



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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3015 H Street Eureka CA 95501  
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: May 7, 2020

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Sunny Slope Ranch, LLC, Conditional Use Permit**  
Application Number 11296  
Project Number PLN-11296-CUP  
Assessor's Parcel Number (APN) 208-112-024  
26980 State Highway 36, Bridgeville, CA

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Please contact Portia Saucedo, Planner, at 707-445-7541 or by email at [psaucedo1@co.humboldt.ca.us](mailto:psaucedo1@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> May 7, 2020	<b>Subject</b> Conditional Use Permit	<b>Contact</b> Portia Saucedo
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**Project Description:** Conditional Use Permit to allow for the continued operation of an existing 12,970 square foot (SF) outdoor and 5,270 SF mixed light commercial cannabis cultivation. Irrigation water is sourced from rainwater catchment. Water storage consists of 467,000 gallons contained within existing tanks and basins. Five (5) employees are proposed. Processing is proposed to occur on-site. Power is provided by solar energy with a generator back-up.

**Project Location:** The project is located in Humboldt County, in the Dinsmore area, on the south side of State Highway 36, approximately 2.5 miles from the intersection of Alderpoint Road and State Highway 36, on the property known as 26980 State Highway 36, Bridgeville.

**Present Plan Land Use Designations** Residential Agriculture (RA40), Humboldt County General Plan (GP), Density: 40 acres per dwelling unit, Slope Stability: High Instability (3).

**Present Zoning:** Forestry Recreation with a Special Building Site Combining Zone which requires a 40-acre minimum parcel size (FR-B-5(40)).

**Application Number:** 11296

**Record Number:** PLN-11296-CUP

**Assessor Parcel Numbers:** 208-112-024

**Applicant**

Sunny Slope Ranch, LLC  
Thaddeus Diaz  
369 Church Lane  
Carlotta, CA 95528

**Owner**

James T. Diaz  
369 Church Lane  
Carlotta, CA 95528

**Agent**

NorthPoint Consulting Group  
Attn: Phil Standish  
PO Box 44  
Eureka, CA 95502

**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 Status:** Project is NOT appealable to the California Coastal Commission.

**Major Issues:** None.

**SUNNY SLOPE RANCH, LLC**  
 Project Number PLN-11296-CUP  
 Assessor's Parcel Number 208-112-024

**Recommended 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 based on evidence in the staff report, and adopt the Resolution approving the proposed Sunny Slope Ranch, LLC project subject to the recommended conditions.*

**Executive Summary:** Conditional Use Permit (CUP) to allow for the continued operation of an existing 12,970 square foot (SF) of outdoor and 5,270 SF of mixed light commercial cannabis cultivation operation. The existing cannabis cultivation operation located on parcel 208-112-024 is approximately 40 acres in size and in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA). Cultivation will consist of one (1) outdoor cultivation cycle and two (2) mixed light cultivation cycles per year.

Electricity for commercial cannabis cultivation purposes is sourced from solar panels with two (2) generators used as back-up in the event of an emergency. According to the applicant, the generator noise produced does not exceed 60 decibels from the property line of the project parcel. Artificial lighting utilized for commercial cannabis cultivation will comply with International Dark Sky Standards with full blackout tarps 30 min prior to sunset and 30 min post-sunrise.

The applicant's cultivation has historically occurred within streamside management areas (SMA) and on unstable slopes. The applicant proposes to remediate historic cultivation areas and relocation the cultivation to environmentally superior areas, as specified in Table 1 and depicted on the Site Plan.

Table 2.1 Summary of Existing Cultivation and Proposed Relocation					
Map ID	Cultivation Type	Area (Ft <sup>2</sup> )	To be Relocated/ Rearranged Y/N?	Reason for Relocation/ Rearrangement	Type of Cultivation post-relocation/rearrangement
A	Mixed Light	2,170	Y	Located within SMA	Full Sun Outdoor
B	Mixed Light	2,500	Y	Located within SMA	Full Sun Outdoor
C	Mixed Light	600	N	Located within SMA	N/A
D	Outdoor in Greenhouse	2,380	N	N/A	N/A
E	Outdoor in Greenhouse	1,370	Y	N/A	Outdoor in Greenhouse

F	Full Sun Outdoor	1,250	Y	Partially located within SMA	Full Sun Outdoor
G	Full Sun Outdoor	1,450	Y	Located on slopes in excess of 15% and within headwall of drainage	Full Sun Outdoor
H	Full Sun Outdoor	1,000	Y	Located on slopes in excess of 15%	Full Sun Outdoor
I	Outdoor in Greenhouse	3,220	Y	Located on slopes in excess of 30%	Full Sun Outdoor
J	Full Sun Outdoor	2,000	N	N/A	N/A

Annual estimated water use is 255,250 gallons (14 gallons per square foot) (Table 2). Water is sourced from rainwater catchment. The applicant utilizes drip emitters hand waters cultivation areas and feeds with liquid nutrients. Water storage currently consists of 467,000 gallons between several tanks and basins: five (5) 2,500 tank, two (2) 1,000 gallon tanks, and a 500,000 capacity rainwater catchment basin. The project parcel is located within a State Responsibility Area (SRA) 2,500-gallon water storage tank is on the project parcel for fire suppression purposes. Additionally, the applicant proposes to meet SRA requirement with improvements including a designated emergency vehicle turn around/pull out area and the management of vegetation/trees to maintain the require 100-foot defensible space. All setbacks are 30 feet or more from the property lines to meet SRA requirements.

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	0	11,750	30,000	34,250	44,250	50,000	50,000	35,000	0	0

Facility security includes a privacy fence shielding the greenhouses and processing building, locked gates, access to project parcel limited to staff, posted restricted access signs on all entry gates, low intensity exterior lighting at entrances, motion-activated security lighting, and video surveillance cameras at all access gates.

All fertilizers and other cultivation-related products will be properly stored to prevent exposure to precipitation events within the agricultural exempt storage shed.

The project parcel access roads were evaluated by the applicant and determined to be equivalent to a Category 4 Standard for the segment of the private access road that runs north-south from state highway 36 to the project parcel. The applicant supplied the County with a road evaluation report that stated that the private access road is equivalent to Category 4 Standards.

There are no schools, school bus stops, or places of worship within 600 feet of the cultivation or processing areas. A preliminary cultural resources investigation for the project site was conducted by Sonoma State University in August of 2018. The survey, along with historical records searches and correspondence with the Bear River Band Tribal Historic Preservation Officer (TPHO), was documented in a Cultural Resources report that indicated that no historical or archaeological resources were identified on this property. The report recommended inadvertent discovery protocol for any resources discovered during project activities. The TPHO of the Bear River Band of the Rohnerville Rancheria stated that the survey did not sufficiently cover the project area. As

a result the THPO requested, in addition to the recommended inadvertent discovery protocol, that the site be spot-checked for archaeological deposits in the Spring/Summer of 2020. The THPO also reserved the right to make further recommendations for the project parcel reflective of their findings. The project has been conditioned accordingly.

The project parcel is located adjacent to potential Northern Spotted Owl (NSO) habitat. The Activity Center (AC) is located approximately 0.7 miles from the southwestern cultivation area and another AC 0.9 miles from the southeastern cultivation area. Standard conditions and based upon CDFW conditions for similar projects have been included as ongoing conditions of approval.

An environmental review for the proposed project was conducted and based on the results of that analysis, staff believes the existing cultivation activities of the project were previously analyzed in the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas. The addendum is included in Attachment 3.

**Recommendation:** Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Conditional Use Permit.

**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 Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

The 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 Lead Agency, the Department has determined that the project is consistent with an existing Mitigated Negative Declaration, 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.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 20-**

**Record Number PLN-11296-CUP  
Assessor Parcel Number: 208-112-024**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Sunny Slope Ranch, LLC Conditional Use Permit request.**

**WHEREAS**, Sunny Slope Ranch, LLC submitted an application and evidence in support of approving a Conditional Use Permit existing 12,970 square foot (SF) of outdoor and 5,270 SF of mixed light commercial cannabis cultivation operation located on APN 208-112-024; and

**WHEREAS**, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous mitigated negative declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Project Number PLN-11296-CUP); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on May 7, 2020.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes all of the required findings in Attachment 2 of the Planning Commission staff report for Project Number PLN-11296-CUP based on the submitted substantial evidence; and
3. Conditional Use Permit Project Number PLN-11296-CUP is approved as recommended and conditioned in Attachment 1 for Project Number PLN-11296-CUP.

