



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: September 1, 2022

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Jordan Laurie, Special Permit**
Application Number: PLN-2022-17449
Assessor's Parcel Number: 108-161-006-000 & 108-161-007-000
Shelter Cove area

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Please contact Portia Saucedo, Planner II, by email at psaucedo1@co.humboldt.ca.us (preferred) or by phone at (707)268-3745, should you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date September 1, 2022	Subject Special Permit	Contact Portia Saucedo
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Project: A Special Permit to modify an approved Zoning Clearance Certificate, application Number PLN-2019-15824, which was for 6,000 existing square feet (SF) of outdoor commercial cannabis cultivation and a 900 SF ancillary nursery area. The proposed Special Permit is to allow for the relocation and consolidation of cannabis cultivation to APN 108-161-007-000 from APN 108-161-006-000. The applicant proposes to decommission 2,160 SF greenhouse on APN 108-161-006-000 and the area will be appropriately seeded allowing revegetation with prevailing native grass species. The estimated annual water usage is 75,000 gallons which is approximately 10.87 gal/sf. The irrigation water source for the project is a rainwater catchment system located on the adjacent parcel to the west (APN 108-161-006-000). Water storage consists of two (2) 5,000 tanks and one (1) 82,000-gallon rainwater catchment tank. Up to two (2) cultivation cycles per annum are proposed. All cultivation work is completed by the resident-operator and no employees are proposed. Drying/curing will occur within an onsite barn. The applicant proposes to utilize a third-party off-site party processing facility for all processing beyond drying and curing. Electricity for the project will be sourced from PG&E.

Project Location: The project is located in Humboldt County, in the Shelter Cove area, on the south side of Huckleberry Lane, approximately 3,500 feet west from the intersection of Shelter Cove Road and Huckleberry Lane, on the property known as 600 Huckleberry Lane and 682 Huckleberry Lane.

Present Plan Land Use Designations: Residential Agricultural (RA), density: 5 to 20 acres per dwelling unit; General Plan (GP), Slope Stability: Low Instability (1).

Present Zoning: Unclassified (U)

Record Number: PLN-2021-17449

Assessor's Parcel Number: 108-161-006-000 & 108-161-007-000

Applicant

Jordan Laurie
P.O. Box 460
Whitethorn, CA 95589

Owner

Jordan Laurie
P.O. Box 460
Whitethorn, CA 95589

Agent

Timberland Resource Consultants
165 S. Fortuna Blvd., Suite 4
Fortuna, CA 95540

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

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

Major Issues: None.

Jordan Lourie

Record Number: PLN-2021-17449

Assessor's Parcel Number: 108-161-006-000 & 108-161-007-000

Recommended Zoning Administrator 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 Zoning Administrator has considered the Addendum to the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and adopt the Resolution approving the Jordan Lourie, project as recommended by staff subject to the recommended conditions.

Executive Summary

An application has been submitted to the Planning Division for a Special Permit for existing commercial cannabis cultivation. This commercial cannabis activity is authorized by Section 314-55.4.6.1.2 of the Commercial Cannabis Land Use Ordinance No. 2599 (CCLUO). The application meets the requirements of zoning, siting criteria (55.4.6.4.1, 55.4.6.4.2, 55.4.6.4.3), setbacks from property lines and listed incompatible uses (e.g., schools), and is accompanied by the documentation, plans, descriptions, and agency clearances set forth in the CCLUO. The cultivation has previously been approved and this Special Permit authorizes only a reconfiguration of the existing approved cultivation areas.

A Special Permit to modify an approved Zoning Clearance Certificate, application Number PLN-2019-15824, for 6,000 existing square feet (SF) of outdoor commercial cannabis cultivation and previously approved 900 SF ancillary nursery area. A Substantial Conformance Review approval allowed for the reconfiguration and relocation of an agricultural exempt metal drying building on APN 108-161-007-000. The proposed Special Permit is to allow for the relocation of cannabis cultivation to adjacent APN 108-161-007-000 from APN 108-161-006-000. The Special Permit would allow for the decommissioning and removal of a 2,160 SF greenhouse on APN 108-161-006-000 and the relocation of the 2,160 SF cultivation entitlement to APN 108-161-007-000. The relocation would result in the full cultivation entitlement of 6,000 SF and 900 SF ancillary nursery (previously approved project PLN-2019-15824) to occur on one (1) legal parcel instead of two (2) and because the parcel size is less than 10 acres this requires a Special Permit under the CCLUO. The consolidated cultivation is proposed to be enclosed within three (3) 20'x100' greenhouses in the same footprint as the previously approved cultivation area and the ancillary nursery is to be within an adjacent 20'x45' greenhouse. The greenhouses on APN 108-161-006-000 are removed the area will be remediated pre-cultivation status and seeded with the prevailing grass species. Up to two (2) cultivation cycles per annum are proposed. All cultivation work is completed by the resident-operator and no employees are proposed. Drying will occur in an onsite barn. The applicant proposes to utilize a third-party off-site party processing facility for all processing beyond drying and curing.



Figure 1: Current conditions as of June 2022 on APN 108-161-007-000 & 108-161-006-000 sourced from Planet satellite imagery and mapped with the Humboldt County California WebGIS mapping interface. Cultivation areas are labeled here as #A, B, & C. and are referred to in the Cultivation Operations Plan and Site Plan without numerical identifiers.

Water Resources

The applicant projects an annual water usage of 75,000 gallons which is approximately 10.87 gal/sf for the 6,000 SF of primary cultivation area and the previously approved 900 SF of ancillary nursery area (see PLN-2019-15824). Peak use occurring in July through September (Table 1).

