. Because of the noise levels of the units (88+/- decibels), staff has conditioned the project to utilize solid screening (i.e. wood fence, concrete block, etc.). The project has been conditioned accordingly. See Exhibit A.



Based on the submitted information, including the Plan of Operation, Building elevations, Landscaping Plan, and the recommended conditions of approval, staff believes the proposed cultivation, buildings, parking and landscaping comply with the City Zoning Regulations.

## 2. General Plan Consistency

*(b) The proposed use is consistent with the general plan and any applicable specific plan;*

The General Plan designation is also Industrial Commercial. The purpose of the Industrial Commercial designation is to provide for industrial and commercial uses. All the uses would be considered principally permitted uses if the activities did not involve cannabis.

The proposed uses are consistent with the following General Plan goal: “To promote a variety of commercial uses and allow light manufacturing in appropriate commercial areas.”

There are a number of General Plan goals and policies related to the proposed project. The following information identifies the evidence which supports the finding that the proposed project is in conformance with all applicable policies of the General Plan.

***GP Policy Natural Environment G2.1-3; “Preserve drainage channels, habitat and open space.”***

There are no drainage channels or habitats that would be impacted by the proposed project. The project will not result in a reduction of open space. The proposed cannabis activities will occur within the buildings. Based on the existing operation within Building B1, there is no evidence that the proposed buildings and cultivation activities would adversely impact the natural environment.

***GP Goal Natural Environment G2.1-5; “Regulate clearing and development of steep slopes, river, stream and drainage channels.”***

The proposed project will not require the clearing and development of steep slopes, rivers or streams. The proposed buildings will be built on a former fill site. The fill was placed under an NPDES Stormwater Permit about 10 years ago. The fill was imported from the City’s wastewater treatment plant site as part of an upgrade to the facility.

***GP Goal Natural Environment G2.1-9; “Minimize loss of life and property from natural and man-made hazards.”***

The parcel is located within the 100-year flood zone according to FEMA’s Flood Insurance Rate Map (FIRM), Panel No. 1220. A Flood Elevation Certificate (FEC) was required to demonstrate that the existing building site was/is above the Base Flood Elevation (BFE). The BFE at the site 89’ above mean sea level (AMSL). Again, the proposed buildings will be built on a former fill site. A Flood Elevation Certificate (FEC) will be required as part of the Building Permit process to demonstrate that the proposed buildings are above the Base Flood Elevation (BFE).

Again, the proposed buildings will be located on engineered fill and not near any steep slopes. The area is within a mapped low to moderate instability area according to the County’s GIS. All

construction must comply with the 2022 California Building Codes. Staff believes the project is consistent with this policy.

***GP Policy Soils & Geologic Resources P2.1.1-4; “Require geo-technical reports to ensure that slope and stability measures are incorporated into project design.”***

A Soils Report will be required as part of the Building Permit process for the proposed buildings.

***GP Policy Water Resources P2.1.2-3; Incorporate on-site drainage facilities such as retention and infiltration systems to reduce run-off and maximize infiltration.***

In addition to the above General Plan Policy, the City’s Open Space and Conservation Element, Policies CO 5.2-7 and CO 5.6-2 require the incorporation of detention/retention facilities and bio swales. It is the City’s policy that there is no net increase in stormwater runoff during a 25-year storm event as a result of a project.

The project directs all stormwater runoff from the development to a vegetated retention/detention basin at the northwest corner of the development. The retention/detention basin is designed to accommodate a 25-year, 24-hour storm event for the existing development and proposed development.

***GP Policy Public Services P2.2.3-2; “Cooperate with the Rio Dell Fire Protection District to ensure that emergency services are adequate.”***

The project site is actually located within the Fortuna Fire Protection District. The original project was referred to the Fortuna Fire Protection District for comments and recommendations. The District requested that the project be conditioned to require a double Knox key switch assembly for gate access. The double Knox key switch will allow access by both Fortuna and Rio Dell Fire. The Knox key was installed at the gate.

In regards to the proposed buildings, the FFPD requested that a turn-around be provided south of proposed Building B5. The plans identify the requested turn-around.

***GP Policy Public Services P2.2.3-4; “Encourage new development to contribute its fair share of infrastructure improvements to serve the proposed development.”***

The original project was conditioned to require frontage curb, gutter, sidewalk, and street improvements which have been completed.