Adopted after review and consideration of all the evidence on May 7, 2020.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

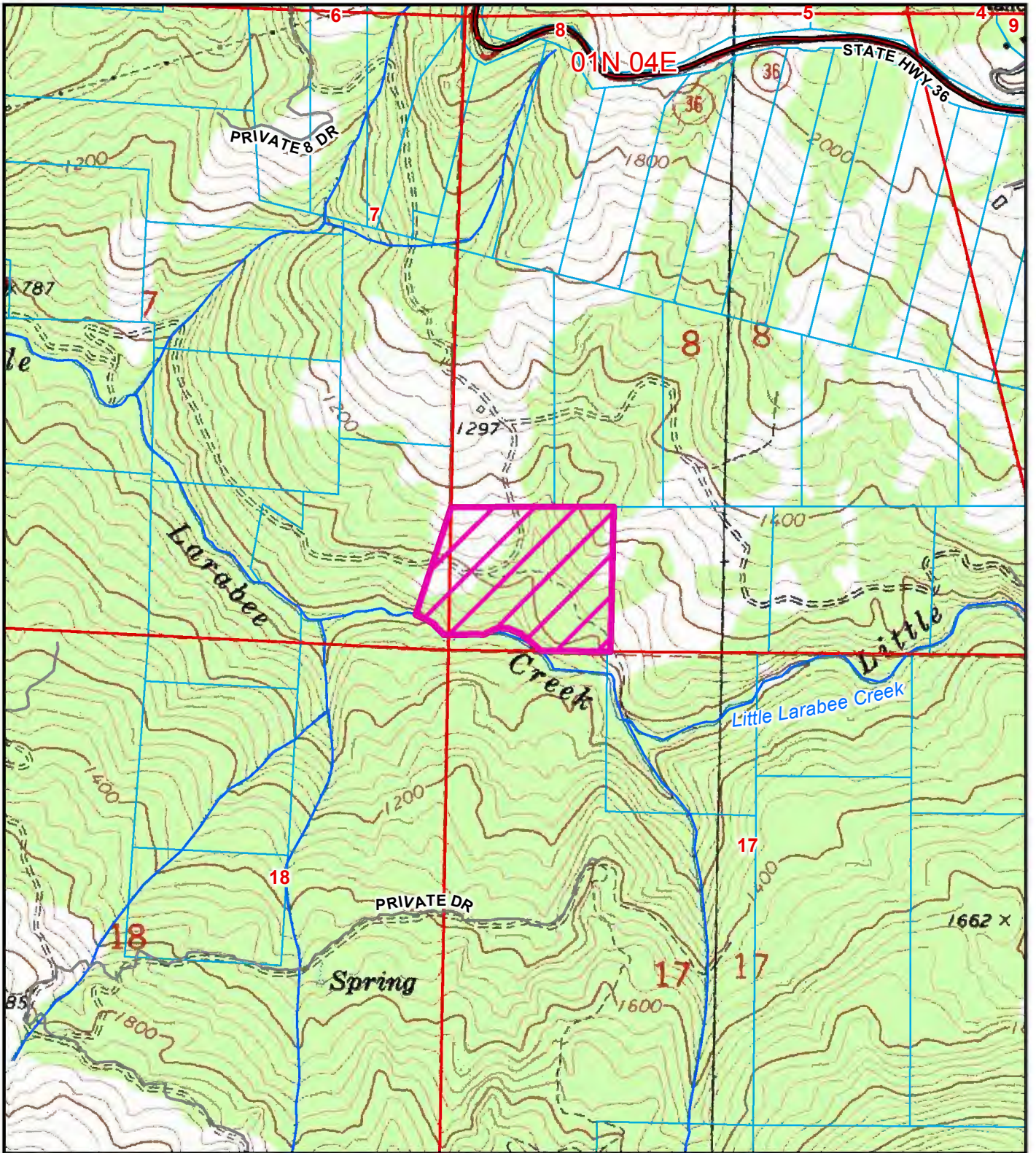
DECISION: Motion carries

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

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John H. Ford, Director  
Planning and Building Department



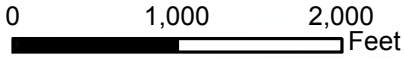


**TOPO MAP**  
**PROPOSED SUNNY SLOPE RANCH LLC**  
**DINSMORE AREA**  
**CUP-16-221**  
**APN: 208-112-024**  
**T01N R04E S7; S8 HB&M (BRIDGEVILLE)**