Table 1. Annual water usage by month in gallons.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
0	0	0	4,000	10,000	12,000	14,500	15,000	14,500	5,000	0	0

The irrigation water source for the project is a rainwater catchment system located on the adjacent parcel to the west (APN 108-161-006-000) under the same ownership as the primary project parcel (APN 108-161-007-000). Per the conditions of approval, a contingent easement will be established to support the delivery water line to the primary project parcel and has been added as a Condition of Approval. Water storage consists of two (2) 5,000 tanks and one (1) 82,000-gallon rainwater catchment tank. The rainwater catchment tank is plumbed to three (3) hard plastic tanks totaling 11,000 gallons. Domestic water is provided to the residence from a well. The residence is also served by a permitted septic tank

and leach field. Electric power is sourced from PG&E and there is also a residential propane tank onsite for domestic uses.

The project has a previously approved Site Management Plan (WDID-1_12CC415981) prepared by Timberland Resource Consultants May 5, 2019, which meets the standards of the SWRCB's General Order (No. WQ 2019-0001-DWQ). The project is designated as Low Risk Tier 1, which is consistent with the originally approved project PLN-2019-15824. The applicant is also registered with the California State Water Resource Control Board (Reg. ID H506290) for Cannabis Small Irrigation Use.

There is a class III stream which flows south off the western side of subject parcel 108-161-007-000 and connects as a tributary to the Mattole River that flows along the southern property boundaries. The parcels are accessed from a rocked driveway connecting to Huckleberry Lane. The natural ground slopes very gently towards the Mattole River. A riparian tree buffer borders the Mattole River with some other trees scattered about the property. No neighboring parcels use any portion of the subject parcels for ingress/egress. There is one (1) stream crossing proposed as well as one (1) point of diversion, and a 82,000 rainwater catchment tank. A Lake or Streambed Alteration Agreement (LSAA) with the California Department of Fish & Wildlife (CDFW) was applied for in 2019. The final LSAA was received by the Planning Department August 8, 2022. The applicant shall adhere to the work described within the Agreement. The site is enrolled in the State Water Board and a Site Management Plan was provided (see PLN-2019-15824).

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

The project is located in the Cape Mendocino Planning Watershed and specifically within the Cannabis Impacted Watershed Headwaters Mattole River Watershed, which under Resolution 18-43 is limited to 650 permits or 223 acres, whichever occurs first. The approval of this project would not impact the current total approved permits of 219 in this Planning Watershed nor does it impact the total cultivation area of approximately 75.81 acres of cultivation. The previously approved project was already included in the calculations.

Energy Resources

The project's main source of energy will be sourced from PG&E. No generators use is proposed.

Biological Resources

A Biological Report by Leopardo Wildlife Associates conducted on April 3, 2019 for the project site that was. No rare, threatened, or sensitive species were observed within the cultivation area. The project is not expected to increase baseline noise more than 3 decibels. An addendum to the Biological Report was prepared by Timberland Resource Consultants on February 22, 2022. The addendum included an environmental superiority justification for the relocation to a single parcel. The consolidation of the cultivation areas onto a single parcel is environmentally superior to the areas being on separate parcels, as the area to be remediated will be conducive to providing native habitat once again, a reduction in the total anthropogenic impact throughout the two parcels, and improved habitat connectivity between the grassland habitat to the surrounding coniferous habitat. Further, this method also aligns with "ecological land-use complementation" theory in which; the alignment and configuration of land use promotes habitat connectivity, reduces fragmentation, and increases biodiversity. The use of amendments and other products associated with cannabis cultivation would be limited to a single area and eliminates the risk of spillage and/or unwanted discharge from transport from one cultivation site the other. The consolidation of the cultivation areas would also result in a greater separation in the proximity of the cultivation area to the Mattole river and the Class III stream. The applicant submitted a Lake and Streambed Alteration for one (1) stream crossing proposed, one (1) point of diversion, and an 82,000-rainwater catchment tank. The final LSAA was received by the Planning Department August 8, 2022. The applicant shall adhere to the work described within the Agreement and adherence to that work has been added to the conditions of approval.

The Biological Report outlines the potential for sensitive species presence on-site, as well as recommended mitigation measures for the project. The biologist recommendations include the following:

- Monitoring noise levels from cannabis cultivation activities, assuring that operations be kept below the 50 decible (dB) threshold for disturbance at 100 feet.
- Greenhouse structures utilizing artificial light should also be regularly monitored, ensuring they are covered adequately for adherence to Dark Sky International Association guidelines for Lighting Zone 0 and Lighting Zone 1.

The resolution that certified the Environmental Impact Report (EIR) for the Commercial Cannabis Land Use Ordinance (CCLUO) includes all of the mitigation measures that were adopted with the EIR. Section 55.4.12.1.10 of the CCLUO references all of the biological resource mitigation measures in the EIR and the department needs to make the finding that our 2.0 cannabis projects are consistent with the EIR. The EIR includes a mitigation measure that no new cultivation will be permitted if northern spotted owls (NSO) are present within 1.3 miles. The Biological Report included an analysis of NSO in the project vicinity. The CNDDDB indicated that one (1) territory with the last detection in 1983 (HUM0133) approximately one (1) miles of the project site. Given this information and the fact that the project is not proposing new cultivation, a Northern Spotted Owl surveys is not recommended by staff to be required. Humboldt County Code does not require protocol level surveys for the Northern Spotted Owl as outlined in Resolution 18-40, the Resolution Certifying the Environmental Impact Report given the findings of the biological report.

Geologic Suitability

A review of WebGIS determined that the project is located within a parcel that has been classified as having low instability. The project cultivation areas are located within an area that has slopes less than 15% percent. All cultivation is proposed to take place on existing graded flats.

Tribal Cultural Resource Coordination

The project is located within the ancestral territories of the Intertribal Sinkyone Wilderness Council and the Bear River Band of the Rohnerville Rancheria. The previously approved project (PLN-2019-15824) had a Cultural Resource Study conducted in June of 2019 by Archaeological Research and Supply Company and was submitted to both tribes for review. The project proposal was referred to the Northwest Information Center, Sinkyone Intertribal Wilderness Council, and the Tribal Historic Preservation Officer (THPO) of the Bear River Band. The THPO representative for the Bear River Band recommended approval for this project as well as the previously approved project with the inclusion of inadvertent discovery protocol. The project will be conditioned as such.

