



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: May 7, 2020

To: Humboldt County Planning Commission

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

Subject: **Skyline Farms, LLC, Conditional Use Permit**
Record No.: PLN-11718-CUP
Assessor's Parcel Numbers: 220-312-002 & 222-163-001
1525 Seely Creek Road, Redway area

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Please contact Keenan Hilton, Planner, at (707) 268-3722, or by email at khilton@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date May 7, 2020	Subject Conditional Use Permit	Contact Keenan Hilton
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Project Description: Conditional Use Permit for existing 20,000 square foot (sf) outdoor cultivation operation, and a 2,000-sf ancillary nursery in two temporary hoop structures. The operation occurs on Assessor Parcels 220-312-002 & 222-163-001 which comprise one legal parcel. Cultivation activities extend from February to November and include two harvests per year. The applicant estimates water demand to total 188,000 gallons per year. Existing water storage consists of six 5,000-gallon tanks, five 2,500-gallon tanks, two 20,000-gallon bladders, one 25,000-gallon rainwater catchment tank and one 30,000-gallon rainwater catchment pond totaling 137,500 gallons. The applicant proposes the construction of an approximately 317,000-gallon rainwater catchment pond to meet irrigation demands. Irrigation occurs via hand watering and drip tape. Processing would occur on site in a proposed 1,200 square foot commercial facility. The project would require three permanent employees and up to three seasonal employees during harvest and processing season. An off-grid solar system would provide power for the nursery lights and fans. A generator that would be housed in a vented and sound-insulated shed would provide power to dry the cannabis in October and November and backup power for cultivation operations.

Project Location: The project is located in the Briceland area, on the east and west sides of Seely Creek Road, approximately 2 miles North from the intersection of Briceland Thorne Road and Seely Creek Road, on the property known as 1525 Seely Creek Rd.

Present Plan Land Use Designations: Residential Agriculture (RA-40), Density: 40 acres per dwelling unit, Slope Stability: Moderate Instability (2)

Present Zoning: Agriculture Exclusive (AE), Timber Production Zone (TPZ)

Record No.: PLN-11718-CUP

Assessor Parcel Number: 220-312-002 & 222-163-001

Applicant	Owner	Agent
Skyline Farms, LLC PO Box 991 Redway, CA 95560	Shanon and Casandra Taliaferro PO Box 991 Redway, CA 95560	Same as Applicant

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

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

Major Issues: None.

SKYLINE FARMS, LLC

Record No.: PLN-11718-CUP

Assessor's Parcel Numbers (APNs): 220-312-002 & 222-163-001

Recommended Planning Commission Action:

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) 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 Skyline Farms, LLC, Conditional Use Permit s as recommended by staff subject to the recommended conditions.

Executive Summary

The proposed Conditional Use Permit (CUP) would allow an existing outdoor cultivation area of approximately 20,000 square feet, and a 2,000-sf ancillary nursery on a legal parcel of approximately 88 acres described by two APNs 220-312-011 & 222-163-001 (subject parcel). The Cultivation and Operations Plan describes 2,000 sf of nursery space while the Site Plan depicts 5,000 sf of nursery space. Discussed in greater detail below, the 2,000-sf size is allowable while the 5,000-sf size is out of proportion with the 20,000-sf cultivation area. Conditions of approval require that the Site Plan be revised to reflect 2,000 sf of nursery space.

Total cultivation on the property would not exceed 20,000 square feet. Cultivation-related buildings on the property include hoop structures for light deprivation cultivation and ancillary nursery use, two shipping containers, a generator shed, three drying and storage sheds, a yurt for drying a storage and a proposed processing facility to be constructed to a commercial standard. There are also four structures which house workers on the site. Conditions of approval require the after-the-fact permitting of all structures over 120 sf that have a nexus to the cannabis cultivation operation.

Cultivation activities typically begin in April when the applicant starts plants from either seed or clone in the nursery. These are transplanted to either beds or pots in May. There would be two harvest cycles from the outdoor greenhouses (no artificial lights). The Cultivation and Operations Plan describes 2,000 sf of ancillary nursery space. The Site Plan includes 5,000 sf of ancillary nursery space. 5,000 sf is inconsistent with Planning Department approach on untaxed artificially lit nursery space. The department allows for an area of approximately 10% of the cultivation area to be used as ancillary nursery space. The proposal in the Cultivation and Operations plan of 2,000 sf is consistent with these requirements. Condition of approval require that a revised site plan be submitted to correct the amount to 2,000 sf. Conditions of approval require compliance with the International Dark Sky Association Standards, the applicant plans to use black out tarps during sunset hours.

Processing would occur onsite in a proposed structure. Conditions of approval require that the structure be built to a commercial standard pursuant with departmental policy.

Relocation occurred after 2016 including the use of a previously undeveloped area. Conditions of approval require that the cultivation be discontinued at this middle site and that the applicant prepare a restoration plan subject to approval by the Planning Department.

The applicant estimates water demand to total 188,000 gallons per year. Existing water storage consists of six 5,000-gallon tanks, five 2,500-gallon tanks, two 20,000-gallon bladders, one 25,000-gallon tank, and one 30,000-gallon rainwater catchment pond totaling 137,500 gallons. Use of the 30,000-gallon pond would be discontinued upon completion of a proposed 317,000-gallon rainwater catchment pond. A Lake and Streambed Alteration Agreement (LSAA) has been fully executed for improvement of the existing pond and for the construction of the rainwater catchment pond as of August 31, 2018. Conditions of approval require that the use of the bladders be discontinued.

One existing septic system is associated with a residence on the site. One septic system is proposed in association with the processing facility. It is proposed to be constructed to accommodate use by the maximum number of employees (six).

The applicant prepared a Water Resource Protection Plan (WRPP) consistent with North Coast Regional Water Quality Control Board Order No. 2015-0023. The WRPP makes recommendations for decommissioning a quad trail, removing several gas barrels, reconfiguration of the cultivation area, the installation of a septic system and the installation of an agricultural pond. Remediation actions identified in the WRPP are included as conditions of approval.

The applicant has a final LSAA on file, dated August 31, 2018. The two points of notification were the existing pond and the proposed pond. Upon completion of the proposed pond, use of the smaller existing pond would be discontinued for domestic and irrigation purposes. It would be used solely for fire suppression. CDFW recommendations have been included as conditions of project approval, requiring that the pond be designed to hold only the water necessary for the proposed uses, that the applicant install an overflow spillway to withstand a 100-year flood event and that the applicant install several exit ramps for wildlife.