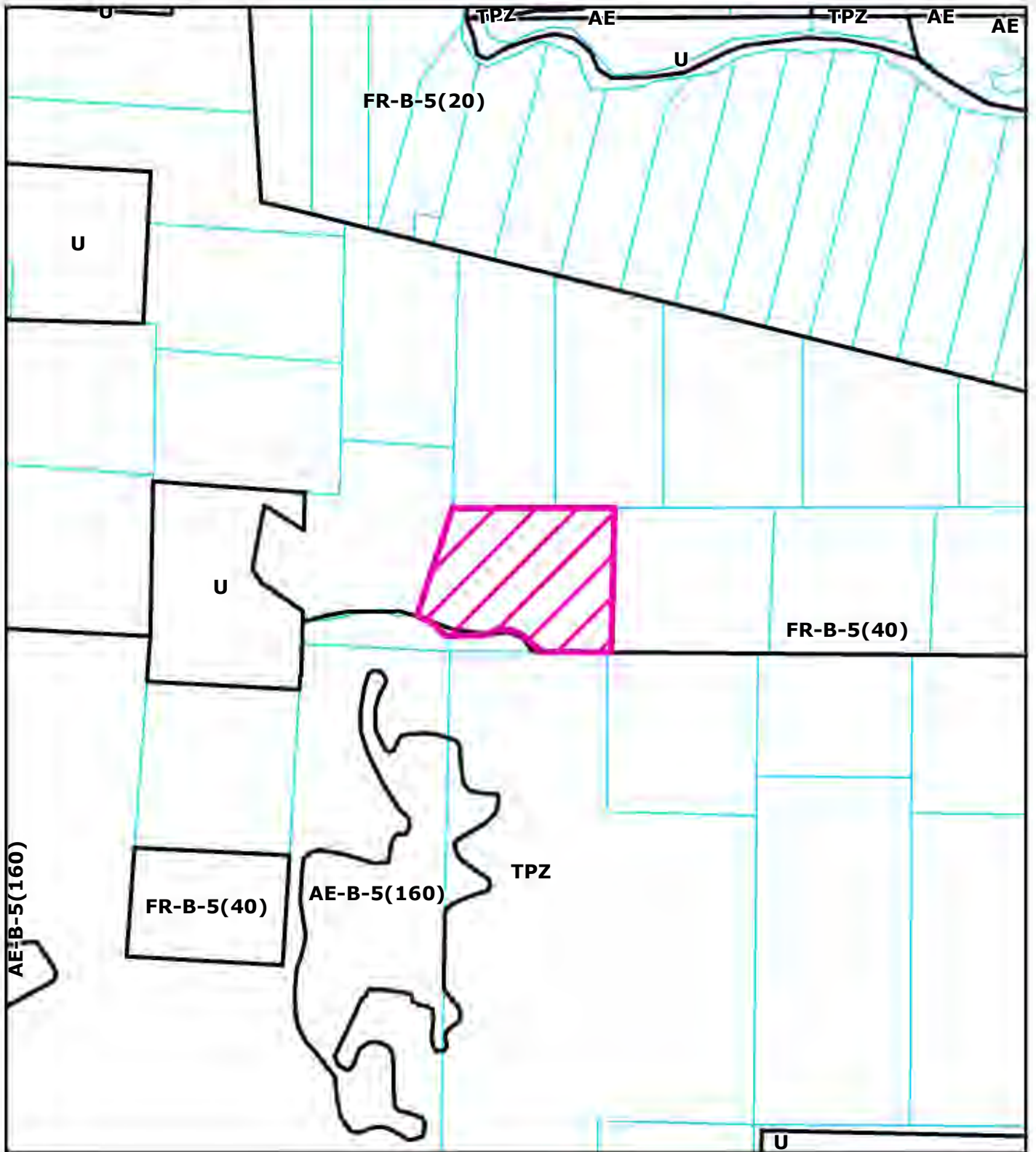
Project Area =



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

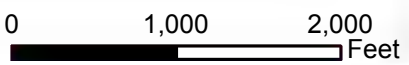






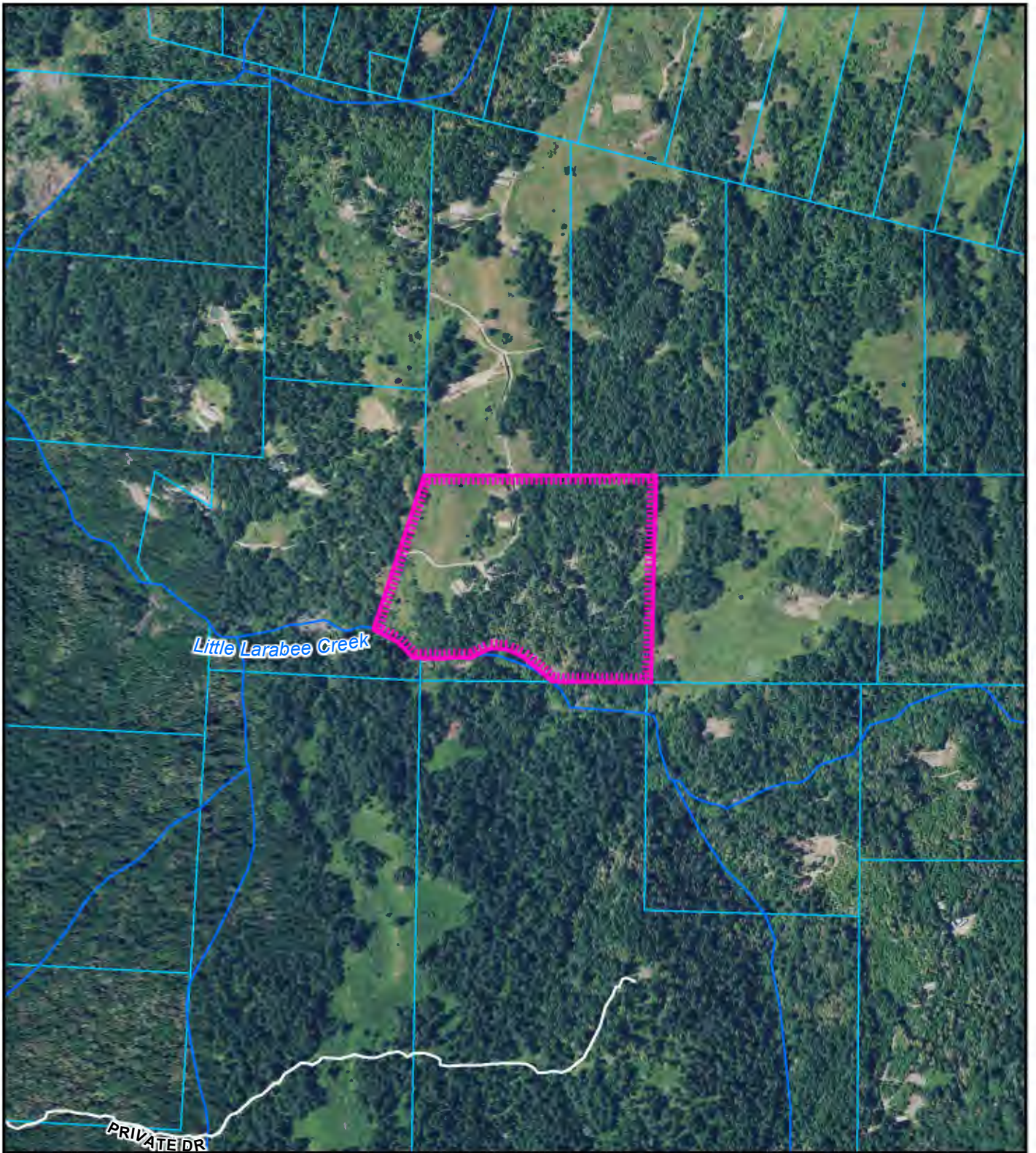
Project Area = 

**ZONING MAP**  
**PROPOSED SUNNY SLOPE RANCH LLC**  
**DINSMORE AREA**  
**CUP-16-221**  
**APN: 208-112-024**  
**T01N R04E S7; S8 HB&M (BRIDGEVILLE)**



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



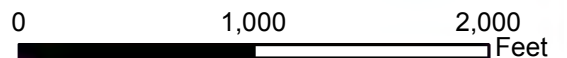


Project Area = 

**AERIAL MAP  
 PROPOSED SUNNY SLOPE RANCH LLC  
 DINSMORE AREA  
 CUP-16-221  
 APN: 208-112-024  
 T01N R04E S7; S8 HB&M (BRIDGEVILLE)**



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.







**VICINITY MAP**  
NOT TO SCALE

**DIRECTIONS TO SITE**

- FROM EUREKA, CA  
 - TAKE HIGHWAY 101 SOUTH FOR ±20 MILES  
 - EXIT HIGHWAY 36 EAST AT ALTON  
 - TAKE HIGHWAY 36 FOR ±27 MILES  
 - TURN RIGHT ON UNNAMED DIRT ROAD AFTER STEEP HAIRPIN AFTER BRIDGEVILLE AND BEFORE MCLELLAN MOUNTAIN  
 - FOLLOW DIRT ROAD FOR ±1.2 MILES  
 - PROJECT LOCATION AFTER WOODEN FENCE ON THE RIGHT AT THE BOTTOM OF THE HILL