Security and Safety

The subject parcel is located within both the Whitethorn Fire Protection District and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. A review of the Humboldt County WebGIS showed the subject parcel as being located in an area deemed to have a very high fire hazard severity. The project was referred to CALFIRE in September of 2021. The Department provided no comment. Access to the parcel is restricted locking metal gates (photos included with Road Evaluation materials). The premises/residence is normally occupied by the owner/applicant.

Access

A Road System Assessment was completed by the applicant dated September 11, 2019 was submitted to the Department of Planning and Building for previously approved project PLN_2019-15824. The assessment evaluated a 0.6-mile road segment off Shelter Cove Road. This segment of road is nearly strait with little change in elevation. The road is well maintained with adequately sloped shoulders should facilitate drainage and prevent unwanted erosion/sediment transport. The parcel is accessed by a driveway off Huckleberry Lane. Huckleberry Lane is developed to the functional equivalent of a Class 4 road. The project was referred to the Department of Public Works. The response stated the intersection of Huckleberry Lane and the County-maintained Shelter Cove Road is paved to County standards and recommended approval of the project.

Environmental Review and Recommendation

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information). Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

Site Inspection

A pre-site inspection was conducted by the Humboldt County Building Department on September 20, 2021. The inspection was approved. A subsequent Site Inspection shall be conducted by the Planning Division within 30 days of permit approval, in order to verify compliance with the following: removal of the greenhouses on APN 108-161-006-000, water lines separated for domestic uses from commercial irrigation uses, no leaking water tanks, no strunged lights within the outdoor hoop houses and light-deprivation greenhouses, proper storage of fuel and solid waste within secondary containment, and contained perlite and soil pile (**Condition A.6**)

Alternatives

Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

- EVIDENCE:**
- a) Addendum prepared for the proposed project.
 - b) The proposed project does not present substantial changes that would require major revisions to the previous EIR. 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.
 - c) A *Biological Report* and *Biological Report Addendum*, prepared by Leopardo Wildlife Associates dated April 3, 2019, and Timberland Resources Consultants dated February 22, 2022, respectively.

FINDINGS FOR SPECIAL PERMIT

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE The CCLUO identified Unclassified (U) parcels as sites where existing cannabis cultivation activities could be allowed. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

- 4. FINDING** The proposed development is consistent with the purposes of the existing Unclassified (U) zone in which the site is located.

EVIDENCE Humboldt County Code § 314-55.4.6.5 allows applications submitted prior to December 31, 2018 to apply for cultivation at one hundred percent of documented pre-existing cultivation. As set forth in the following subsections, Pre-Existing Cultivation Sites that meet all other Eligibility and Siting Criteria and Performance Standards, may be permitted within AE, AG, RA, FR, FP, TPZ, and U zoning districts, where accompanied by a Resource Production, General Plan land use designation or Residential land use designation requiring parcel sizes on more than 5 acres. The application is for 6,000 square feet of pre-existing outdoor cultivation on a 7.50-acre parcel (APN 108-161-006-000).

- 5. FINDING** The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

- EVIDENCE**
- a) The applicant's primary energy is PG&E, Generator use is not proposed.
 - b) The subject parcel qualifies for Certificate of Compliance pursuant to section 66499.35 of the Subdivision Map Act due to approval of building permit 04-0628 OB3.
 - c) The project will obtain irrigation water from a proposed rainwater catchment system.
 - d) Access to the site via the south side of Huckleberry Lane, approximately 3,500 feet west from the intersection of Shelter Cove Road and Huckleberry Lane, on the property known as 600 Huckleberry Lane and 682 Huckleberry

Lane. The applicant prepared a *Roadway Evaluation Report* for the access road and private driveway, dated September 11, 2019 was submitted to the Department of Planning and Building for previously approved project PLN-2019-15824. The assessment evaluated a 0.6-mile road segment off Shelter Cove Road. This segment of road is nearly strait with little change in elevation. The road is well maintained with adequately sloped shoulders should facilitate drainage and prevent unwanted erosion/sediment transport. The parcel is accessed by a driveway off Huckleberry Lane. Huckleberry Lane is developed to the functional equivalent of a Class 4 road. The project was referred to the Department of Public Works. The response stated the intersection of Huckleberry Lane, and the County-maintained Shelter Cove Road is paved to County standards and recommended approval of the project.

- e) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4. (a.-f.). It is more than 30 feet from any property line, more than 300 feet from any off-site residence, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

EVIDENCE Cultivation of 6,000 square feet of outdoor pre-existing cannabis cultivation and the 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.

EVIDENCE

- a) The site is located on a road that has been approved by Public Works as being capable of safely accommodating the amount of traffic generated by the proposed project.
- b) The site is in a rural part of the County where the typical parcel size is over 20 acres. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving consolidated cultivation on this 7.5-acre site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.
- c) Irrigation water will be sourced from a proposed rainwater catchment system.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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.

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does support one housing unit. Approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

FINDING

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of

permits and acres which may be approved in each of the County's Planning Watersheds.

EVIDENCE

- a) The project is located in the Cape Mendocino Planning Watershed and specifically within the Cannabis Impacted Watershed Headwaters Mattole River Watershed, which under Resolution 18-43 is limited to 650 permits or 223 acres, whichever occurs first. The approval of this project would not impact the current total approved permits of 219 in this Planning Watershed nor does it impact the total cultivation area of approximately 75.81 acres of cultivation. The previously approved project was already included in the calculations.