All cultivation areas are located more than 600 feet from mapped streams. A Biological Assessment prepared for the parcel found that there were wet areas, but none that met U.S. Army Corps of Engineers three-parameter designation. The proposed water source for the project is rainwater catchment with an existing pond, twelve tanks, and two bladders totaling 137,500 gallons. The applicant proposes the construction of a 317,000-gallon rainwater catchment pond.

An off-grid solar system would provide power for the nursery lights and fans. A generator that is housed in a vented and sound-insulated shed would provide power to dry the cannabis in October and November and backup power for cultivation operations. There are documented Northern Spotted Owl (NSO) observations approximately 1.2 miles from the project site. Approximate 1.6 miles from the project site are public lands classified as critical habitat for NSO and Marbled Murrelet. However, a neighbor prepared a Timber Harvest Plan covering several properties directly adjacent to the subject parcel. Protocol level surveys for NSO were performed on these properties with two responses to hooting in three years.

CDFW responded to the project raising the following concerns:

1. Request that pond design and management include the following elements:
 - a. The pond shall hold the amount of water required for cannabis cultivation and domestic uses
 - b. The pond shall be outfitted with an overflow spillway with a minimum of two-feet of freeboard that will withstand a 100-year flood event, designed with a dispersal mechanism, or low impact design, that discourages channelization and promotes dispersal and infiltration or flows to prevent surface overflow from reaching waters of the state.

- c. The pond shall be outfitted with several securely fixed exit ramps made of solid material (e.g. wood) with no greater than 2:1 slope to prevent wildlife entrapment.
 - d. The applicant shall have a plan consistent with the CDFW Standard Bullfrog Management Plan.
 - e. The pond shall not be stocked with fish unless it occurs pursuant to Section 6400 of the Fish and Game Code.
2. Prohibition on synthetic netting.
 3. Leave wildlife unharmed.
 4. Proper waste disposal.
 5. Limit project related noises to 50 dB when measured at 100 feet.
 6. Potential to affect other sensitive species.

Compliance with state agencies including CDFW is an ongoing condition of project approval. Amending the issued, final 1600 agreement is included as a condition of project approval. Compliance with the standard Bullfrog Management Plan is an ongoing condition of approval. The generators are proposed for use inside of a garage. Ongoing conditions of approval require that noise levels not exceed 50 dB when measured at 100 feet or at the edge of habitat, whichever is closer. Ongoing conditions of approval require compliance with the International Dark Sky Association Standard Lighting Zone 0. Further, conditions of approval require that the applicant refrain from use of monofilament netting, that the applicant appropriately store and dispose of waste, and that the applicant leave any wildlife encountered on the site unharmed.

Because an NSO protocol level survey was performed from 2016 - 2018 covering several of the properties directly adjacent to the subject parcel, and because the project is designed and conditioned to assume the potential presence of NSO, protocol level surveys will not be included as a condition of approval. The use of generators would be permitted at all times of the year since the applicant must meet a heightened performance standard. The proposal of the applicant does not include any generators or fans within 200 feet of naturally occurring surface water.

The parcel is accessed by a 1.5-mile section of Seely Creek Road, which is maintained privately by the Seely Creek Road Association. Seely Creek Road connects with the County-maintained Briceland-Thorn Road. The applicant has completed a Road Evaluation Report certifying that the entire length of Seely Creek Road is equivalent to a road category 4 standard. The project was referred to the County Department of Public Works (DPW) that recommended conditional approval. Conditions of approval include compliance with intersection visibility standards and improving the intersection of Seely Creek Road and Briceland-Thorn Road. Any improvements require the applicant to obtain an encroachment permit from DPW prior to completion.

The security plan includes a locked gate at the entrance to the property. There are cameras and security lights over the parking areas, cultivation areas, buildings, and gates. Safety practices include maintaining work surfaces in clean, sanitary condition.

Environmental review for the proposed project as initially proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation project was 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 only.

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 potentially significant impacts. As Lead Agency, the Department has determined that the Project is consistent with the adopted Mitigated Negative Declaration prepared for the Commercial Medical Marijuana Lane Use Ordinance. 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 COMISSION

OF THE COUNTY OF HUMBOLDT

Resolution Number 20-

Record No.: PLN-11718-CUP

Assessor's Parcel Number: 220-312-002 & 222-163-001

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Skyline Farms, LLC, Conditional Use Permit request.

WHEREAS, Skyline Farms, LLC submitted an application and evidence in support of approving the Conditional Use Permit to permit an existing twenty thousand (20,000) square feet of existing outdoor cultivation and two thousand (2,000) square feet of ancillary propagation space;

WHEREAS, the County Planning Division has reviewed the submitted applications and supporting substantial 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 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 substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Record No.: PLN-11718-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 Zoning Administrator that the following findings be and are hereby made:

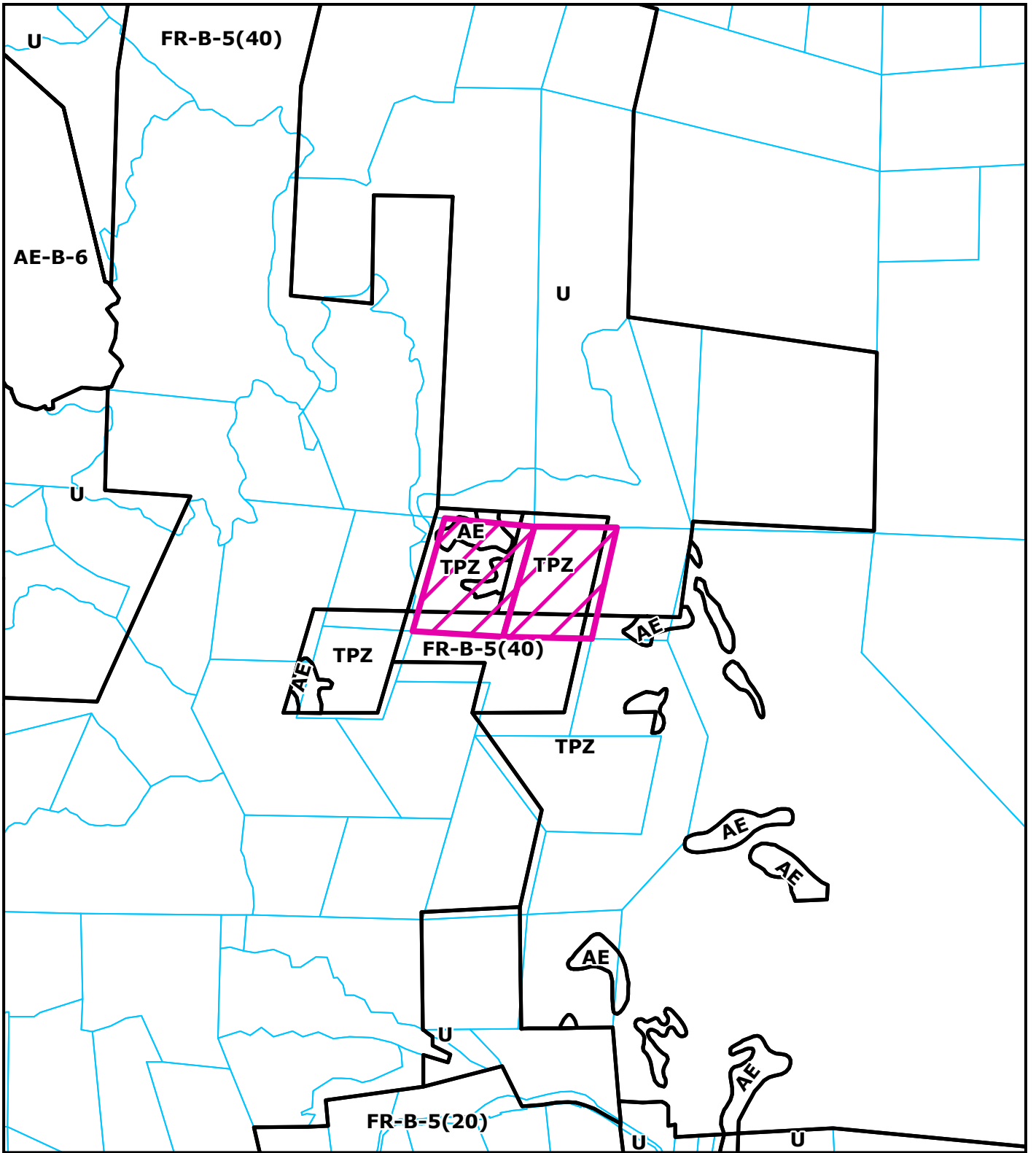
1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes all the required findings for approval in Attachment 2 of the Planning Division staff report for Record No.: PLN-11718-CUP based on the submitted substantial evidence; and
3. Conditional Use Permit Record No.: PLN-11718-CUP are approved as recommended and conditioned in Attachment 1.

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

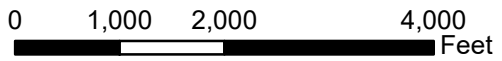
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department

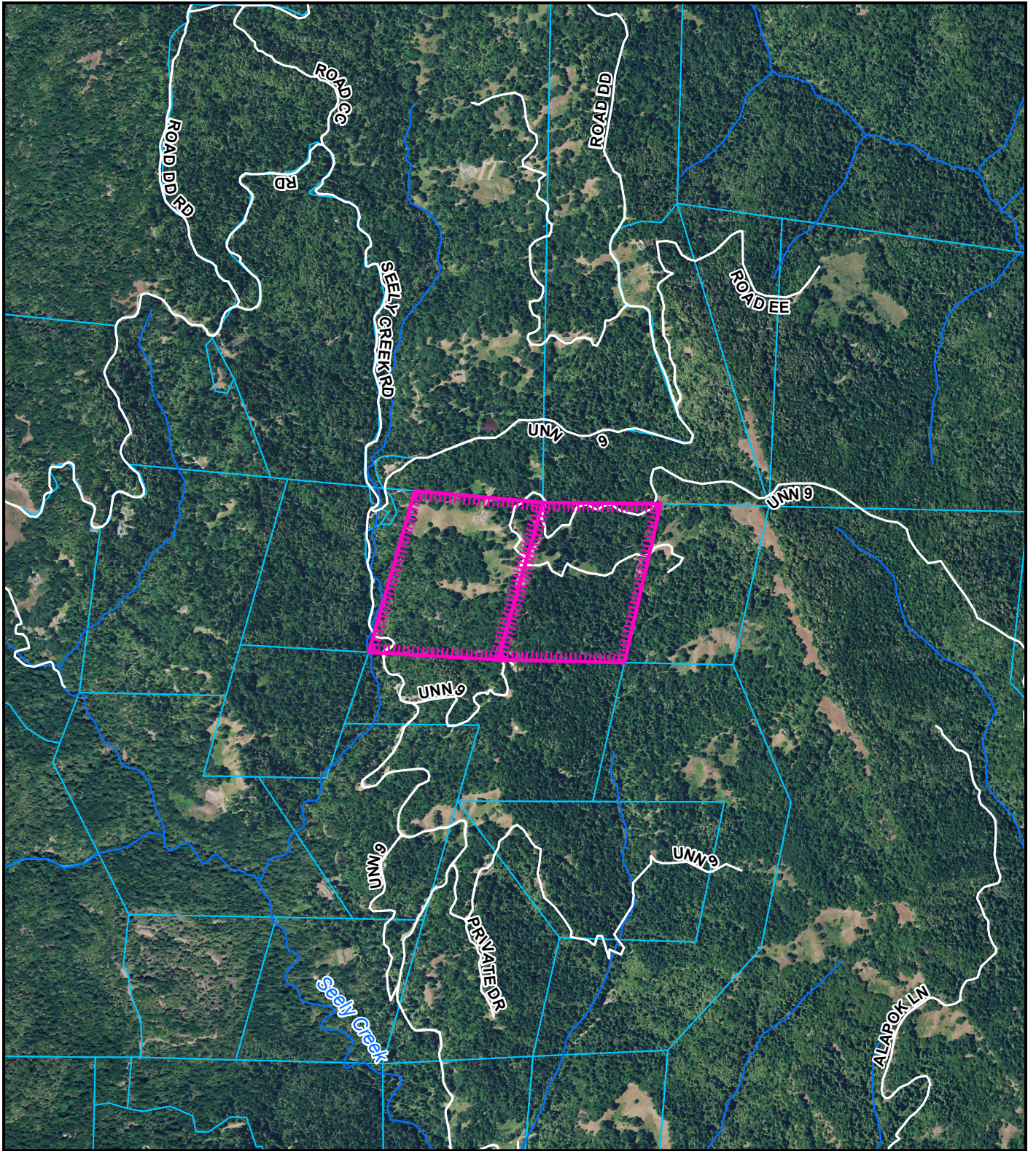


Project Area = 

ZONING MAP
PROPOSED SKYLINE FARMS, LLC
BRICELAND AREA
PLN-11718-CUP
APN: 220-312-002; ET AL.
T04S R03E S5; S4 HB&M (MIRANDA)

