



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: January 9, 2020

To: Humboldt County Planning Commission

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

Subject: **Humboldt Emerald Triangle, LLC, Conditional Use Permit and Coastal Development Permit**
Application Number 11065
Record Number CUP16-139
Assessor's Parcel Numbers 308-131-012 and 308-131-020
2121 Table Bluff Road, Loleta, CA 95551

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Please contact Portia Saucedo, Planner, at 707-445-7541 or by email at psaucedo1@co.humboldt.ca.us should you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date January 9, 2020	Subject Conditional Use Permit and Coastal Development Permit	Contact Portia Saucedo
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Project Description: This project is undergoing a change of use from a commercial flower farm (Coastal Development Permit Case No. 80-P-5) to a commercial cannabis cultivation operation: A Conditional Use Permit and Coastal Development Permit for 28,656 square feet of existing mixed light and 9,800 square feet of existing outdoor commercial cannabis cultivation. Existing ancillary propagation space consists of 4,140.5. Water for cannabis cultivation irrigation and domestic use is sourced from an existing permitted groundwater well. Water is stored in a 6,000-gallon water storage tank and administered via by hand with hoses primarily and secondarily by drip irrigation. Projected water use is 1,011,000 gallons per year (23.7 gallons per square foot which includes ancillary propagation square footage). Processing, including trimming is proposed to be taken to a third- party licensed processing facility. The applicant states that up to (5) full time and up to three (3) part time employees will be required for cultivation operations. The proposed hours of operation from 6:00 AM to 8:00 PM seven days per week. Electricity is sourced from PG&E and emergency back-up generator.

Project Location: The project is located in the Table Bluff area, on the east side of Table Bluff Rd, approximately 7300 feet northwest from the intersection of Clough Rd and Table Bluff Rd, on the property known as 2121 Table Bluff Road, Loleta, CA.

Present Plan Land Use Designations: Agricultural Exclusive – Grazing (AEG (160)), Eel River Area Plan (ERAP), Density: 1 dwelling unit per 20 acres: Low Instability (1).

Present Zoning: Agriculture Exclusive with 160-acre minimum parcel size, with Transitional Agricultural Lands, Archaeological Resource Area Outside Shelter Cove, and Coastal Wetlands Special Combining Zones (AE-160/T,A,W).

Application Number: 11065

Case Number: CUP16-139

Assessor Parcel Numbers: 308-131-012 and 308-131-020

Applicant

Humboldt Emerald Triangle, LLC
Michelle Lynn Hill
PO Box 683
Yreka, CA 96097

Owner

Humland LLC CO
PO Box 395
Fortuna, CA 95540

Agent

Shasta Engineering and Consulting
Attn: John McCarthy
335 Del Monte Street
Montague, CA 96064

Environmental Review: CEQA Exemption Section: 15301-Existing Facilities.

State Appeal Status: Project is appealable to the California Coastal Commission.

Major Issues: None.

HUMBOLDT EMERALD TRIANGLE, LLC
Case Number: CUP16-139
Assessor's Parcel Number: 308-131-012 and 308-131-020

Recommended Commission Action

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

Find that the project is exempt from environmental review pursuant to Section 15301 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Coastal Development Permit based on evidence in the staff report and adopt the Resolution approving the Humboldt Emerald Triangle, LLC, Conditional Use Permit and Coastal Development Permit as recommended by staff subject to the recommended conditions.

Executive Summary:

Humboldt Emerald Triangle, LLC seeks approval for a Conditional Use Permit (CUP) and a Coastal Development Permit for 28,656 square feet (SF) of existing mixed light cannabis cultivation within a 154'x178' glass greenhouse and a 16'x97' hoop house. Additionally, 9,800 SF of existing outdoor commercial cannabis cultivation within four (4) hoop houses. Existing ancillary propagation space consists of 4,140.5 SF within two (2) areas: (1) 3,540.5 SF within and existing 36.5'x97' hoop house and (2) 600 SF within a 25.5'x42' storage shed.

This project is undergoing a change of use from a commercial flower farm to a commercial cannabis cultivation operation within the Coastal Zone. The project site is a relatively level (0-5% slope) parcel located on Table Bluff Road on a slight slope to the west. The subject parcel is 6.53 acres in size. The adjoining parcel is 21.59 acres in size. Surrounding land use is primarily agricultural production, including dairying, and pasturage. Soils at the site are Rohnerville 5, a silty loam soil characteristically found on high flat terraces such as those occurring at Table Bluff. The parcel is presently zoned Agriculture Exclusive with 160-acre minimum parcel size, with Transitional Agricultural Lands, Archaeological Resource Area Outside Shelter Cove, and Coastal Wetlands Special Combining Zones (AE-160/T,A,W), with a general plan designation of Agricultural Exclusive – Grazing (AEG (160)) in the Eel River Area Plan (ERAP).