DECISION

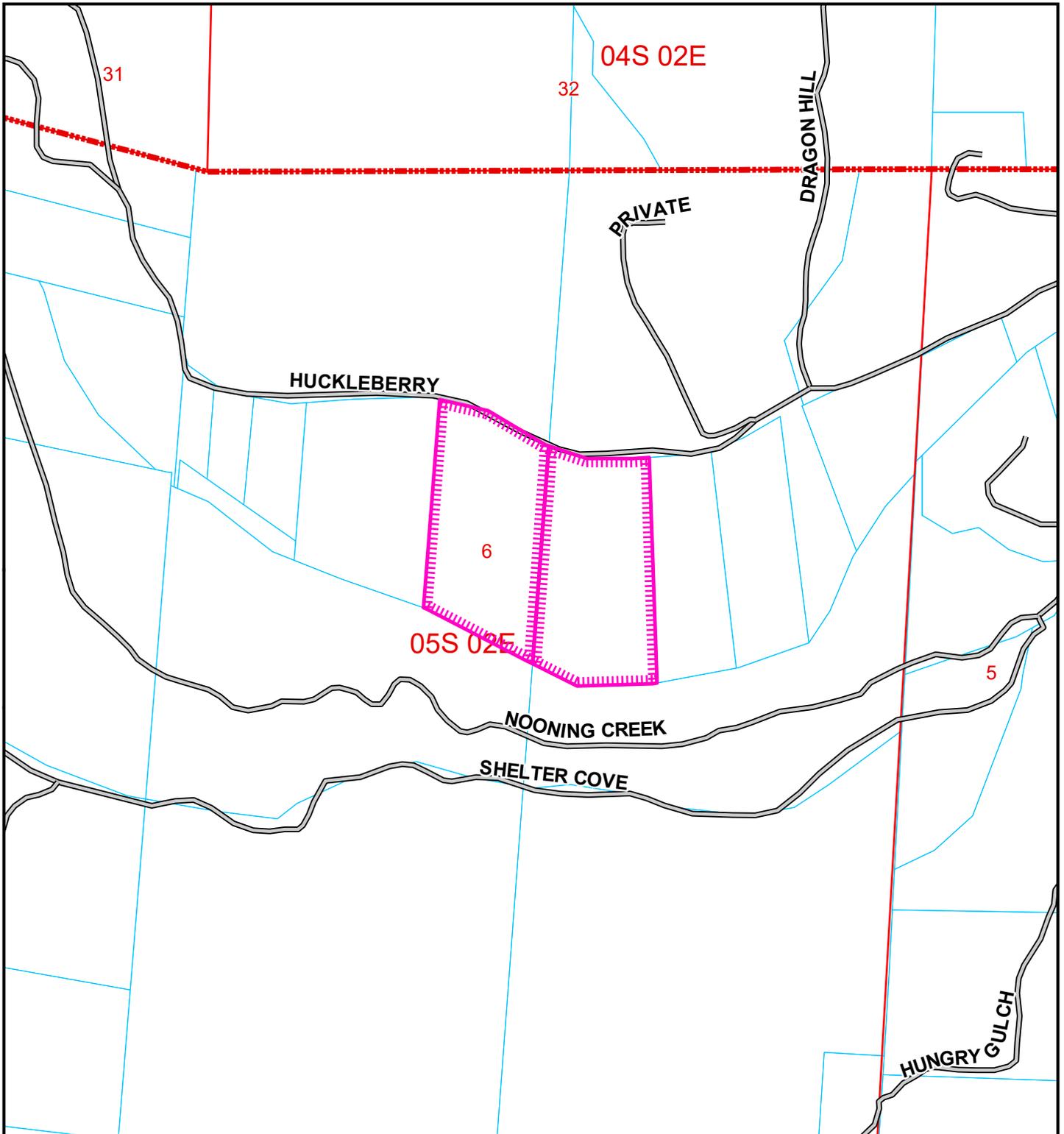
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for **Jordan Lourie**, based upon the Findings and Evidence and subject to the conditions of approval attached here to as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **September 1, 2022**,