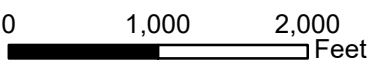


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Project Area = 

AERIAL MAP
PROPOSED SKYLINE FARMS, LLC
BRICELAND AREA
PLN-11718-CUP
APN: 220-312-002; ET AL.
T04S R03E S5; S4 HB&M (MIRANDA)



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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.

1. Within 60 days of the effective date of permit 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 5 – 15. 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. Within 60 days of the effective date of project approval, the applicant 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.
3. Within 60 days of the effective date of project approval, the applicant shall provide a review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00), to be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
4. Within 60 days of the effective date of project approval, the applicant shall submit a revised site plan with the following revisions:
 - a) Identify the middle garden site that was developed after 2016 that is to be restored
 - b) Revise the square footage of the nursery structure to be +/- 2,000 square feet
5. The applicant shall construct the proposed rainwater catchment pond, incorporating the following elements:
 - a) The pond shall hold the amount of water required for cannabis cultivation and domestic uses
 - b) The pond shall be outfitted with an overflow spillway with a minimum of two-feet of freeboard that will withstand a 100-year flood event, designed with a dispersal mechanism, or low impact design, that discourages channelization and promotes dispersal and infiltration or flows to prevent surface overflow from reaching waters of the state.
 - c) The pond shall be outfitted with several securely fixed exit ramps made of solid material (e.g. wood) with no greater than 2:1 slope to prevent wildlife entrapment.
6. The applicant shall submit a restoration plan for the decommissioned cultivation area between the two principle gardens for review and approval by planning department staff to include, at a minimum, the removal of all cultivation materials, erosion control as applicable and replanting with native species.
7. The applicant shall complete all work as prescribed in the restoration plan approved by county staff.
8. The application shall provide evidence that all recommended actions prescribed in the Water

Resource Protection Plan have been completed.

9. The applicant shall secure permits or agricultural exemptions for the hoop structures, the drying shed, the shipping containers, the proposed processing facility, employee housing (if applicable), the 25,000-gallon tank, the 30,000-gallon pond, the yurts (as applicable). A copy of the receipt and finalized inspection record card(s) or equivalent shall satisfy this condition.
10. The applicant shall provide the Planning Department of copy of the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed.
11. The applicant shall provide a copy of the Notice of Applicability from the SWRCB.
12. The applicant shall provide substantial evidence that the intersection of Seely Creek Road and Briceland Thorne Road has been improved by paving Seely Creek Road to a minimum of twenty feet in width and fifty feet in length and bringing the intersection into conformity with the Sight Visibility Ordinance. A copy of the approved encroachment permit and photos of the improvements would satisfy this condition.
13. The applicant shall contact Briceland 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. 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.
14. The applicant shall provide evidence that water bladders are no longer in use on the site.
15. Water meters shall be installed to measure water usage for irrigation. A copy of the monthly water records shall be kept on-site and made available to the Department as requested.

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. The applicant shall implement measures consistent with the standard CDFW Bullfrog Management Plan.
3. The access road shall be maintained to provide safe ingress and egress for the anticipated traffic and emergency response vehicles.
4. The noise produced by any generator, fan, dehumidifier, pump or any other noise producing element of the project shall not exceed 50 decibels at 100 feet from the noise source or at the edge of habitat, whichever is closer.

5. The applicant shall contain the lights used in the ancillary nursery meeting the International Dark Sky Standard Lighting Zone 0.
6. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
7. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
8. The use of monofilament netting for all uses 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.
9. The applicant shall remain in compliance with Streambed Alteration Agreement 1600-2018-0091-R1.
10. 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 SWRCB.
11. Logs of monthly water use shall be kept on site and made available during the annual inspection.
12. 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.
13. 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 and 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.
14. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
15. 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.
16. 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 County Code Section 55.4.11(d).

17. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
18. 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).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application and annual inspection fees.
21. 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 spige occurs.
22. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).

Performance Standards for Mixed-Light Cultivation

24. Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
25. 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 spige onto neighboring properties resulting from backlight, up light, or glare. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within 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.

Performance Standards for Cultivation and Processing Operations

26. 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."
27. 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).

28. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.

29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. 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:
 - i. Emergency action response planning as necessary;
 - ii. Employee accident reporting and investigation policies;
 - iii. Fire prevention;
 - iv. Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - v. Materials handling policies;
 - vi. Job hazard analyses; and
 - vii. Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - i. Operation manager contacts;
 - ii. Emergency responder contacts;
 - iii. Poison control contacts.
 - c. 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.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

30. All cultivators shall comply with the approved Processing Plan as to the following:
 - a. Processing Practices.
 - b. Location where processing will occur.
 - c. Number of employees, if any.
 - d. Employee Safety Practices.
 - e. Toilet and handwashing facilities.
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - g. Drinking water for employees.
 - h. Plan to minimize impact from increased road use resulting from processing.
 - i. On-site housing, if any.

31. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation Conditional Use Permit issued pursuant to the CMMLUO shall expire after 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.

32. 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 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 Conditional Use 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 of the CMMLUO.
33. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Conditions of Approval above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
34. 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.
35. Permittee further acknowledges and declares that:
 - a. 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 California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
 - b. 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 California Medicinal and Adult-Use Cannabis Regulation and Safety Act.
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 Condition of Approval #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 Conditions of Approval 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 Section 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 Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

- 84 A 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.

ATTACHMENT 2

Required Findings for Approval

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.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies 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; and
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.
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 CEQA Guidelines have been made.