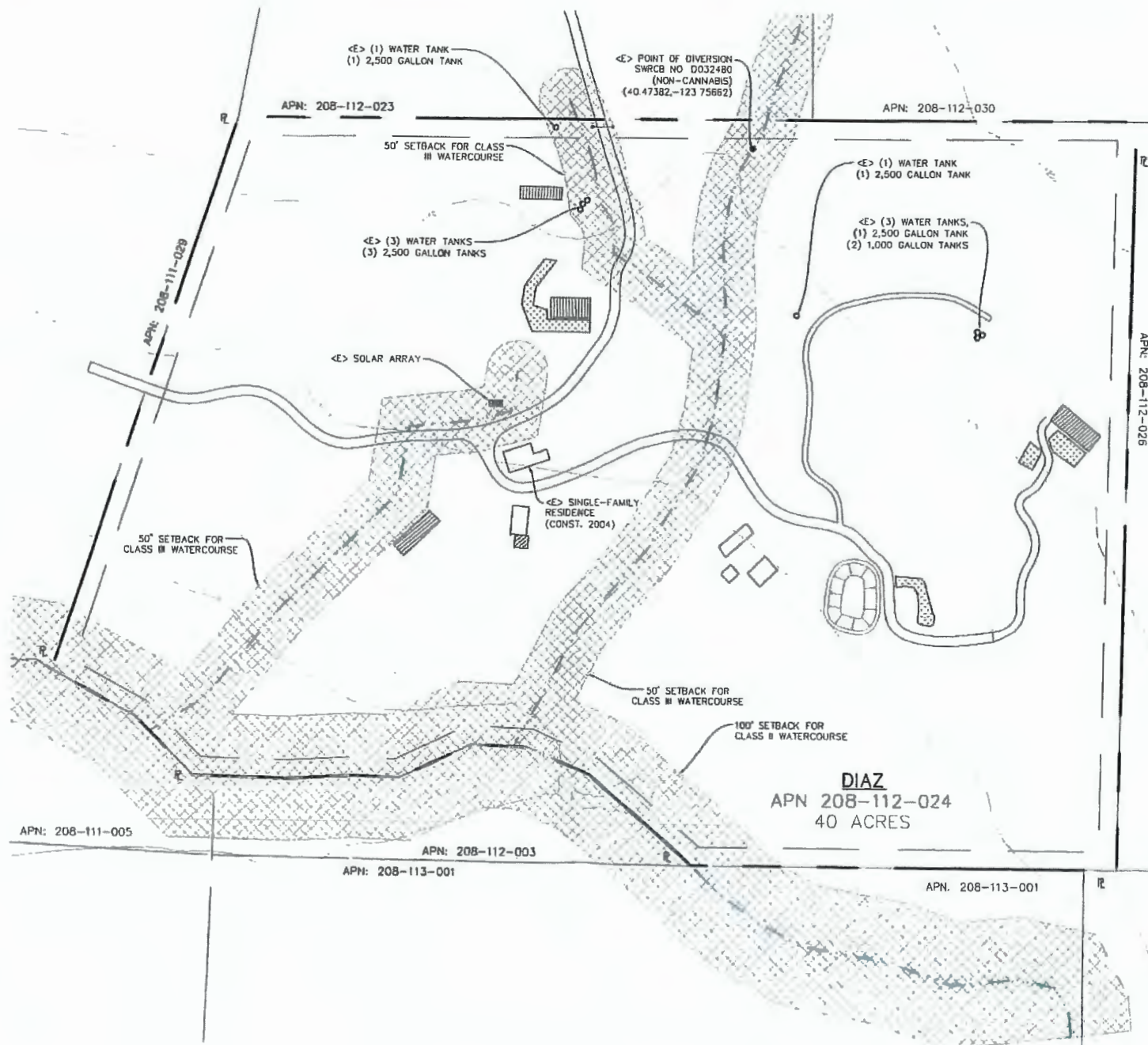
# SUNNY SLOPE RANCH, LLC

## CONDITIONAL USE PERMIT

APN: 208-112-024  
**SITE MAP**

**PROJECT DESCRIPTION**

SUNNY SLOPE RANCH, LLC, IS PROPOSING TO PERMIT EXISTING CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 5,270 SQUARE FEET(SF) OF MIXED LIGHT CULTIVATION AREA AND 12,970 SF OF OUTDOOR CULTIVATION. THE PROJECT PROPOSAL INCLUDES AN EXISTING 1,200 SF CULTIVATION FACILITY FOR DRYING, CURING, AND GRADING AND TRIMMING OF MEDICAL CANNABIS TO SERVE SUNNY SLOPE RANCH, LLC.



**PROJECT INFORMATION:**

**APPLICANT:**  
 SUNNY SLOPE RANCH LLC  
 26980 STATE HIGHWAY 36  
 BRIDGEVILLE, CA 95528

**PROPERTY OWNER:**  
 THADEUS DIAZ  
 369 CHURCH LANE  
 CARLOTTA, CA 95528

**OWNERS AGENT:**  
 NORTHPOINT CONSULTING GROUP INC.  
 317 3RD STREET - SUITE 15  
 EUREKA, CA 95501  
 (707) 798-6438

**SITE ADDRESS:**  
 APN: 208-112-024  
 26980 STATE HIGHWAY 36  
 BRIDGEVILLE, CA 95528

- TREES TO BE REMOVED:** = 0  
**EARTHWORK QUANTITIES:** = TBD  
**WATER:** = PRIVATE  
**SEWER:** = PRIVATE  
**PARCEL SIZE:** = 40 ACRES  
**ZONING:** = FR-B-5(40)  
**GENERAL PLAN DESIGNATION:** = AL40 (FRWK)

- SRA AREA:** = YES  
**IN COASTAL ZONE:** = NO  
**IN 100 YR FLOOD ZONE:** = NO

**BUILDING SETBACKS:**

	AE	TPZ	SRA
FRONT	30'	20'	30'
SIDE	20'	30'	30'
REAR	10'	30'	30'

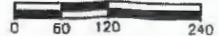
- MAX. BLDG. HT.:** = NONE SPECIFIED  
**MAX GROUND COVERAGE:** = 35%



**PLOT PLAN**

22x34 SHEET: 1"=120'

11x17 SHEET: 1"=240'



**SHEET INDEX:**

- C0 - PLOT PLAN, VICINITY MAP, & PROJECT NOTES  
 C1 - EXISTING SITE PLAN  
 C2 - PROPOSED SITE PLAN  
 C3 - DETAILS FOR PROCESSING AREA

**NORTHPOINT**  
 CONSULTING GROUP, INC.  
 317 3rd Street, Ste. 15 Eureka, CA 95501

SUNNY SLOPE RANCH, LLC / APN: 208-112-024  
 26980 STATE HIGHWAY 36, BRIDGEVILLE, CA 95528  
 PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