I, John Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

John H. Ford, Zoning Administrator,
Planning and Building Department



LOCATION MAP

**PROPOSED JORDAN LOURIE
MODIFICATION**

**SHELTER COVE AREA
PLN-2021-17449**

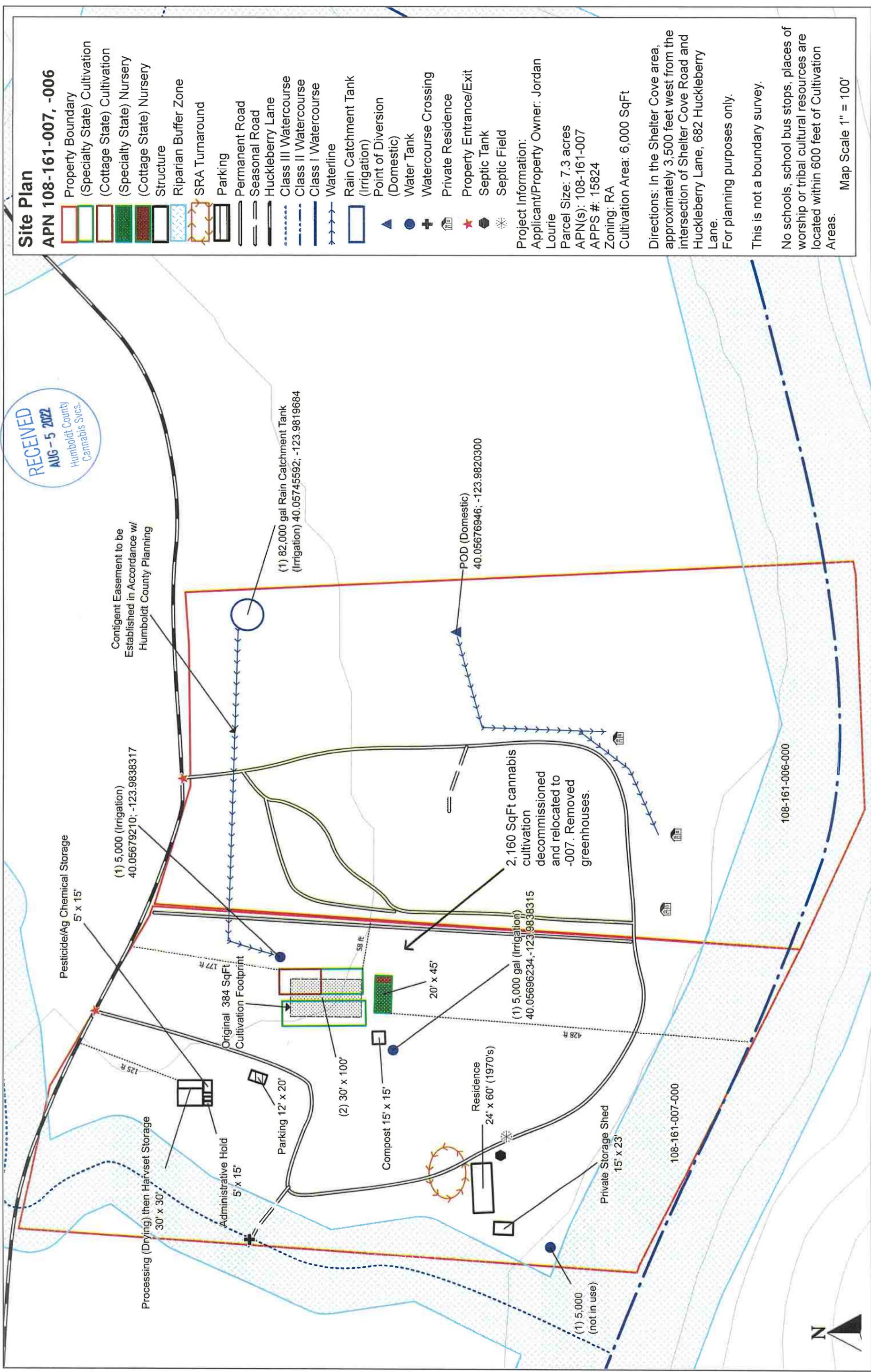
APN: 108-161-006, -007

T05S R02E S06 HB&M (Briceland)

Project Area = 

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





ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #16. 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.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing greenhouses, water tanks over 5,000 gallons, existing structures associated with drying and storage and processing, or any activity with a nexus to cannabis. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection to keep the permit valid.
8. 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.

9. The applicant shall adhere to the requirements of the Final LSAA and submit progress reports to the Planning Department.
10. The applicant shall establish a contingent easement to support the water line which delivers water from 108-161-006-000 to the subject parcel APN 108-161-007-000.
11. The applicant shall follow mitigation recommendations outlined in the *Biological Report* listed as follows:
 - a. Monitoring noise levels from cannabis cultivation activities, assuring that operations be kept below the 50 decibel (dB) threshold for disturbance at 100 feet.
 - b. Greenhouse structures utilizing artificial light should also be regularly monitored, ensuring they are covered adequately for adherence to Dark Sky International Association guidelines for Lighting Zone 0 and Lighting Zone 1.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by CCLUO Section 55.4.12.6 (b) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation. The applicant is to limit the use of heavy equipment during nesting season February 1st through August 15th.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. 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.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Generators shall be housed in enclosed structures with noise attenuation measures to reduce auditory disturbance.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all workers about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. 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. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife, if applicable.
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).

20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MAUCRSA, 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."
26. 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, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. 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.
28. 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:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) 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:
 - (1) Operation manager contacts;

- (2) Emergency responder contacts; and
 - (3) 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.
29. 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
30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. 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 noncompliance 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 the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal 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.
33. 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.
34. 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 CCLUO 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;
- d. Acknowledgement of full responsibility for complying with the existing permit; and
- e. Execution of an Affidavit of Non-diversion of Cannabis.

35. 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 CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or 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 after 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 CCLUO.
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 #5 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 of the Ongoing 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 and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

ATTACHMENT 2

**CEQA ADDENDUM TO THE
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE**

**Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR)
(State Clearinghouse # 2017042022), January 2018**

**APN 108-161-007-000 & 108-161-006-000 3400
600 Huckleberry Lane and 682 Huckleberry Lane,
Shelter Cove area, County of Humboldt**

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

August 2022

Background

Modified Project Description and Project History –

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within Humboldt County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO 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 EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The project is located in Humboldt County, within the Mattole River watershed. The project parcel is located at an elevation ranging between 920 and 980 feet and approximately four (4) miles east of the Pacific Ocean on the . The proposed cultivation occurs on one (1) flat on APN 10-161-007-000 in existence prior to January 1, 2016 and previously approved under PLN-15824-ZCC. A review of WebGIS determined that the project setting is located on a parcel that has been determined to have low seismic instability and having a very high fire severity. Further analysis determined that the project parcel does not have any documentation of rare or sensitive species occurring on-site.

The Special Permit is for 6,000 square feet of pre-existing outdoor cultivation and 900 SF of previously approved ancillary nursery area. Cultivation will be consolidated from two (2) parcels to one (1) APN 108-161-007-000. The parcel to be vacated (APN 108-161-006-000) will undergo the removal of all greenhouses and will be seeded with the prevailing native grass species. The project will source water or irrigation from rainwater catchment. The applicant's estimated annual water use is 75,000 gallons due to an irrigation practice that only waters every other or third day. Processing such as drying, curing, will occur on-site within a proposed a barn structure structure. Further processing will be conducted by a third-party licensed processing facility. Power is provided by PG&E. No employees are proposed.

The project will also comply with provision of the CCLUO intended to eliminate impacts to sensitive species from noise and from light and noise. Compliance with these and other measures of the CCLUO ensure consistency with the EIR.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) 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 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effects previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR 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 Final EIR recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- *Cultivation, Operations and Security Plan, Amended Sections* prepared by *Timberland Resource Consultants*, August 5, 2022.
- *Cultivation, Operations and Security Plan* prepared by the applicant submitted December 9, 2019.
- *Site Plan* prepared by *Timberland Resource Consultants*. received August 5, 2022.
- *Biological Report Addendum*, received February 17, 2022.
- *Biological Report* prepared by *Timberland Resource Consultants* February 17, 2022.

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 EIR was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit a new 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 EIR was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the previous Final EIR 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 EIR, remain in full force and effect on the original project.