1. The proposed development must be consistent with the General Plan. The following table identifies 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 2017 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>Residential Agriculture (RA40): This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. RA40 designations are applied to more remote, steep, and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range for RA40 is 40 acres/unit.</p>	<p>The Applicant is proposing to permit an existing commercial cannabis cultivation operation consisting of 20,000 square feet of existing outdoor cannabis cultivation on lands designated as Residential Agriculture. General and intensive agriculture and similar compatible uses are allowable use types for this designation.</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,CT-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-G2 through C-G5).</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The parcel is accessed by a 1.5-mile section of Seely Creek Road, which is maintained privately by the Seely Creek Road Association. Seely Creek Road connects with the County-maintained Briceland-Thorn Road. The applicant has completed a Road Evaluation Report certifying that the entire length of Seely Creek Road is equivalent to a road category 4 standard. The project was referred to the County Department of Public Works (DPW) that recommended conditional approval. Conditions of approval include compliance with intersection visibility standards and improving the intersection of Seely Creek Road and Briceland-Thorn Road. Any improvements require the applicant to obtain an encroachment permit from DPW prior to completion.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	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. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project would not preclude any future residential development. The project would 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.
Conservation and Open Space Chapter 10 Open Space Section 10.2	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) Related policies: CO-P1, Conservation and Open Space Program; CO-P8, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.	The proposed project is located within the Open Space Action Program because the project site is planned Residential Agriculture (RA40) and is zoned Agriculture Exclusive (AE) and Timber Production Zone (TPZ). The project can be found consistent with the Open Space Plan's Open Space Action Program because the proposed project is consistent with the permitted uses of the Land Use designations. The proposed cannabis cultivation, a permitted agricultural product, is within land planned for agricultural purposes, consistent with the type of use associated with Open Space lands for managed production of resources.

<p>Conservation and Open Space</p> <p>Chapter 10</p> <p>Biological Resources</p> <p>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 habitat on the subject parcel consists of mixed hardwood and coniferous forest dominated by Douglas fir, coast redwood and tanoak. There are also open grasslands which are dominated by native and nonnative grasses, small forbs, narrow leaved plantains with a few patches of coyote brush and poison oak. There are no streams or other wet areas in the immediate vicinity of the existing developed area footprint. The water sources for the project are one existing pond with a capacity of 30,000 gallons. The applicant also has twelve hard tanks totaling 67,500 gallons and two bladders totaling 40,000 gallons. The total water storage capacity is currently 137,500 gallons. The applicant proposes the construction of one additional rainwater catchment pond with 317,000-gallon capacity. The applicant estimates that the project will demand 188,000 gallons of water per year.</p> <p>An off-grid solar system would provide power for the nursery lights and fans. A generator that is housed in a vented and sound-insulated shed would provide power to dry the cannabis in October and November and backup power for cultivation operations.</p> <p>The applicant submitted a Biological Assessment Report prepared for the site. Existing garden sites and the proposed pond site occur in historically disturbed areas. While the biologist found a diverse range of wetland vegetation, the hydrology and soils were not characteristic of a wetland habitat. The report concludes that the project would have no significant adverse indirect impacts to the communities on the subject parcel or in the surrounding environs. The only potential significant direct impact would be if bullfrogs established a population in the pond. Ongoing conditions of approval require a bullfrog management plan consistent with the recommendations of CDFW.</p> <p>The applicant prepared a WRPP pursuant to the NCRWQCB Order No. R1-2015-</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>that the applicant refrain from use of monofilament netting, that the applicant appropriately store and dispose of waste, and that the applicant leave any wildlife encountered on the site unharmed.</p> <p>Because an NSO protocol level survey was performed from 2016 - 2018 covering several of the properties directly adjacent to the subject parcel, and because the project is designed and conditioned to assume the potential presence of NSO, protocol level surveys will not be included as a condition of approval. The use of generators would be permitted at all times of the year since the applicant must meet a heightened performance standard. The proposal of the applicant does not include any generators or fans within 200 feet of naturally occurring surface water.</p>
<p>Conservation and Open Space Chapter 10 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>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>Archaeological Research and Supply Company prepared a Cultural Resource Survey for the site, discovering no cultural resources. The THPO of the Bear River Band of the Rohnerville Rancheria responded, recommending a condition of project approval be incorporated regarding inadvertent discovery protocol. The project was also referred to NWIC who indicated that <5% of the project area was previously surveyed and that no cultural resources were identified. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</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 10.7</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 includes the use of a 2,000-sf ancillary nursery. The applicant has agreed to use black out tarps over the nursery during sunset hours in order to comply the International Dark Sky Association Standards. The 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. Ongoing conditions of approval require that the use of lights in the nursery comply with the International Dark Sky Association Standard Lighting Zone 0.</p>
<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 de-listing 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-G2, WR-G7, WR-G8, WR-G10 and WR-G11); and</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P36, Erosion and Sediment Control Measures; WR-P40, Commercial and Industrial Activities; WR-P41, Oil/Water Separation; WR-P45, Reduce Toxic Runoff.</p>	<p>The Project site falls within Tier 2 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 WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. The WRPP makes recommendations for decommissioning a quad trail, removing several gas barrels, reconfiguration of the cultivation area, the installation of a septic system and the installation of an agricultural pond. Remediation actions identified in the WRPP are included as conditions of approval.</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>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, and WR-G11)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The applicant has onsite sewage disposal system associated with the residence and yurts. The proposed septic system associated with the processing facility would be designed to accommodate 6 employees—the maximum number anticipated. The proposed sites are located approximately 1,200 feet from the nearest mapped water course, minimizing or eliminating the potential for impacts to water quality as a result of installing the proposed systems. The Department of Environmental Health (DEH) has recommended approval of the project.</p>
<p>Noise Chapter 13</p>	<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>Power for the cultivation operation is supplied by an off-grid solar array with a Honda EU3000IS generator for backup. In accordance with Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Marbled Murrelet or Northern Spotted Owl because it is within one mile of timberland. The maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat (aka the edge of the tree line), whichever is closer. The applicant provided a noise rating of 59 dB, which is consistent with these generator models. The applicant proposes to operate the generators as backup for the cultivation with more regular use while drying the cannabis in October and November. The generator would be housed in a vented, sound insulated power shed. Ongoing conditions of approval require that noise levels not exceed 50 dB when measured at 100 feet or at the edge of habitat, whichever is closer.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<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-P6. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject liquefaction. There are several areas of historic landslides on the parcel; none of the existing cultivation or appurtenant facilities occur in these mapped areas. The proposed 317,000-gallon rainwater catchment pond would occur in an area with historic landslides. Conditions of approval require that the applicant attain all necessary permits from the Building Inspection Division prior to moving forward with the construction of the pond.</p> <p>Similarly, structures involved in the cannabis operation require after-the-fact permitting. The proposed rainwater catchment pond would require permitting through the Building Division.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<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>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject parcel is outside any mapped flood hazard areas. Due to the site's location along a gently sloping ridge at an elevation of approximately 750 and 850 feet above mean sea level and its inland location, the project site is not subject to inundation from an upstream dam failure or tsunami.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14 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-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject 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 subject property contains an existing 30,000-gallon rainwater catchment pond and a proposed 317,000-gallon rainwater catchment pond which would provide fire protection in addition to cultivation needs.</p>
<p>Community Infrastructure and Services Element, Chapter 5 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 proposed project required the applicant to contact Briceland 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. 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>This Chapter relates 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>	Applications for any additional grading and or building permits shall be referred to the North Coast Unified Air Quality Management District (NCUAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCUAQMD fugitive dust emission standards.