PROJ NO: R2  
 DRAWN BY: MA  
 DATE: 3/27/2019  
 SCALE: AS SHOWN

SHEET  
**C0**

18-052



# SUNNY SLOPE RANCH, LLC

## CONDITIONAL USE PERMIT

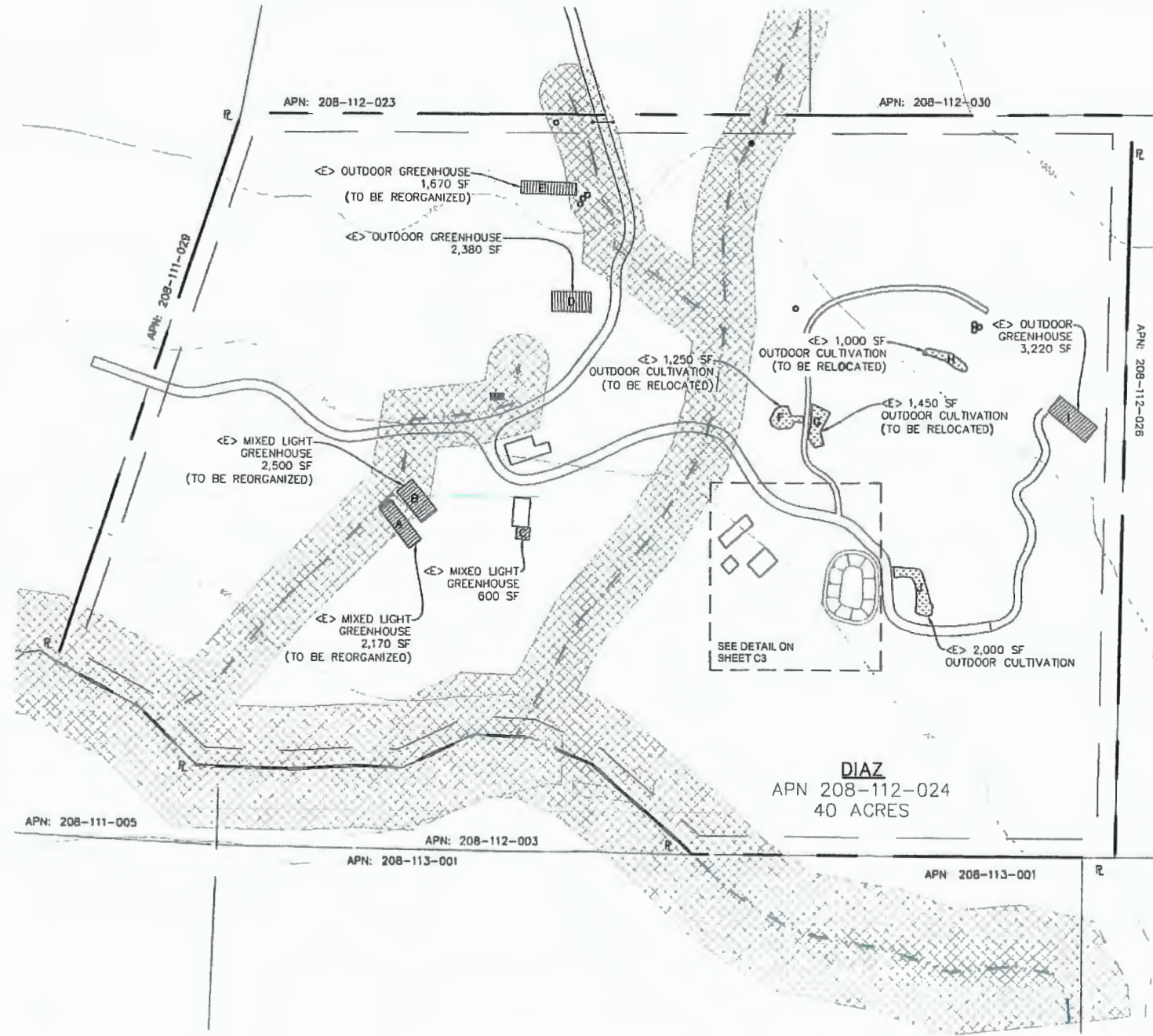
APN: 208-112-024  
EXISTING SITE PLAN

**CULTIVATION AREA SUMMARY:**

FULL SUN OUTDOOR	
IDENTIFIER	COUNTY ALLOTMENT
F	1,250 SF
G	1,450 SF
H	1,000 SF
J	2,000 SF

OUTDOOR LOCATED IN GREENHOUSES	
IDENTIFIER	COUNTY ALLOTMENT
E	1,670 SF
D	2,380 SF
I	3,220 SF

MIXED LIGHT GREENHOUSES	
IDENTIFIER	COUNTY ALLOTMENT
A	2,170 SF
B	2,500 SF
C	600 SF



REVISIONS

**NORTHPOINT**  
CONSULTING GROUP, INC.  
317 3rd Street, Ste. 15 Eureka, CA 95501

SUNNY SLOPE RANCH, LLC / APN: 208-112-024  
26980 STATE HIGHWAY 36, BRIDGEVILLE, CA 95528  
PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

PROJECT NO: R-1  
DRAWN BY: MA  
DATE: 4/15/2019  
SCALE: AS SHOWN

SHEET  
**C1**

18-062



# SUNNY SLOPE RANCH, LLC CONDITIONAL USE PERMIT

APN: 208-112-024  
PROPOSED SITE PLAN

## CULTIVATION AREAS TO BE RELOCATED

### CULTIVATION AREA A:

<E> 2,170 SF  
<P> 1,920 SF  
<R> 250 SF TO BE RELOCATED INTO AREA K AND N

### CULTIVATION AREA B:

<E> 2,170 SF  
<P> 1,920 SF  
<R> 250 SF TO BE RELOCATED INTO AREA K AND N

### CULTIVATION AREA E:

<E> 1,670 SF  
<P> 1,230 SF  
<R> 440 SF TO BE RELOCATED INTO AREA K

### CULTIVATION AREA F:

<E> 1,250 SF  
<R> TO BE RELOCATED INTO AREA K

### CULTIVATION AREA G:

<E> 1,450 SF  
<R> TO BE RELOCATED INTO AREA K

### CULTIVATION AREA H:

<E> 1,000 SF  
<R> TO BE RELOCATED INTO AREA K

## RELOCATION AREAS

### CULTIVATION AREA K:

1,250 SF (F)  
1,450 SF (G)  
+1,000 SF (H)  
440 SF (E)  
80 SF (B)

4,220 SF TOTAL

### CULTIVATION AREA L:

1,920 SF (A)  
1,920 SF TOTAL

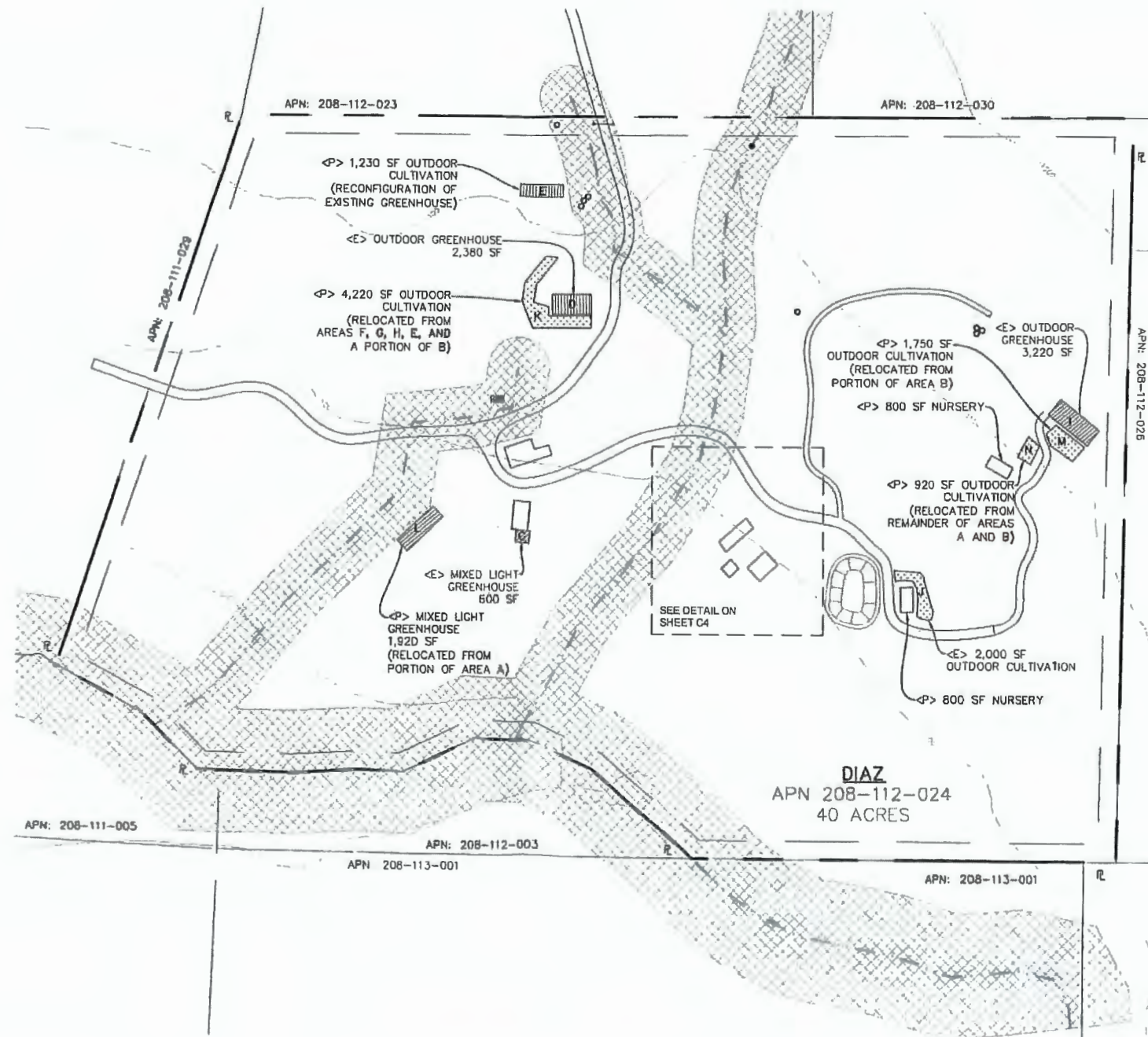
### CULTIVATION AREA M:

1,500 SF (B)  
+ 250 SF (A)

1,750 SF TOTAL

### CULTIVATION AREA N:

920 SF (B)  
920 SF TOTAL



## PLOT PLAN

22x34 SHEET: 1"=120'

11x17 SHEET: 1"=240'

0 60 120 240



**NORTHPOINT**  
CONSULTING GROUP, INC.  
317 3rd Street, Ste. 15 Eureka, CA 95501

SUNNY SLOPE RANCH, LLC / APN: 208-112-024  
26980 STATE HIGHWAY 36, BRIDGEVILLE, CA 95528  
PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

PROJ NO: 18-062  
DRAWN BY: VJA  
DATE: 3/27/2019  
SCALE: AS SHOWN

SHEET  
**C2**  
18-062







## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

**APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.**

#### **A. General Conditions:**

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 11. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall allow the Bear River Band of the Rohnerville Rancheria to investigate the project premise for archaeological deposits. Following the investigation, Bear River may submit further recommendations in addition to the inadvertent discovery protocol, as specified in the ongoing conditions of approval. At the request of Bear River, the project and conditions may be subject to permit modification.
3. The approved building plans shall meet all applicable fire codes, including emergency access, signing and building numbers, emergency water standards, fuel modification standards, a fire hydrant below the water tanks, and fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
4. The applicant shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. If applicable, prior to issuance of any building or construction permits a grading, erosion and sediment control plan shall be prepared by a qualified professional. The plan shall identify the cubic yards of all grading that has been done and any proposed grading. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
5. Applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.
6. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the RWQCB verifying that all of their requirements have been met will satisfy this condition. [After July 31, 2019, plans and reporting

shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]

7. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
8. The applicant shall contact the local fire service provider (Bridgeville Fire Protection District) and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
9. The applicant shall implement all site specific and monitoring and reporting requirements detailed within the Notice of Applicability for Waste Discharge Requirements from the North Coast Regional Water Quality Control Board (NCRWCB) in a letter dated November July 2018, Site Management Plan (RWQCB WDID# 1B171048CHUM) and the Water Resource Protection Plan (WRPP) developed for the parcel (prepared by NorthPoint Consulting Group), prepared pursuant to Tier 2 enrollment under the Cannabis Waste Discharge Regulatory Program (Order WQ 2017-0023-DWQ), including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Monitoring and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the State Water Board. A letter or similar communication from the State Water Board verifying that all of their requirements have been met by the listed dates or the applicant has proven to their satisfaction or a Third-Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition.
10. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials including fuel. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
11. The applicant shall provide a noise containment structure for the on-site generator, to ensure that noise from the generator does not exceed 50 decibels at 100 feet. All construction shall occur outside of the critical nesting period for Northern Spotted Owls (February 1<sup>st</sup> through July 8<sup>th</sup>) or if within, preceded by a protocol level survey of Northern Spotted Owls.
12. The applicant shall, within 30 days following the execution of the final permit, submit photo evidence to CDFW and the County documenting that all imported soil and operation-associated refuse is fully contained and setback a minimum of 150 feet from watercourses and/or wet areas.
13. No processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system.

- a. The applicant shall secure approval of the County Division of Environmental Health (DEH) for the following:
  - i. No processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system (OWTS) adequate to support proposed staffing.
  - ii. The approval of an unpermitted OWTS shown on the provided site plan is dependent upon demonstration of site suitability from a Qualified Professional.
  - iii. An invoice, or equivalent documentation, is provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.
  - iv. A letter from DEH shall be indicating approval has been issued will satisfy this condition.

14. Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

15. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

**Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:**

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
4. The owner shall apply for and receive an encroachment permit from Caltrans and complete improvements to bring the existing driveway encroachment on Highway 36 up to current Caltrans Standards. A letter or similar communication from CAL TRANS stating the work is complete or not required will satisfy this condition.

5. Oak woodland removal is prohibited within 150 feet of all structures related to cannabis operation.
6. Comply with the terms specified in the final Lake and Streambed Alteration Agreement May 9, 2019 (LSA#: 1600-2019-0010-R1).
7. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
8. The environmental impacts of improper waste disposal are significant and well documented. All refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
9. Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking, hindrance to navigation, and physiological impacts such as stress and increased blood pressure and respiration. All generators/fans on the parcel shall have a cumulative noise impact of no more than 50 decibels measured from 100 feet.
10. Any existing on-site lighting or proposed lighting upgrades in the future, shall be fully shielded and designed and installed to minimize off-site lighting and direct light within the property boundaries. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division 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.
11. This permit does not authorize the use of Anticoagulant rodenticides on the subject parcel. Anticoagulant rodenticides are prohibited.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a

statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

15. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.
19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
20. Proper storage and/or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide is required. This permit does not authorize the use of Anticoagulant rodenticides on the subject parcel. Anticoagulant rodenticides are prohibited.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
23. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
25. Participate in and bear costs for permittee's participation in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
26. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.

27. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
28. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.

#### Performance Standards for Cultivation and Processing Operations

29. Pursuant to the MCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall “provide a statement declaring the applicant is an ‘agricultural employer,’ as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.”
30. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
31. Cultivators engaged in processing shall comply with the following Processing Practices:
  - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
32. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (a) Emergency action response planning as necessary;
    - (b) Employee accident reporting and investigation policies;
    - (c) Fire prevention;
    - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (e) Materials handling policies;
    - (f) Job hazard analyses; and
    - (g) Personal protective equipment policies, including respiratory protection.
  - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (a) Operation manager contacts;
    - (b) Emergency responder contacts;
    - (c) Poison control contacts.
  - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws



and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

- iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
33. All cultivators shall comply with the approved Processing Plan as to the following:
- I. Processing Practices.
  - II. Location where processing will occur.
  - III. Number of employees, if any.
  - IV. Employee Safety Practices.
  - V. Toilet and handwashing facilities.
  - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - VII. Drinking water for employees.
  - VIII. Plan to minimize impact from increased road use resulting from processing.
  - IX. On-site housing, if any.
34. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.

35. Acknowledgements to Remain in Full Force and Effect. Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and

(3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA

36. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
- b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- c. The specific date on which the transfer is to occur; and
- d. Acknowledgement of full responsibility for complying with the existing Permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

37. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per COA #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #25 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be

contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

## ATTACHMENT 2

### REQUIRED FINDINGS FOR APPROVAL

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Conditional Use Permit:

1. The proposed development is in conformance with the County General Plan, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a. Is categorically or statutorily exempt; or
  - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the State CEQA Guidelines have been made.

**Required Findings:** To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

**1. The proposed development must be consistent with the General Plan, Open Space Plan, and Open Space Action Program.** The following table documents the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan, Open Space Plan, and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p><b>Residential Agriculture (RA40):</b> This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. General and Intensive agriculture are allowed uses.</p> <p>Density is 20-160 acres/unit</p>	<p>The Applicant is proposing to continue an existing commercial cannabis cultivation operation consisting of 12,970 square feet of outdoor and 5,270 square feet of mixed light on lands designated as Residential Agriculture. Intensive agriculture and agriculture product processing are allowable use types for this designation.</p> <p>The MMRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The existing cultivation is considered an agricultural use, and the processing facility and supportive infrastructure may be considered accessory to the agricultural use.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Access to the site from a private non-County maintained road. The project parcel access road was evaluated by the applicant and deemed equivalent to Category 4 Standards for the segment of private access road that runs north-south from the south of highway 36.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development, however, the project will not preclude any future residential development if in conformance with the General Plan and Zoning designations. The project site does contain an existing single-family residence which will remain. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space</p> <p>Chapter 10 Public Lands Section 4.7</p>	<p>Goals and policies contained in this chapter present a framework of goals and policies for use and protection of all the natural resources and open space assets of the county, including agricultural production.</p> <p>Public lands policy PL-P6 requires that discretionary review of permit applications adjacent to public lands shall consider impacts to public lands and consistency with applicable management plans.</p>	<p>Cannabis cultivation is an agricultural activity and an allowable use type in this designation, consistent with this policy.</p> <p>The project is adjacent to public lands (Six Rivers National Forest) which is managed by the United States Forest Service, but cultivation activities are located more than 600 feet from the National forest.</p>