There are no new significant environmental effects and no substantial increases in the severity of previously identified effects. 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.

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) 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. (**Attached** in Maps)
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; 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. (**Attached**)
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. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in item 4 above)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Conditioned)
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 California Department of Fish and Wildlife. (Conditioned)
9. 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)

10. Consent for on-site 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)
11. 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)
12. 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)
13. 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)
14. *Biological Report Addendum*, received February 17, 2022. (On file)
15. *Biological Report* prepared by *Timberland Resource Consultants* February 17, 2022. (On file)

Cultivation Operations 17449

APN: 108-161- 007



Project Description: The applicant/owner is seeking Humboldt County approval to modify PLN-2019-15824 which allowed up to **6,000 ft²** of outdoor cultivation and development of a 900 ft² propagation nursery on two adjoining parcels under the same ownership; APN: 108-161-006 & 108-161-007.

The **proposed modification** will retain the use of the rain-catchment tank previously approved on APN: 108-161-006 and decommission cannabis cultivation (2,160 ft²) for relocation to APN: 108-161-007 such that the full cultivation entitlement (6,000 ft² outdoor + 900 ft² Propagation Nursery) granted under PLN-2019-15824 will occur on one legal parcel instead of two.

Please Note: The greenhouses comprising the 2,160 ft² on APN: 108-161-006 (which have been in place for more than a decade) will be removed from that parcel. The area will be appropriately seeded allowing revegetation with prevailing grass species.

The applicant acknowledges that the commercial cannabis activity approval being sought is subject to compliance with all other applicable Humboldt County zoning and land use regulations, as well as other applicable provisions of the Humboldt County Code and applicable state laws. Determination of compliance will require multi-agency review of proposed activity/development described herein and, may also require site inspections by personnel from various governmental agencies.

Parcel Information: The subject parcel (APN: 108-161-007) is approximately 7.3 acres and is **zoned U** with **RA5-20 framework designation**. It is located at 682 Huckleberry Lane, Shelter Cove, CA

Topography/Landscape: The parcel is bordered on the south by the Mattole River and the north by Huckleberry Lane. The natural ground slopes very gently towards the Mattole River. A riparian tree buffer borders the Mattole River with some other trees scattered about the property.

Surface Water Features: There is a small portion of a Class III watercourse which flows south off of the subject parcel and connects to the Mattole River which runs along the southern property line.

Roads/Stream Crossings/Easements: The parcel is accessed from a rockered driveway connecting to **Huckleberry Lane**. No neighboring parcels use any portion of the subject parcels for ingress/egress.

Parking: The proposed cultivation (6,000 ft²) and associated activities on the subject parcel shall be conducted by a single operator. There shall be **no employees or transient workers** involved with operations thus no additional parking is required beyond that which currently serves the residence. The site plan indicates area available for parking.

Utilities: Water is supplied by a **well**. The residence is served by a conventional septic tank/leach-field system (copy of permit included) Electric power is supplied from PG&E. A residential propane tank serves the residence. Irrigation water is sourced from a rain catchment tank on the adjoining parcel to the west (APN: 108-161-006) under the same ownership. A contingent easement shall be established to support the water line which delivers water from 108-161-006 to the subject parcel.

Water Supply: All irrigation water is sourced from a rain catchment tank.

Water Storage: Rain Catchment Tank: 82,000 gallons

2 - 5,000 gallon plastic storage tanks

The applicant has initiated filings with state regulatory entities to continue use/storage of water. Water use for the purpose of this proposed cultivation shall be brought into compliance with state and local regulatory requirements. The applicant has registered with DWR for a *Cannabis Small Use Irrigation Use Registration* – Registration ID: H506290

Structures: There is a single-family residence on the parcel with an appurtenant shed and greenhouses and metal dry building are proposed.

Cultivation Area: Shown on Site Plan – 6,000 ft²

The cultivation areas are located within natural clearings which did not undergo any tree removal or significant ground disturbance.

The cultivation area and surrounding ground surfaces were evaluated in the development of a *Site Management Plan* under State Water Board mandate. Any conditions observed during the evaluation having the potential to impact water resources/environment are described in the *Plan*. The *Plan* details corrective measures addressing all areas of concern and prescribe a timeframe in which to complete corrective actions. Corrective measures prescribed in the *Plan* do not preclude the need for Cultivation Areas or other manmade features to be brought into compliance with all applicable state and local grading, excavation and erosion/sediment control regulations and requirements.

Peak Water Demand: The projected peak water demand to maintain plant growth during the warm summer months is approximately 15,000 gallons per month. The “Monthly Water Use” Table below shows projected water use throughout the growing season.

January-March: No Water Use

	<i>Cultivation – 6,000 ft²</i>	
<i>April</i>	<i>4,000</i>	<i>seedling</i>
<i>May</i>	<i>10,000</i>	<i>veg</i>
<i>June</i>	<i>12,000</i>	<i>veg</i>
<i>July</i>	<i>14,500</i>	<i>veg/flwr</i>
<i>August</i>	<i>15,000</i>	<i>flwr/veg</i>
<i>September</i>	<i>14,500</i>	<i>veg</i>
<i>October</i>	<i>5,000</i>	<i>flwr</i>

Totalizing flow meters shall be installed in the irrigation system and water use shall be monitored and recorded in accordance with all applicable state/local requirements.

Irrigation Method(s): Irrigation is accomplished by use of drip lines. The flow to drip lines is regulated by timers and adjusted for maximum efficiency taking into consideration temperature, plant demand etc. Water delivery throughout the system is carefully monitored on a regular basis to ensure proper function and responsible water use. Mulch is carefully placed as a top dressing to optimize soil water retention. Occasional hand watering may be employed if needed.

Irrigation Runoff/Erosion control: Irrigation runoff from cultivation areas is minimized by the use of carefully regulated drip irrigation to prevent any overwatering or residual discharge of nutrient solutions outside of the "targeted" root zone. In the unlikely event that residual discharge did occur, it would be absorbed upon contact with permeable soil surrounding the cultivation area. Cultivation activities are limited to the immediate area surrounding cultivation areas and conducted so materials are kept confined. The ground surface within and around the cultivation areas is nearly level and managed year-round to prevent any movement of entrained constituents such as fine sediment, fertilizer or other organic particles beyond the cultivation area.