3. Zoning Compliance and 4. 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
§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.	Originating patent 1592, broken by act of conveyance of current-day APNs 220-312-002 and 222-163-001, March 6, 1935, Book 218 of Deeds, page 145; parcels have been conveyed together since this time. There is no evidence indicating there have been any subsequent acts to merge or divide either of the parcels. The subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.1 Agriculture Exclusive (AE) §314-7.4 Timber Production Zone (TPZ)	The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. The Timberland Production or TPZ Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.	The applicant is seeking one Conditional Use Permit for an existing cannabis cultivation operation consisting of 20,000 sf of outdoor cultivation on property 88 acres in size and zoned AE and TPZ. The proposed use is specifically allowed with a Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Area:	AE: 20 acres TPZ: 160	88 acres
Minimum Lot Width:	AE: 100 feet TPZ: none specified	+/- 2,200 feet
Max. Lot Coverage:	AE: 35% TPZ: none specified	<35%
Min. Yard Setbacks (through the SRA requirements):	AE: Front: 30 feet Rear: 20 feet Side: 20 feet max TPZ: Front: 20 feet Rear: 30 feet Side: 30 feet SRA: 30 feet, all sides	Front: +/-600 feet Rear: +/- 270 feet Side: +/-600 feet

Zoning Section	Summary of Applicable Requirement	Evidence
<p>§314-61.1 Streamside Management Area (SMA)</p>	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance. Development within SMAs may include wildlife enhancement and restoration projects. The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p>	<p>All cultivation areas are located more than 600 feet from mapped streams. A Biological Assessment prepared for the parcel found that there were wet areas, but none that met U.S. Army Corps of Engineers three-parameter designation. The proposed water source for the project is rainwater catchment with an existing pond, twelve tanks, and two bladders totaling 137,500 gallons. The applicant proposes the construction of a 317,000-gallon rainwater catchment pond.</p> <p>The applicant has a final LSAA on file, dated August 31, 2018. The two points of notification were the existing pond and the proposed pond. Upon completion of the proposed pond, use of the smaller existing pond would be discontinued for domestic and irrigation purposes. It would be used solely for fire suppression. CDFW recommendations have been included as conditions of project approval, requiring that the pond be designed to hold only the water necessary for the proposed uses, that the applicant install an overflow spillway to withstand a 100-year flood event and that the applicant install several exit ramps for wildlife.</p>
<p>§314-109.1 Off-Street Parking</p>	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*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.</i></p>	<p>8 spaces</p>
<p>314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</p>		

Zoning Section	Summary of Applicable Requirement	Evidence
§314-55.4.8.2	Commercial cannabis cultivation is allowed on parcels zoned FR, on parcels 1 acre or larger. 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.	Approximately 20,000 sf of outdoor cultivation existed on the parcel prior to 2016. The parcel is forested. No timber was removed for the purpose of cannabis cultivation.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning districts AE (no parcel size limitations), RA (on parcels five acres or larger), and TC and TPZ (on parcels one acre or larger), but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed light cultivation. No expansion of the existing cultivation area shall be permitted.	Approximately 20,000 sf of outdoor cultivation occurred on the parcel prior to 2016. Conditions of project approval allow the continuation of this activity while bringing the project into compliance with county code and state law.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	This permit application is one of three applications under considered for the operators under the CMMLUO.
§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.	Processing would occur in the proposed 1,200 sf commercial structure. Conditions of approval require that the structure be built to a commercial standard.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.

Zoning Section	Summary of Applicable Requirement	Evidence
§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.
§314-55.4.11.c Performance Standards-Water	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.	The applicant estimates water demand to total 188,000 gallons per year. Existing water storage consists of six 5,000-gallon tanks, five 2,500-gallon tanks, two 20,000-gallon bladders, one 25,000-gallon tank, and one 30,000-gallon rainwater catchment pond totaling 137,500 gallons. Use of the 30,000-gallon pond would be discontinued upon completion of a proposed 317,000-gallon rainwater catchment pond. A Lake and Streambed Alteration Agreement (LSAA) has been fully executed for improvement of the existing pond and for the construction of the rainwater catchment pond as of August 31, 2018. Conditions of approval require that the use of the bladders be discontinued.
§314-55.4.11.d Performance Standards-Setbacks	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).	There are no schools, bus stops, public parks, or churches or other places of religious worship within 600 feet of the cultivation site. A Cultural Resource Survey was performed by Archaeological Research and Supply Company. The report states that no resources were discovered on the site. Per the request of the Bear River Band of the Rohnerville Rancheria, an ongoing condition of project approval is standard inadvertent discovery protocols.