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The project is located within an Open Space Action Program because the project site is planned Residential Agriculture (RA) and zoned Forest Recreation (FR). The project can be found consistent with the Open Space Plan and Open Space Action Program because the proposed project is consistent with the allowable uses of the Land Use Designations. General agriculture is a use type permitted in the Residential Agriculture land use designation. General agriculture is also a principal permitted use in the FR zoning district. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The project site does not contain any observations of sensitive species. The project parcel is located adjacent to potential Northern Spotted Owl (NSO) habitat. The Activity Center (AC) is located approximately 0.7 miles from the southwestern cultivation area and another AC 0.9 miles from the southeastern cultivation area. Standard conditions and based upon CDFW conditions for similar projects have been included as ongoing conditions of approval.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p>	<p>The Sonoma State University Anthropological Center prepared a Preliminary Report Archaeological Survey of Cultivation Areas on the project parcel. A records search was conducted, consultation with the Native American Heritage Commission and local Native American tribal representatives was conducted; and intensive pedestrian field survey of the entire Project area was conducted. The TPHO of the Bear River Band of the Rohnerville Rancheria was contacted during the investigation. The report finds that</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation</p>	<p>no historical or archaeological resources were identified as a result of the investigation. The project was referred to the TPHO of the Bear River band of the Rohnerville Rancheria. The TPHO requested inadvertent archaeological discovery protocol for the project and additionally that the applicant allow the Bear River Band of the Rohnerville Rancheria to investigate the project premise for archaeological deposits due to the survey's lack of adequate coverage. Following the investigation, Bear River may submit further recommendations in addition to the inadvertent discovery protocol.</p> <p>The standard inadvertent archaeological discovery language was included as an ongoing Condition of Approval for this permit and a standard condition of approval was added to address the additional condition to allow Bear River to access and spot-check the site the spring/summer of 2020.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves the cultivation of approximately 12,970 sf outdoor and 5,270 sf of mixed light commercial cannabis cultivation on an approximately 40-acre parcel. The project is located on lands that are only accessible via private roads and is not located in proximity to any scenic highway or roadway. The outdoor cultivation does not include the use of artificial light and the project will not create new sources of light and/or glare. However, the 5,270 sf of mixed light cultivation will use supplemental lighting. The CMMLUO requires that mixed-light cultivation activities comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Compliance with these requirements have been added as conditions of approval to the proposed project.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at delisting water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 1 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained NorthPoint Consulting Group for the preparation of a Site Management (SMP). The SMP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The SMP identified the operation as meeting all of the Standard Conditions and where mitigation measures are needed to meet compliance. Completion of the mitigation measures identified in the SMP is a Condition of Approval of this permit. Completing these measures will ensure that this project conforms to the requirements of the General Plan.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The project has been conditioned, per the recommendation of the Division of Environmental Health (DEH), to the no processing to commence onsite until such time that a an acceptable site suitability report can establish potential for an Onsite Wastewater Treatment System (OWTS) and meets the NCRWQCB's Standard Condition 11 relating to OWTS. Further, an additional condition of approval was included, per the recommendation of DEH, that an invoice or equivalent documentation be provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of the annual permit.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures. The operation relies on solar panels and generators for electricity. Generator use for the operation is necessary only for fans to dry cannabis in the storage sheds and eventually, a dedicated shed. Noise created from the generators was reported to comply with the standards set forth in Section 55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005 which limits the combined decibel level for all noise sources to 60 decibels at the property line. The project has been conditioned to restrict the cumulative noise released from generators/fans to be no more than 60 decibels measured from 100 feet.</p>
Safety Element Chapter 14  Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards,</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The site is situated in an area identified by the County as High Geologic Instability. A Professional Engineer conducted a soils investigation and determined that the soils at the site are capable of providing adequate support for the proposed construction, as well as the existing structures onsite. The applicant must secure a grading permit and as part of the permit the applicant will, at a minimum, incorporate the standard erosion control measures enumerated in the General Plan. Additional erosion control measures that shall be implemented have been identified in the Site Management Plan. These measures are a condition of approval of this permit.</p>
Safety Element Chapter 14  Flooding	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at more than 800 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas</p>	
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations;</p>	<p>The subject parcel is located within an area with a very high hazard severity ratings. The property is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The applicant shall demonstrate compliance with these standards as part of receiving their building permit. The project has one (1) dedicated 2,500-gallon water storage tank located on site, as well as an emergency vehicle turnaround. This, as well as continued conformance to all other fire safe requirements are added as conditions of approval to the project.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>To implement this policy, conditions of approval for the project require the applicant to contact the local fire service provider (Southern Trinity Volunteer Fire Department and USDA Forest Service) and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.</p>	<p>As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. Sources of greenhouse gas (GHG) emissions may include vehicle trips to the site and use of a generator. The applicant states that four (4) will be required to meet operational demands. Carpooling would be utilized by employees to minimize the quantity of GHG emissions from vehicle trips. The quantity of greenhouse gas emissions generated from the project is expected to be less than significant.</p>

**2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2  Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The subject parcel known as APN 208-112-024 is a legal parcel shown as Parcel 12 on Amended Record of Survey showing a portion of the which map is on file in the Recorder's Office of Humboldt County, California, in Book 23 of Surveys, Page 16 inclusive, recorded February 1967.  There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.3  Forestry Recreation (FR)  §314-17.1  "B" Combining Zone	<p><b>Forestry Recreation (FR-B-5(40)):</b> Intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.</p> <p><b>B - Special Building Site:</b> Intended to be combined with any principal zone in which lot area and yard requirements should be modified. In B-5 zones, minimum parcel size is determined as specified on zoning maps designating in any such zone.</p>	The applicant is seeking a Conditional Use Permit for an 12,970 sf outdoor and 5,270 sf of mixed light commercial cannabis cultivation on a property zoned FR-B-5(40). The proposed use is specifically allowed with Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size	40 acres	The subject parcel is approximately 40 acres.
Maximum Ground Coverage	None specified	Less than 25,000 square feet, ~1.5%
Minimum Lot Width	200 feet	1200 feet
Maximum Lot Depth	None specified	1627 feet
Setbacks  Front: 20 feet  Rear: 20 feet  Side: 10 feet  SRA setback from all property lines: 30 feet		Front, east property line: ~35 feet.  Rear, west property line: ~340 feet.  Side, south property line: ~333 feet.  Side, north property line: ~120 feet.
Max. Building Height	35 feet	Less than 35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	Streamside management areas have been identified in the project parcel and all project operations are outside of the required buffers.
§314-109.1.2.9 Off-Street Parking  Parking Spaces for the Uses Not Specified	Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required.  *Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.	The cultivation is anticipated to have up to four (4) employees who drive to the site daily. The site plan does indicate designated parking areas, sufficient space is available for four (4) vehicles.

<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§ 314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	In FR zoning districts on parcels one acre or larger, outdoor and mixed-light cultivation may be permitted.	The Cultivation Area verification by the Planning Division confirms evidence of 12,970 sq. ft. of outdoor and 5,270 sf of mixed light cannabis cultivation prior to January 1, 2016.  In accordance with the referenced section the applicant has applied for the necessary CUP due to the parcel being greater than one acre in size and the cultivation area being greater than 10,000 square feet outdoor.
§314-55.4.8.2	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	No observed conversion has occurred since the adoption of the CMMLUO. No trees are proposed to be removed as part of the project.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Planning Department, Sunny Slope Ranch, LLC, the applicant, holds no other permits and is entitled to four. This application is for one permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	The applicant will use a licensed third-party processor.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	A Commercial Cannabis Registration Form for the site was filed with the Planning Division on October 12, 2016.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows that all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p>	<p>The applicant sources irrigation from rainwater catchment. A Site Management Plan prepared by NorthPoint Consulting Group July 2018 to satisfy the conditions of Tier 1 enrollment for the State Water Resources Control Board Order no. WQ 2017-0023-WQ and Order No. 2015-0023 for the North Coast Regional Water Quality Control Board. A condition has been applied to the project to adhere to Site Management Plan mitigation and compliance measures.</p>
<p>§314-55.4.11.d Performance Standards-Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>The applicant's site plan shows that the cultivation area conforms to the 600-foot setback for schools, school bus stops or places of religious worship. A response from the Tribal Historic Preservation Officer did not identify any nearby Tribal Cultural Resources. Conditions of approval have been included related to inadvertent discovery protocol.</p>
<p>§314-55.4.11.o Performance Standards-Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service</p>	<p>As discussed above the primary power source for the project existing solar power, with backup generators. The large parcel, and interior location of project activities prevents the generator noise from being heard by neighbors. A sound analysis of the generators was reported by the applicant that demonstrates that the generators meet the noise performance standards and specifies additional secondary containment on the loudest model in use. The project parcel is located adjacent to potential Northern Spotted Owl (NSO) habitat. The Activity Center (AC) is located approximately 0.7 miles from the southwestern cultivation area and another AC 0.9 miles from the southeastern cultivation area. Standard conditions and based upon CDFW conditions for similar projects have been included as ongoing conditions of approval.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMLLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on October 12, 2016.</p>

**4. Public Health, Safety and Welfare:** The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.

**5. Residential Density Target:** The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The property was not included in the 2014 Housing Inventory and is not in a Housing Opportunity Zone. The project does not involve housing, but does not limit the ability of the parcel to be developed for residential uses if in conformance with the General Plan and Zoning designations. It is developed with a residence structure which will remain. The project is in conformance with the standards in the Housing Element.