Cannabis cultivation projects use a fairly significant amount of water. The City has been conditioning cannabis cultivation projects to require applicants to financially contribute to their fair share of the expansion of the City’s water tanks and pump upgrades and repairs. The fair share contribution is based on the City’s average water bill, estimated water use and the current cost of access to the water system, which is \$0.05 a gallon.

For the existing 9,600 square feet of cultivation, the applicant estimates an annual water demand of 328,500 gallons. As such, the cost for access to the City's water system was \$16,425.00 (328,500 x \$0.05). The applicant paid the estimated cost. However, in reviewing the 2023 water bills for the site the applicant used only 228,140 gallons. As such the applicant overpaid their fair share by \$3,877.00. Based on the 2023 water usage, it is estimated that the operation will utilize an additional 289,750 gallons. Based on actual consumption, the fair share cost is \$14,487.50 for the proposed expansion. Subtracting the credit (\$3,877.00) for the initial overpayment, the estimated fair share is \$10,610.50. The project has been conditioned to require payment of the fair share costs at the time the Building Permit is issued. The project has been conditioned accordingly. **Please refer to Exhibit A.**

**GP Policy Conservation and Open Space P5.4-4; *"Identify and preserve remaining prehistoric camps, villages, and use sites. Identify areas that may be used by the local natives for resource procurement or religious purposes."***

AB 52, which went into effect after July 1, 2015, established a consultation process with all California Native American Tribes on the Native American Heritage Commission (NAHC) list, which includes both federally recognized groups and non-federally recognized groups. AB 52 also established a new class of resources, tribal cultural resources. Tribal cultural resources must be considered when determining project impacts and possible mitigation. Tribal notice and consultation must occur. A Tribal Cultural Resource is a site feature, place, cultural landscape, sacred place or object, which is of cultural value to a Tribe and is either listed on or eligible for the CRHR or a local register. A lead agency may, at its discretion, decide to treat a resource as a Tribal Cultural Resource.

Native American consultation requirements of SB 18 (Chapter 905, Statutes of 2004) apply to all general or specific plan processes proposed on or after March 1, 2005.

The project was referred to the local native American tribes, including the Bear River and Wiyot's. Neither the Bear River or Wiyot tribes recommended a Cultural Resource Study. However, the project conditions include inadvertent discovery protocol. See Exhibit A

There are no goals or policies that would preclude the proposed use in the Industrial Commercial designation. Therefore, the proposed use as conditioned is consistent with the General Plan.

### **3. Land Use Compatibility**

*(c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;*

Again, the project site is located in the Industrial Commercial zone. The purpose of the industrial commercial zone is to provide for industrial and commercial uses. The design of the

proposed buildings is identical to the existing building. The proposed landscaping is consistent with the existing landscaping.

Based on the recommended conditions of approval, including the City's Cannabis Performance Standards and the State regulations, staff believes the project can be found to be consistent with the existing and future land uses in the vicinity.

#### **4. Site Suitability**

*(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;*

The site is provided power from PG&E and water from the City of Rio Dell. The City has three sources of water. The primary source is an infiltration gallery in the river at the south end of town, Permit Number 021161. This source is used typically in the winter, spring, early summer and late fall. The secondary source are wells located at the Humboldt Rio Dell Business Park, Permit Number 010464. This source is used during late summertime low flows in the river and when the turbidity is extremely high during storm events. The City's third source is what is known as Dean Creek Springs, located about two miles up Monument Road, Permit Number 013193. This source has not been used for decades. The City's allowed allocation between the three permits is 1565.2 acre feet or 510,021,896 gallons annually. The City's 2023 water usage was 89,655 million gallons.

Again, the cultivation activities will occur in the proposed buildings located in an Industrial Commercial zone. There is no indication, including odor, that cultivation is occurring in the existing building. As such, staff believes that there is no evidence that the proposed expansion is not suitable for the site.

Access to the project site is from Highway 101. In regards to access, the City commissioned a Traffic Impact Study (TIS) with W-Trans out of Santa Rosa. Based on current and future conditions, W-Trans concluded that the access to and from the Business Park is adequate.

However, Caltrans previously indicated that based on the intensity of development and traffic associated with it, some improvements, including the expansion of the left turn pockets (queuing), acceleration and deceleration northbound lanes, and southbound staging/merging areas for vehicles exiting the business park may be required at a future date. However, the City has since met with Caltrans to discuss future improvements and they have identified the potential improvements in their future local Highway Safety Improvement Program (HSIP).