The applicant projects two (2) cultivation cycles per year and four (4) to five (5) cultivation cycles (one every eight weeks) for the indoor cultivation. Drying/curing will occur on site in existing greenhouses and within the 1,364 SF (31'x44') existing storage shed.

Water for cannabis cultivation irrigation and domestic use is sourced from an existing permitted groundwater well. The well records indicate a yield of 38 gallons per minute and the pump is an in-ground water pump. Water is stored in a 6,000-gallon water storage tank and administered via by hand with hoses primarily and secondarily by drip irrigation. Projected water use is 1,011,000 gallons per year (23.7 gallons per square foot which includes ancillary propagation square footage).

Table 1 – Well #1 Irrigation Monthly Water Use Estimates (gallons) APN 308-131-012					
January	February	March	April	May	June
76,900	76,900	76,900	89,500	89,500	89,500
July	August	September	October	November	December
89,500	89,500	89,500	89,500	76,900	76,900
Total 1,011,000 gallons per annum					

Processing, including trimming and is proposed to be taken to a third-party licensed processing facility. The applicant states that up to five (5) full time and up to three (3) part time employees will be required

for cultivation purposes. The proposed hours of operation from 6:00 AM to 8:00 PM seven days per week. Electricity is sourced from PG&E and emergency back-up generator. As a condition of approval the operator will be required to provide annual documentation of enrollment in the PG&E REpower+ 100% renewable energy program.

The Applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger (WDID 1B161335CHUM) August 4, 2016.

The Applicant will comply with the International Dark Sky Association standards for lighting Zone 0 and Lighting Zone 1. Lighting used for mixed-light cultivation and nursery activities will be shielded and lights used will comply with CCMLUO requirements. Power to the site is provided by Pacific Gas & Electric Company (PG&E) and no generators are used that would cause excessive noise.

Fertilizers and pesticides are currently stored in a storage shed with secondary containment to prevent contamination with runoff.

Employees will travel to the site daily as no on-site housing is proposed. Access to the site is via Hwy-101 to Eel River Road for 1.3 miles which is paved and striped and meets Category 4 standards then onto to Table Bluff Road for 1.88 miles to the project parcel (APN 308-131-012). Adequate parking for up to eight (8) employees is provided on site adjacent to the onsite residence and south east of the glass greenhouse. The automatic gate is locked with a key code entry access. All interior structures have lockable doors and windows and all finished cannabis is stored in a separate locked facility. The main entrance, as well as along the property lines, are posted with "No Trespassing" signs.

Per the applicant and based on the Site Plan, all cultivation areas are setback at least 30-feet or more from property lines. No portions of any cultivation related appurtenant structures are located within the setback.

There are no schools, school bus stops, churches, public parks, public lands, or known tribal cultural resources within 600-feet of the nearest cultivation area.

The project site has a previously approved Coastal Development Permit (Case Number: CDP-109-86) for flower production. This project is a change of use which is in substantial conformance with the approved Coastal Development Permit and an additional Coastal Development Permit for the change of use is being processed concurrently with the Conditional Use Permit. The project consists entirely of a change from commercial orchid production to commercial cannabis production and no additional development is proposed as part of this project, the project may be found exempt from environmental review pursuant to Section 15301 (Existing facilities) of the CEQA Guidelines.

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

The Commission could also decide that 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 categorically exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

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

**Case Numbers: CUP16-139
Assessor Parcel Numbers: 308-131-012 and 308-131-020**

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

WHEREAS, Humboldt Emerald Triangle, LLC submitted an application and evidence in support of approving a Conditional Use Permit and Coastal Development Permit for an existing 28,656 square foot (SF) mixed-light and 9,800 SF outdoor cannabis cultivation; and

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

WHEREAS, the change of use from a commercial orchid production operation to a commercial cannabis production operation requires no additional development or ground disturbance and is categorically exempt from environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Coastal Development Permit; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 9, 2020.