Stormwater Management: The residence is equipped with conventional rain-gutters which discharge onto splash-blocks which sit atop flat ground at different locations around the yard. The yard and surrounding property are nearly level and comprised of well drained alluvial soils. Rain-gutter discharge is adequately dispersed upon contact with splash-blocks and rapidly absorbed into the soil with no ponding or offsite discharge occurring.

The proposed 6,000 ft² of outdoor cultivation will be comprised of two (2) hoop structures. Aerial imagery of the subject parcel clearly shows roof area, driveway, and proposed greenhouse/Dry Barn development is surrounded by large areas of undisturbed native ground surface which is nearly level and comprised of well drained alluvial soils. The proposed cultivation does not call for any ground disturbance or vegetation removal. Given the location of the structures and the characteristics of the landscape the proposed cultivation and related activities will not cause any increase in the net the discharge of stormwater off the property.

A class III watercourse was identified at the west side of the parcel; it is surrounded by a large area of undisturbed, nearly level ground and will not be impacted by stormwater resulting from any man-made feature.

Watershed Protection: The Cultivation Area on the subject parcel is approximately 6,000 ft² with minimal earth disturbance in the vicinity of cultivation. Project activity proposed on this site is addressed in a *Site Management Plan* included with this submission. The cultivation meets applicable setback requirements to watercourses, riparian zones or wetlands (see site plan). Sheet flow of rainwater or transport of cultivation byproducts over permeable, gently sloped soils in and around the cultivation area is unlikely. Vegetative buffers have been maintained at natural slope around the entire perimeter of cleared/developed area. **Watershed protection** will be ensured by adherence to measures prescribed in the *Site Management* developed specifically for this parcel.

The applicant shall engage in ongoing monitoring, reporting and maintenance including periodic site inspections and reviews of operational practices to ensure regulatory requirements related to the following listed items are being met:

<i>Site maintenance, erosion control, and drainage features</i>	<i>Stream crossing maintenance</i>
<i>Riparian and wetland protection and management</i>	<i>Spoils management</i>
<i>Water storage and use</i>	<i>Irrigation runoff</i>
<i>Fertilizers and soil amendments</i>	<i>Pesticides and herbicides</i>
<i>Petroleum products and other chemicals</i>	<i>Cultivation-related wastes</i>
<i>Refuse and human waste</i>	

The applicant shall ensure management measures and controls are effectively protecting water resources, and that any newly developing problems representing a water quality concern are identified and corrected quickly.

Upon completion of seasonal cultivation, cover crops shall be planted for soil management/protection and areas surrounding cultivated sites shall be sown with grass seed to stabilize surface soil over winter. Additional measures for site “winterization” shall be implemented as prescribed in the *Site Management Plan*.

Black-Out tarps shall be employed to prevent light spillage from the propagation facility if lights are utilized anytime between dawn and dusk.

Energy Usage: Electric power is sourced from PG&E.

Noise Source: There are no generators or other noise sources specific to this cultivation operation. There is no reason for ambient noise level occurring at any property line during the cultivation season to be any greater than that which occurs any other time of the year.

Invasive Species: A report prepared by a professional Biologist is included with this submission.

Cultivation Operations/Practices: Outdoor cultivation having up to two harvests with no use of lights or generators. There are no employees utilized at this operation. All work is carried out by the owner/applicant whom resides in the permitted residence on the subject parcel.

January	Monitor winterization measure, plant cover crops
February	Ongoing site and infrastructure maintenance
March	General site maintenance and preparation
April	Obtain seedlings/start propagation
May	Transplant young plants to appropriate containers, continue garden preparation and site maintenance.
June	Ongoing garden care and site maintenance. Initiate light dep over hoop houses
July	Ongoing garden care, monitor water supply, etc. Start 1 st harvest -set plants to dry Ag storage
August	Ongoing garden care, monitor water supply, etc.
September	General garden care – harvest prep.
October	Begin full term harvest, set plants to dry – and site cleanup
November	Complete harvest, start site preparations for winter.

Soils Management: The applicant shall refurbish existing soil to the greatest extent practicable upon completion of cultivation. The goal is to use 100% organic amendments in the refurbishment process. An appropriate “cover-crop” shall be sown in and around the cultivation area following completion of crop harvest. If it becomes necessary, exhausted soil will be removed from cultivation beds and carefully mixed and spread over and into native top-soils on level ground at select locations to initiate microbial reconditioning and prevent unwanted constituent migration.

No spent soil shall be dumped off-site. Spent growth medium containing inorganic substances such as perlite, will be stored in weatherproof containers and hauled to an approved waste facility as needed.

Materials Management: Cultivation related wastes are sorted such that compostable materials are recycled/composted onsite within a small area equipped with perimeter and top containment to prevent unwanted movement of materials due to weather conditions or animals/pests. Other materials, unsuitable for composting, are stored in conventional lid trash containers secured within a fenced area alongside the residence along with domestic garbage. When trash containers are full, they are hauled to Redway transfer station for proper disposal.

All soil amendments shall be kept inside the garage and/or support shed in original packaging/containers when not in use and used in accordance with manufacturer’s directions. Other cultivation materials/products which may be reused shall be stored over-winter in the garage, support shed or consolidated and securely covered alongside the garage.

Fertilizers, Pesticides, other Regulated products:

List and describe machinery and equipment used for cultivation and associated activities.

Household Fans

Describe equipment service and maintenance; including where it is done.

NA

List and describe petroleum products and automotive fluids used onsite-Indicate amounts normally stored and how/where they are stored.

Gasoline is kept in 5 gallon metal cans in quantities not exceeding 20 gallons. Cans are kept inside the storage shed with secondary containment away from any ignition source with spill kit present.