Zoning Section	Summary of Applicable Requirement	Evidence
§314-55.4.11.o Performance Standards- Generator Noise	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>An off-grid solar system would provide power for the nursery lights and fans. A generator that is housed in a vented and sound-insulated shed would provide power to dry the cannabis in October and November and backup power for cultivation operations.</p> <p>There are documented Northern Spotted Owl (NSO) observations approximately 1.2 miles from the project site. Approximate 1.6 miles from the project site are public lands classified as critical habitat for NSO and Marbled Murrelet. However, a neighbor prepared a Timber Harvest Plan covering several properties directly adjacent to the subject parcel. Protocol level surveys for NSO were performed on these properties with two responses to hooting in three years. The generators are housed in an enclosed building and are conditioned to ensure noise does not rise to a level that could constitute harassment of the species.</p> <p>Because an NSO protocol level survey was performed from 2016 - 2018 covering several of the properties directly adjacent to the subject parcel, and because the project is designed and conditioned to assume the potential presence of NSO, protocol level surveys will not be included as a condition of approval. The use of generators would be permitted at all times of the year since the applicant must meet a heightened performance standard.</p> <p>Ongoing conditions of approval require that noise levels not exceed 50 dB when measured at 100 feet or at the edge of habitat, whichever is closer.</p>
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on August 16, 2016.

5. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use 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 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 would 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 any environmental damage.

6. 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
§312-17.1.5 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 parcel was not included in the 2014 Housing Inventory.

7. Environmental Impact:

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 for the approval of an existing cultivation and ancillary uses. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

CEQA Addendum

**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***

APNs 220-312-002 & 222-163-001, 1525 Seely Creek Rd, Briceland, County of Humboldt

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

March 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 for an existing 20,000 square feet (sf) of outdoor cultivation with a 2,000-sf ancillary nursery on an approximately 88-acre parcel. The operation occurs on Assessor Parcels 220-312-002 & 222-163-001 which comprise one legal parcel. Cultivation activities extend from February to November and include two harvests per year. The applicant estimates water demand to total 188,000 gallons per year. Existing water storage consists of six 5,000-gallon tanks, five 2,500-gallon tanks, two 20,000-gallon bladders, one 25,000-gallon tank, and one 30,000-gallon rainwater catchment pond totaling 137,500 gallons. The applicant proposes the construction of an approximately 317,000-gallon rainwater catchment pond to meet irrigation demands. Irrigation occurs via hand watering and drip tape. Processing would occur on site in a proposed 1,200 square foot commercial facility. The project would require three permanent employees and up to three seasonal employees during harvest and processing season. An off-grid solar system would provide power for the nursery lights and fans. A generator, housed in a vented and sound-insulated shed, would provide power to dry the cannabis in October and November and backup power for cultivation operations. The project would require, at most, six trips per day during peak activities.

The habitat on the subject parcel consists of mixed hardwood and coniferous forest dominated by Douglas fir, coast redwood and tanoak. There are also open grasslands which are dominated by native and nonnative grasses, small forbs, narrow leaved plantains with a few patches of coyote brush and poison oak. There are no streams or other wet areas in the immediate vicinity of the existing developed area footprint. The water sources for the project is a diversion from an existing pond, but the applicant proposes to discontinue use and switch to a proposed rainwater catchment pond. The capacity of the pond is 30,000 gallons. The applicant also has twelve hard tanks totaling 67,500 gallons and two bladders totaling 40,000 gallons. The total water storage capacity is currently 137,500 gallons. The applicant proposes the construction of one additional rainwater catchment pond with 317,000-gallon capacity. The applicant estimates that the project will demand 188,000 gallons of water per year.

The applicant submitted a Biological Assessment Report prepared for the site. Existing garden sites and the proposed pond site occur in historically disturbed areas. While the biologist found a diverse range of wetland vegetation, the hydrology and soils were not characteristic of a wetland habitat. The report concludes that the project would have no significant adverse indirect impacts to the communities on the subject parcel or in the surrounding environs. The only potential significant direct impact would be if bullfrogs established a population in the pond. Ongoing conditions of approval require a bullfrog management plan consistent with the recommendations of CDFW. The applicant prepared a WRPP pursuant to the NCRWQCB Order No. R1-2015-0023. Among other concerns, the report addresses potential impacts on water quality as a result of road design, materials storage, activities in proximity to wet areas. Completion of the improvements is a condition of project approval.

There are documented Northern Spotted Owl (NSO) observations approximately 1.2 miles from the project site. Approximate 1.6 miles from the project site are public lands classified as critical habitat for NSO and Marbled Murrelet. However, a neighbor prepared a Timber Harvest Plan covering several properties directly adjacent to the subject parcel. Protocol level surveys for NSO were performed on these properties with two responses to hooting in three years. The generators are housed in an enclosed building and are conditioned to ensure noise does not rise to a level that could constitute harassment of the species. Additionally, there will be no impacts from lighting because the cultivation is outdoor only, and the propagation nursery will be fully shielded.

The project does not result in a change in land use or density, and is intended to adjust the parcel lines to place a pre-existing cultivation site on the parcel associated with its operation and to meet all applicable setbacks. 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 and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

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 20,000 sf outdoor cannabis cultivation commercial cannabis operation and to authorize minor improvements necessary to bring the operation into compliance with the

CMMLUO 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:

- Cultivation and Operations Manual prepared by Manhard Consulting and edited by the applicant, May 24, 2018.
- Streambed Alteration Agreement (1600-2015-0026-R1) prepared by CDFW, August 21, 2018.
- Northern Spotted Owl Survey Documentation for neighboring properties prepared by Hohman & Associates Forestry Consultants, May 31, 2017
- Water Resource Protection Plan prepared by the applicant, April 23, 2018
- Biological Assessment Report, SL Consulting, Inc., April 11, 2019
- Cultural Resource Investigation of the Briceland Taliaferro Properties prepared by Archaeological Research and Supply Company, January 2018.