**6. Environmental Impact:** The following table identifies the evidence which supports finding that the proposed development will not adversely impact the environment.

<p>California Environmental Quality Act §15164</p>	<p>Addendum to an EIR or Negative Declaration.</p>	<p>As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is a Conditional Use Permit for the approval of existing cultivation, eventual on-site processing, and appurtenant propagation facilities. The environmental document on file includes detailed discussions of all the relevant environmental issues.</p>
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**ATTACHMENT 3**

**CEQA ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION FOR THE  
COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE**

**Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration (MND)  
(State Clearinghouse # 2015102005), January 2016**

**APN 208-112-024, 26980 State HWY 36, Bridgeville, *County of Humboldt***

**Prepared By  
Humboldt County Planning and Building Department  
3015 H Street, Eureka, CA 95501**

**March 1, 2020**



## Background

**Modified Project Description and Project History** - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting."

The modified project involves a Conditional Use Permit (CUP) for an existing 12,970 square foot (SF) outdoor and 5,270 SF mixed light commercial cannabis cultivation operation on a 40-acre parcel. 255,250 gallons (14 gallons per square foot). Water is sourced from rainwater catchment. The applicant utilizes drip emitters hand waters cultivation areas and feeds with liquid nutrients. Water storage currently consists of 467,000 gallons between several tanks and basins: five (5) 2,500 tank, two (2) 1,000 gallon tanks, and a 500,000 capacity rainwater catchment basin. Water is applied via drip irrigation and supplemental hand watering. Existing water storage complies with the California Department of Forestry and Fire Protection (CAL FIRE) State Responsibility Area (SRA) water storage requirement of 2,500 gallons.

Drying/curing of harvested commercial cannabis will occur on-site within the drying facility, as specified on the site plan, which is equipped with ventilation fans. According to the operations plan, processing will occur off-site by a licensed third-party processor until such time as a processing facility is permitted. One (1) full time employee is proposed. Power to the site is provided by one solar array and two portable generators.

The project parcel is located adjacent to potential Northern Spotted Owl (NSO) habitat. The Activity Center (AC) is located approximately 0.7 miles from the southwestern cultivation area and another AC 0.9 miles from the southeastern cultivation area. Prohibition of use of synthetic netting, refuse contained in wildlife proof storage containers, noise containment structures for the generators, lighting conditions to meet International Dark Sky Association standards, prohibition on anticoagulant rodenticides, requirements to leave wildlife unharmed have all been added in the ongoing conditions of approval. The operation uses solar and generators, and generators are only used for fans associated with drying the cannabis.

A preliminary cultural resources investigation for the project site was conducted by Sonoma State University in August of 2018. The survey, along with historical records searches and correspondence with the Bear River Band Tribal Historic Preservation Officer (TPHO), was documented in a Cultural Resources report that indicated that no historical or archaeological resources were identified on this property. The report recommended inadvertent discovery protocol for any resources discovered during project activities. The TPHO of the Bear River Band of the Rohnerville Rancheria stated that the survey did not sufficiently cover the project area. As a result, the TPHO requested, in addition to the recommended inadvertent discovery protocol, that the site be spot-checked for archaeological deposits in the Spring/Summer of 2020. The THPO also reserved the right to make further recommendations for the project parcel reflective of their findings. The project has been conditioned accordingly.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise, light, and other standards to limit disturbance to

wildlife, compliance with all state agency requirements, and compliance with setback requirements.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;  
or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize an existing 11,182 square feet outdoor cannabis cultivation and minor improvements necessary to bring the operation into compliance with the CMMLUO, as well as the special permit for a reduction to the required setback to public lands, is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents:

- A preliminary cultural resources investigation for the project site was conducted by Sonoma State University in August of 2018.
- An Engineering Geologic Evaluation of Existing Cultivation Areas for APN 208-112-024 prepared by SHN Consulting.

- Site Management Plan for APN 208-112-024 prepared by NorthPoint Consulting Group, July, 2018.
- Lake and Streambed Alteration Agreement for APN 208-112-024 filed with the California Department of Fish and Wildlife July 18, 2016.
- Road Evaluation Report prepared by applicant April 23, 2018.
- Operations Plan and Site Plan for Sunny Slope Ranch, LLC on APN 208-112-024, both updated in 2019.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

### **EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT**

See Purpose statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted. Based upon this review, the following findings are supported:

### **FINDINGS**

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.

## ATTACHMENT 4

### Applicant's Evidence In Support of the Required Findings

Attachment 4 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Revised April 2019, Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Revised April 2019, Attached separately)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attached)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Required as a Condition of Approval)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. Lake and Streambed Alteration Agreement July 18, 2016. (Attached separately)
16. Site Management Plan, prepared by NorthPoint Consulting Group dated July, 2018. (Attached)
17. DEH Worksheet. (On file)
18. Road Evaluation Report prepared by Sunny Slope Ranch LLC April 23, 2018 for the private access road from Hwy 36 to APN 208-112-024. (Attached separately)
19. Engineering Geologic Evaluation of Existing Cultivation Areas Report prepared by SHN Engineering August 21, 2019. (Attached separately)

## ATTACHMENT 5

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Approval	Attached
Public Works Land Use Division	✓	Other Comments	Attached
Division Environmental Health	✓	Approval	On file with Planning
CA Department of Fish & Wildlife		No response	
NWIC	✓	Confidential	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Confidential	On file with Planning
Army Corps of Engineers		No Response	
Humboldt Bay Municipal Water District		No Response	
Humboldt County Sheriff		No Response	
CalFire	✓	Conditional Approval	Attached
County Counsel		No response	
RWQCB		No response	
NCUAQMD		No response	
CA Division of Water Rights		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Southern Trinity Joint Unified School District		No response	
Mad River Jt. Unified School District		No response	
Ruth Lake Community Services District		No response	
US Forest Service		No response	



**HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541**

1/15  
#28

6/5/2018

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, California Department of Transportation District #1, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sheriff's Department, Bridgeville Fire Protection District, Carlotta Fire Protection District, Bridgeville School District, Fortuna Union School District

TAD 707-768-3695

208-112-024

**Applicant Name** Sunny Slope Ranch, LLC **Key Parcel Number** 208-112-024-000

**Application (APPS#)** 11296 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-221

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

**Return Response No Later Than 6/20/2018** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

**We have reviewed the above application and recommend the following (please check one):**

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested Conditions Attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.
- Other Comments: \_\_\_\_\_

DATE: 3-1-19 PRINT NAME: M. Damian



HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

PROJECT REFERRAL TO: Public Works Land Use Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sheriff's Department, Bridgeville Fire Protection District, Carlotta Fire Protection District, Bridgeville School District, Fortuna Union School District

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Applicant Name Sunny Slope Ranch, LLC Key Parcel Number 208-112-024-000

Application (APPS#) 11296 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) CUP16-221

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We have reviewed the above application and recommend the following:

Other Comments

Comments:

See Public Works Memo dated 3-06-2018

Response Date: 3/6/2018 Recommendation By: Ken Freed



## Zander, AnaCena

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**From:** HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>  
**Sent:** Thursday, September 21, 2017 2:44 PM  
**To:** Planning Clerk  
**Subject:** FW: 208-112-024 Sunny Slope Ranch, LLC



Chris Ramey  
Battalion Chief, Fire Planning

### **CAL FIRE**

Humboldt-Del Norte Unit  
C: 707-599-6442  
Duty Days: Tues-Fri

**From:** Lee, Bo@CALFIRE  
**Sent:** Sunday, September 17, 2017 10:16 AM  
**To:** HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>  
**Subject:** 208-112-024 Sunny Slope Ranch, LLC

Reviewed by B1213. Recommend:

- Signing & building numbers
- Emergency water standards
  - Designated water storage for fire
- Fuel modification standards

Bo Lee  
Battalion Chief  
CAL FIRE  
Humboldt-Del Norte Unit  
707-499-2244