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

1. The Planning Commission finds that the proposed project is categorically exempt from environmental review per Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines; and
2. The Planning Commission makes all of the required findings in Attachment 2 of the Planning Commission staff report for approving the Conditional Use Permit and Coastal Development Permit PLN-11065-CUP, based on the submitted substantial evidence; and
3. The Conditional Use Permit and Coastal Development Permit PLN-11065-CUP is approved as recommended and conditioned in Attachment 1.

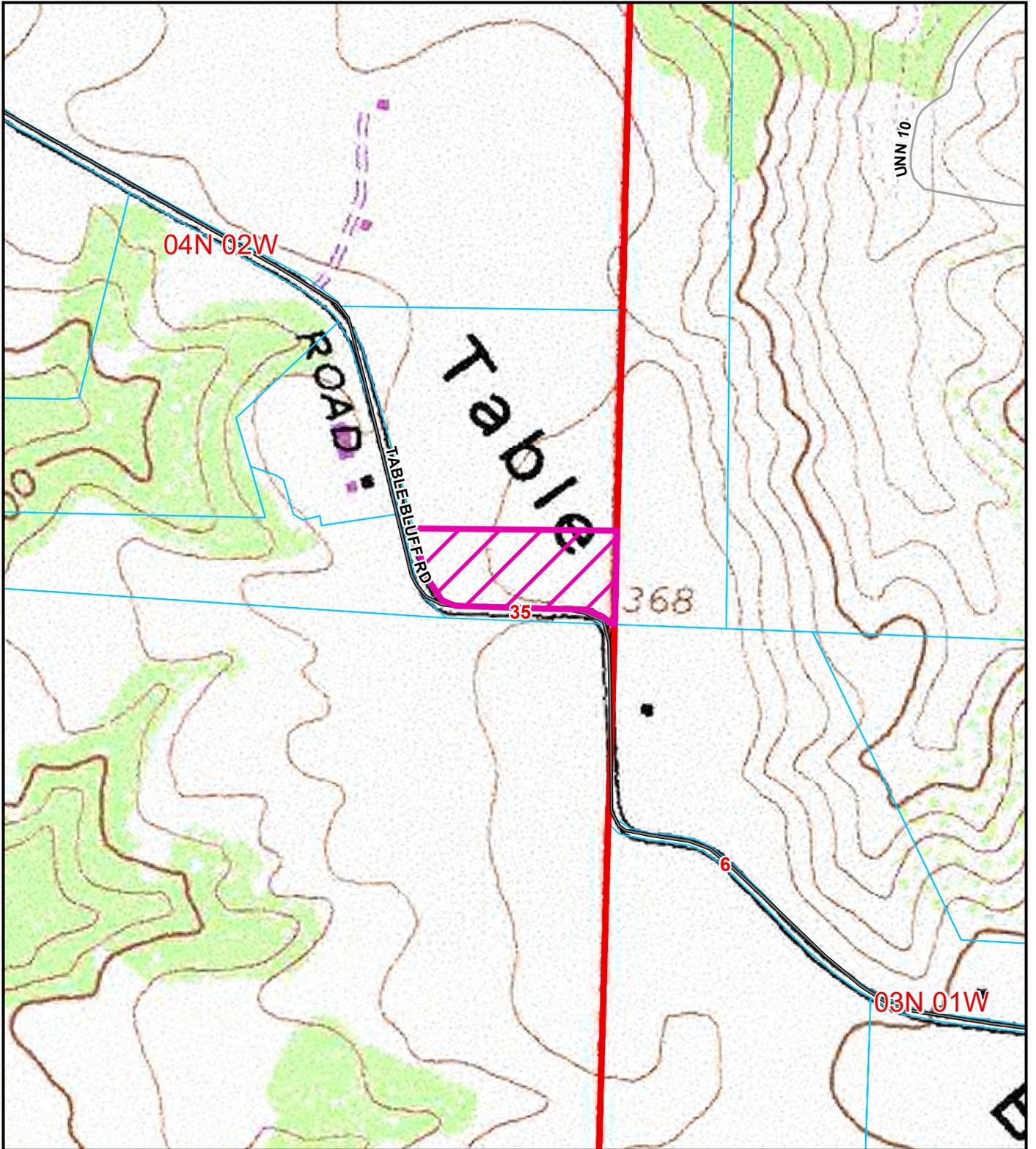
Adopted after review and consideration of all the evidence on January 9, 2020.