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. A 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. The revised site plan shall show the proposed locations of the temporary hoophouse structures as well as the permanent nursery that is anticipated to be constructed in 2020. The revised site plan shall remove reference to any mixed light operations. (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. (On-file and See Attachment 4A)
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. (No Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. ((On-file and See Attachment 4A - in operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB 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 and See Attachment 4A) Water Resource Protection Plan prepared by the applicant, April 23, 2018; On-file enrollment documents))
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. (Not Applicable)
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. Biological Assessment Report, SL Consulting, Inc., April 11, 2019 (On-file)
16. Cultural Resource Investigation of the Briceland Taliaferro Properties prepared by Archaeological Research and Supply Company, January 2018. (On-file and Confidential)
17. Road Evaluation Report prepared by Skyline Farms, LLC, October 16, 2017. (On-file and See Attachment 4A)

18. Northern Spotted Owl Survey Documentation for neighboring properties prepared by Hohman & Associates Forestry Consultants, May 31, 2017 (On-file)

ATTACHMENT 5

Referral Agency Comments and Recommendations

The project was referred to the following referral agencies for review and comment. Recommendations received are summarized, and the locations of the recommendations are noted.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Comments	Attached
Public Works Land Use Division	✓	Conditional approval	Attached
Environmental Health Division	✓	Approval	Attached
CAL-FIRE	✓	Comments	Attached
California Department of Fish and Wildlife	✓	Conditional Approval	Attached
Northwest Information Center	✓	Comments	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Regional Water Quality Control Board		No response	
County Counsel		No response	
District Attorney		No response	
State Water Resource Control Board – Division of Water Resources		No response	
Ag Commissioner		No response	
Briceland Fire Protection District		No response	
Southern Humboldt Joint Unified School District		No response	
Intertribal Sinkyone Wilderness Council		No response	
NCUAQMD		No response	
Sheriff		No response	



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

4/21



9/25/2017

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, 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, Intertribal Sinkyone Wilderness Council, HCSO, Southern Humboldt Joint Unified School District, Briceland Fire Protection District

220-312-002

Applicant Name Skyline Farms, LLC **Key Parcel Number** 220-312-002-000

Application (APPS#) 11718 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-359

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 10/10/2017

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: SEE ATTACHED COMMENTS.

DATE: 12/21/17

PRINT NAME: MARC PHIPPEX



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H STREET EUREKA CA 95501
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Application No.: 44978 / 11718
Parcel No.: 220-312-002
Case No.: CUP16-359

The following comments apply to the proposed project, (check all that apply).

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: _____

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: SEE PHOTOS ATTACHED TO AP# IN FILE.

Name: MARC PHIPPEN

Date: 12/21/17

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects,(CUP, SP, ZCC) Case number.



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

AVIATION 839-5401

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Cliff Johnson, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 09-14-2018

RE:

Applicant Name	Skyline Farms, LLC
APN	220-312-002
APPS#	11718
CASE#	CUPI6-359

The Department has reviewed the above project and has the following comments:

- The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- Road Evaluation Reports(s)* are required; See **Exhibit "D"**. **No re-refer is required.**

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 10/17/2017, with Part A -Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11718

COUNTY ROADS- FENCES & ENCROACHMENTS:

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 1):

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

COUNTY ROADS- DRIVEWAY (PART 2):

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 3):

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- PRIVATE ROAD INTERSECTION:

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- ROAD EVALUATION REPORT(S):

All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //



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

PROJECT REFERRAL TO: Health and Human Services Environmental
Health 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, Intertribal Sinkyone Wilderness Council, HCSO, Southern Humboldt Joint Unified School District, Briceland Fire Protection District

Applicant Name Skyline Farms, LLC Key Parcel Number 220-312-002-000

Application (APPS#) 11718 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) CUP16-359

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 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:

Approval

Comments:

Response Date: 5/24/2018 Recommendation By: Benjamin Dolf

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit

118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: October 5, 2017

John Ford, Director
Humboldt County Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501

Attention: Cannabis Planner (CPOD)
Applicant: Skyline Farms, LLC
APN: 220-312-002-000
Area: Briceland
Case Numbers: CUP16-359

Humboldt County Application #: 11718
Type of Application: Conditional Use Permit
Date Received: 9/26/2017
Due Date: 10/10/2017

Project Description: A Conditional Use Permit for an existing 20,065 square foot outdoor cultivation operation is requested. Applicant is also seeking a Zoning Clearance Certificate for an existing 5,000 square foot outdoor cultivation operation on neighboring parcel 222-163-001. The irrigation water source is rainwater catchment and a proposed 317,000 gallon pond on neighboring parcel 222-163-002. Water storage totals 97,500 gallons in thirteen (13) tanks. One (1) 30,000 gallon tank is located on parcel 222-163-001 and will be a shared resource. Processing includes drying, curing and trimming cannabis and will take place on-site in a proposed 1,200 square foot commercial facility. A generator will provide backup power to dry cannabis.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

CANNABIS PROJECTS

Local Responsibility Areas:

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CAL FIRE's minimum input.

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

General Recommendations:

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

From: [Lake, M. Isaac@CALFIRE](mailto:Lake.M.Isaac@CALFIRE)
To: [Planning Clerk; HUU.CEOA@CALFIRE](mailto:Planning.Clerk; HUU.CEOA@CALFIRE)
Subject: APN: 220-312-002-000 Skyline Farms, LLC APPS#11718
Date: Sunday, November 05, 2017 9:54:32 AM

No additional comments from B-1211

M. Isaac Lake

Battalion Chief

CAL FIRE

HUMBOLDT-DEL NORTE UNIT

Battalion 1

Alderpoint~Garberville~Thorn

Cell (707) 499-2249

Office (707) 923-3446

Schedule Thrs, Fri, Sat

MLake@fire.ca.gov



Applicant: Skyline Farms		Date: 3-5-19	
APPS No.: 11718	APN: 220-312-002	DFW CEQA No.: 2017-0849	Case No.: CUP16-359
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 15,500	

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions below.
- Applicant needs to submit additional information. Please see the list of items below.
- Recommend Denial. See comments below.

Please provide the following information prior to Project Approval: *(All supplemental information requested shall be provided to the Department concurrently)*

- If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>

Please note the following information and/or requested standard conditions of Project approval:

- A Final Lake or Streambed Alteration Agreement (1600-2018-0091-R1) has been issued to the applicant.
- The referral materials state that there is a plan to construct a rainwater catchment pond(s) onsite. CDFW requests:
 - That the pond be designed to hold no more than the necessary volume of water needed for the project, with consideration to evaporative loss and designed in such a way to accommodate annual pond dewatering. The volume of water contained within the pond should be based on the square footage and method of cultivation in use prior to January 1, 2016.
 - That the applicant install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends the spillway be designed and placed to allow for a minimum of two-feet of freeboard.
 - That the applicant install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed, and made of solid material (e.g. wood).

- That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
 - That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation 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.
 - ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
 - ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
 - ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 50 decibels measured from 100ft.
 - ☒ This project has the potential to affect sensitive fish and wildlife resources such as Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to david.manthorne@wildlife.ca.gov .

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501