List and describe compressed gases, cleaners, solvents and sanitizers used- indicate amounts normally stored and how/where they are stored.

Regular non-toxic household cleaners in original domestic-use containers and 1 quart rubbing alcohol stored on shelves barn.

List and describe fertilizers, soil amendments, pesticides, herbicides and rodenticides used.

Indicate the amount normally stored and how/where they are stored

Products	The products listed are primarily used at the start of the cultivation season. Any product remaining after initial start-up is kept securely protected in original packaging/containers atop pallets inside the Ag product storage building Quantities of products stored should range from 50 to 100 pounds.
Liquid Fish	
Soluble Seaweed Powder	
Plant Nitrogen	
Vital Fish Hydrolysate	Pest control products are kept on shelves in original containers (not exceeding 1 gallon) with all labeling intact. These products are used in accordance with manufacturers' instructions.
Eco Hydro Shrimp	
Baseline Granular	
Liquid Molasses	
Bloom Liquid	
Liquid Bone Meal	
Cal Mag Plus	
Insect frass	
The Amazing Dr. Zymes	

All agricultural amendments are stored inside of the garage Ag storage shed at all times.

The applicant acknowledges that the storage and/or use of certain materials in specified volumes and/or weights will be subject to regulation through Humboldt County Division of Environmental Health CUPA and may require: submittal of inventories for those materials, documentation of emergency and training procedures, maintenance of hazardous waste disposal records, obtaining an EPA generator ID number and be subject to site inspections.

Human Waste: The cultivation on the subject parcel takes place in the yard very near the residence. The operation is carried out by the individual who resides on the subject parcel. As there will be no additional workers involved with this operation the daily wastewater flow will be consistent with typical domestic flows. The residence is served by a conventional septic tank/leach-field system **installed under permit** it will not be subject to any increase in wastewater flow beyond normal residential use.

Processing: The proposed cultivation and associated activity shall be carried out by the individual who resides on the subject parcel.

Plants will be periodically inspected to ensure that any indication of pests, molds, mildews or disease are immediately addressed and crop quality is maintained. When ready, individual plants will be hand harvested, placed inside clean transport containers and immediately transferred to the proposed Dry Barn/Storage building where they will be hung to dry. The drying area will be cleaned thoroughly prior to placement of any harvested plants therein to minimize potential contaminant contact. Natural air flow may be supplemented with careful use of household fans facilitate drying and maintain product quality control.

There are no employees utilized in the cultivation operations on the subject parcel.

All equipment, surfaces and tools used in the harvesting/drying of cultivated product will be used exclusively for that purpose. Equipment, surfaces and tools will be visually inspected, washed and sanitized throughout the day. A Gentle detergent (such as *Simple Green or equivalent*) will be used for cleaning followed by rinsing with potable water. Isopropyl Alcohol may be applied as a sanitizer.

The operator is cognizant of potential mold and mildew problems associated with cultivation/processing. Handwashing with potable water and soap will occur upon entrance into the Dry Barn/Storage building. Any suspect plant matter which appears compromised for any reason will be carefully removed and disposed of avoiding cross contaminant contact with other product, equipment or utensils. A separately designated green-waste stream is implemented to recycle plant waste.

The operator is well versed in the use/cleaning of equipment utilized throughout the operation. Cleaning materials will be stored on shelves away from working surfaces. A fire extinguisher will be readily available. The working space will be kept clean and orderly.

Ample potable water for handwashing and restroom facilities are in close proximity to the Dry Barn/Storage building. The restroom is equipped with first aid kits and eye-wash kits for emergency use. Wastewater from the restroom is plumbed to a conventional septic system. Cultivation operations are carried out by owner/applicant residing on the property, not transient/temporary employees; therefore, the daily **wastewater flow** resulting from processing/trimming will not increase above normal domestic usage and can be accommodated by the septic system described.

Dried plants will be processed/trimmed at a licensed off-site facility.

Security: Access to the parcel is restricted locking metal gates (photos included with Road Evaluation materials). The premises/residence is normally occupied by the owner/applicant.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Public Works, Land Use Division	✓	Approval	Attached
Building Inspections	✓	Approval	Attached
Bear River Band of The Rohnerville Rancheria	✓	Conditional Approval	On file and confidential
PG&E	✓	Conditional Approval	Attached
Sheriff		No Response	
CALFIRE		No Response	
County Council		No Response	
Intertribal Sinkyone Wilderness Council		No response	
CA State Water Resources Control Board – Division of Water Rights		No response	
Mattole Unified School District		No response	
District Attorney		No response	
Ag Commissioner		No response	
RWCQB		No Response	
Department of Environmental Health		No Response	
Telegraph Ridge Fire Protection District		No Response	
CDFW		No Response	



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

9/27/2021

Project Referred To The Following Agencies:

PW Land Use, Building Inspections, FPD: Whitethorn Fire PDAA, NCUAQMD, School District: SoHum Joint Unified, Cal Fish & Wildlife, CalFire, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC, PGE

Applicant Name Jordan Lourie **Key Parcel Number** 108-161-006-000

Application (APPS#) PLN-2021-17449 **Assigned Planner** Portia Saucedo 707-268-3745

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: 10/12/2021

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

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

- Recommend Approval. The department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE:

10-15-2021

PRINT NAME:

KEN FREED



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

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- Recommend Denial. Attach reasons for recommended denial.

Other Comments: Plot plan appears accurate, parcel has flood zone, SMA and wetlands, none of them are in project area. Parcel is all Prime Ag. Inspection done using arial imagery, no site visit.

8/18/22

DATE:

Dean Beck

PRINT NAME:



November 12, 2021

Jordan Lourie
County of Humboldt
3015 H Street
Eureka, CA 95501



Re: PLN-2021-17449
600 & 682 Huckleberry Lane, Whitethorn, CA 95589

Dear Jordan:

Thank you for providing PG&E the opportunity to review your proposed plans for PLN-2021-17449 dated 10-13-2021. Our review indicates your proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you require PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at (877) 259-8314 or pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management