The proposed project is expected to generate an average of 20 new daily vehicle trips during the peak season. The proposed project would be classified as a small project based on the Office of Planning and Research (OPR) guidance since it would result in fewer than 110 new daily trips even during peak season and can therefore be presumed to have a less-than-significant transportation impact on Vehicle Miles Traveled (VMT).

Based on the information on file and the recommended conditions of approval, staff believes the site is physically suitable for the intended uses.

## 5. Public Interest, Health, Safety and Welfare

*(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;*

The proposed cultivation activities will occur within the proposed buildings. Again, based on the information on file and the recommended conditions of approval, staff believes there is no evidence to suggest that the proposed project will be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

## 6. California Environmental Quality Act

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision-makers and the public of the potential environmental effects of a proposed project.

Based on the location, absence of any on-site environmentally sensitive areas, and the existing operation which has not resulted in any environmental impacts, staff believes the project is Statutorily Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b)(3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment.

Again, based on the nature of the proposed project, including comments or lack of comments from the California Department of Fish and Wildlife (CDFW), the Regional Water Quality Control Board (RWQCB), the North Coast Unified Air Quality Management District (NCUAQMD), the California Department of Transportation (CALTRANS), Humboldt County Department of Environmental Health (DEH) and the Fortuna Fire Protection District (FFPD) and Rio Dell Fire Protection District (RDFPD), staff believes there is no evidence to suggest that the project will not result in a significant, substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

### Attachments:

Attachment 1: Plan of Operations, Site Plan, Landscaping Plan, Building Elevations.

Attachment 2: Exhibit A, Conditions of Approval

Attachment 3: Resolution No. PC 174-2024.



# **Cultivation and Operations Plan**

NORTHWESTERN FLOWER COMPANY, LLC.

REVISED  
January 16, 2024

**APN 205-111-075  
1275 Northwestern Ave  
Rio Dell, CA 95562**

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## Project Description

- Northwestern Flower Company will operate a Cultivation and a Processing facility- totaling 21,800 sq. ft.
- This project will utilize five (5) buildings- matching in color and design.
  - One (1) building is currently operational. There are plans to build four (4) additional buildings in two phases.
  - The 1<sup>st</sup> phase will consist of building B2- a single-story building. This building will be 60 feet x 200 feet and approximately 12,000 sq. ft. Consisting of approximately 6,480 sq. ft of cultivation canopy.
  - The 2<sup>nd</sup> phase will consist of buildings B3, B4, and B5 - all single-story buildings.
  - B3 and B4 will each be 60 x 100 feet and approximately 6,000 sq. ft. Consisting of approximately 3,240 sq. ft. of cultivation canopy per building.
  - B5 will be 60 feet x 60 feet building and approximately 3,600 sq. ft. for processing, drying, and storage.
  - Cultivation will take place in raised beds with soil. The beds will be approximately 6' X 90'. The beds will be lined with pond liner to eliminate possible leaching or draining of soil or nutrients.
- The mature cannabis will be harvested and dried at the on-site processing facility. The processing area will be equipped with dehumidifiers and AC. We will utilize two types of processing - trim machines and hand trimming. The product will then be packaged and stored.
- The noise of the operation will be minimal.

## Energy Usage

The energy for this project is provided by PGE and is 100% renewable carbon neutral energy.

Buildings B1 through B4 will contain Double ended HPS 1,245-watt lights.

- B1 (existing) – 122 lights downstairs and 138 lights upstairs.
- B2- 180 lights.
- B3 & B4- 90 lights each.
- B5- Drying/ processing/storage.

All cultivation is indoor and, therefore, there will be no light pollution.

### **Cultivation**

Cannabis will be grown in sealed soil beds. This will eliminate nutrient runoff. The beds will be approximately 6' wide to allow for easier management of the plants. The beds will be filled with 7" of organic bulk soil. The plants will be hand watered using a hose and water wand from water stored in tanks onsite. Water soluble fertilizer will be used as needed for plant health.

### **Crop Rotation**

Cannabis will be grown year-round.

### **Storage of Nutrients and Fertilizers**

Nutrients and fertilizers will be stored on designated shelves in each building- near the cultivation site. They will be clearly labeled and sealed to ensure there is no spillage. Any needed pesticides will be organic and follow the guidelines given by the BCC. Safety Data Sheets (SDS) will be on site and available upon request. Employees will be trained in the proper use and safety considerations for each product. Employees will also be provided with proper PPE – this will include eye protection, hearing protection, gloves, dust masks, and any other safety equipment needed for a safe work environment.

### **Waste Management**

Solid waste – including plastic bags, containers, and cardboard - will be recycled in appropriate bins provided by Eel River Resource Recovery in Fortuna, CA. We will have scheduled pick up each week. These recycling bins will be located on the paved area shown on the site plan.

### **Cannabis Waste**

Cannabis waste will be stored in a secure "waste area", as indicated on the site plan. The cannabis waste will be self-hauled to a cannabis waste facility in Eureka.

Soil will be recycled as needed.

### **Emissions**

This project is not expected to create any emissions.

### **Noise Levels**

Expected noise levels will be minimal. AC and equipment, such as the propane powered forklift, have approved and compliant exhaust systems. We will screen the HVAC units to minimize noise impacts.

### **Odor Control**

The building is a sealed structure. The odor will be restricted to the inside of the structure by large air conditioning units. There will be no odor emitted from the building.

### **Public Facilities**

#### **Roads**

Access to and from the facility will utilize Highway 101 and Northwestern Avenue. This project is a wholesale business, and we expect a maximum of 8 vehicles per day to enter the site. This includes employees, vendors, and owners.

#### **Water Source and Use**

Water for this project is provided by the City of Rio Dell - utilizing an existing system. Water conservation techniques, such as utilizing recycled water from dehumidifiers, the use of timers, and soil moisture management, will help keep water usage to an industry standard. There will be one small water tank per building. These tanks will be used to mix and store water and nutrients for the plants. A small electric pump will pressurize the water system for application to the plants.

#### **Sewer**

There is an existing septic system in place.

#### **Watershed and Habitat Protection**

We will be working under the California Regional Water Quality Control Board Tier 1 framework. This tier is for operations with a low risk to water quality which is based on physical characteristics of the operation. The operation is confined to the interior of the buildings. There are no water courses within 200 ft. of the cultivation or waste structures.

Extra precautions will be in place for protection of any nearby wetland or habitat. This will include, but not be limited to, the use of straw bales, waddles, or natural soil barriers. Site runoff is engineered and designed for minimal impact to wetlands or habitat.

Cultivation spoils will be managed by loading them in bins and shipping them to an offsite soil company. There they will be composted and added to the soil for recycling. This will include all soil waste. Control measures will be in place to mitigate any potential for waste or nutrients to enter any water course. This will include the use of straw, waddles, or any other appropriate material to help contain potential runoff. Odors will be minimal as this waste will be removed from the site weekly.

**Security Plan**

The facility is fenced around the entirety of the property. There is one keypad gate located at the front of the property. Only authorized personnel will have the gate combination and all others will need to be verified prior to entry. The combination will be changed frequently. All efforts will be made to keep operations discrete.

A locked storage room will be installed for products of value. Only authorized personnel will have access to the locked storage. No cash will be left at the facility overnight.

All buildings will be equipped with locked doors. All entrances and exits to the buildings will be equipped with surveillance cameras. The surveillance cameras are frequently checked for functionality. The surveillance cameras record activity 24 hours a day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the public areas, including parking, the processing areas, storage areas, employee areas, all doors and windows, and any other areas as determined to be necessary by the owners. The facility is alarmed with an audible interior and exterior silent alarm system that is operated and monitored by a recognized security company.

**Employees**

Hours of operation for Northwestern Flower Company are as follows:

<b>Sunday</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>
Not open for business	8 am-4 pm	8 am-4 pm	8 am-4 pm	8 am-4 pm	8 am-4 pm	Not open for business

When the project is finished there will be four (4) full-time employees.

Phase 1 of the project will include two (2) full-time employees.

Phase 2 of the project will include an additional two (2) full-time employees.

Temporary help will be utilized as needed - not to exceed four (4) temporary employees 3-4 days per month. This will vary depending on the cycle of the room.

**Safety**

A safe work environment will be provided by the company.

Employees will be trained in the use of fire extinguishers, evacuation plan, emergency communication, and first aid. Fire extinguishers will be placed according to industry standard and Cal-OSHA.

The fire extinguishers will be serviced regularly by a reputable local company and be listed as ABC for fires of all types. Employees will also be trained in the use of appropriate PPE. All PPE will be provided by the company. Emergency contact numbers will be posted, as well as provided to the city planning department. There will be a designated emergency protocol and an evacuation plan in place.