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

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

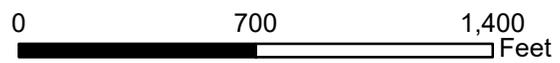
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department

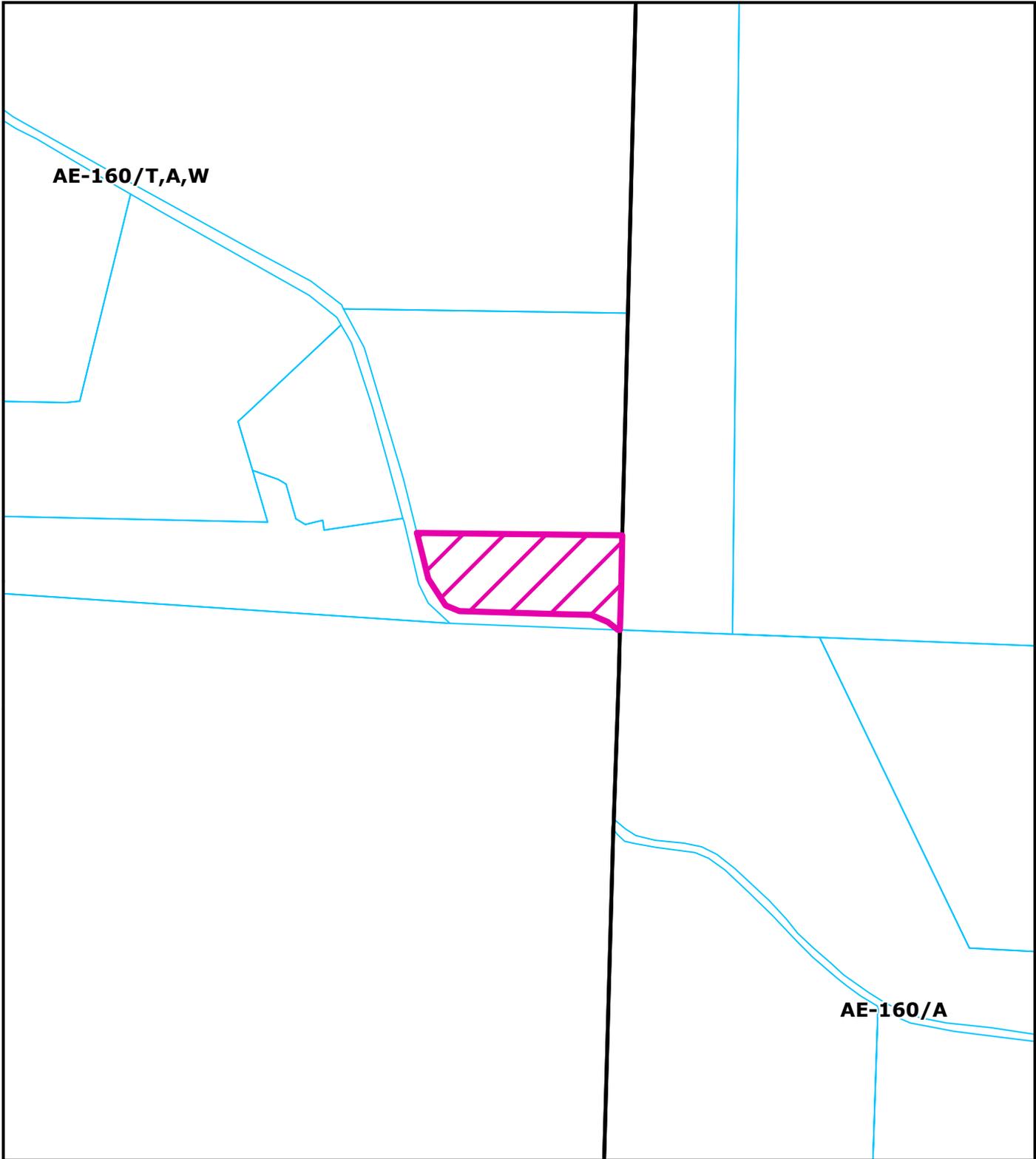


TOPO MAP
PROPOSED HUMBOLDT EMERALD TRIANGLE, LLC
TABLE BLUFF AREA
CUP-16-11065
APN: 308-131-012
T04N R02W S35 HB&M (FIELDS LANDING)

Project Area = 

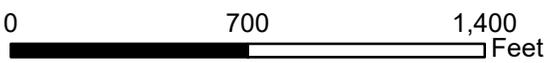


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

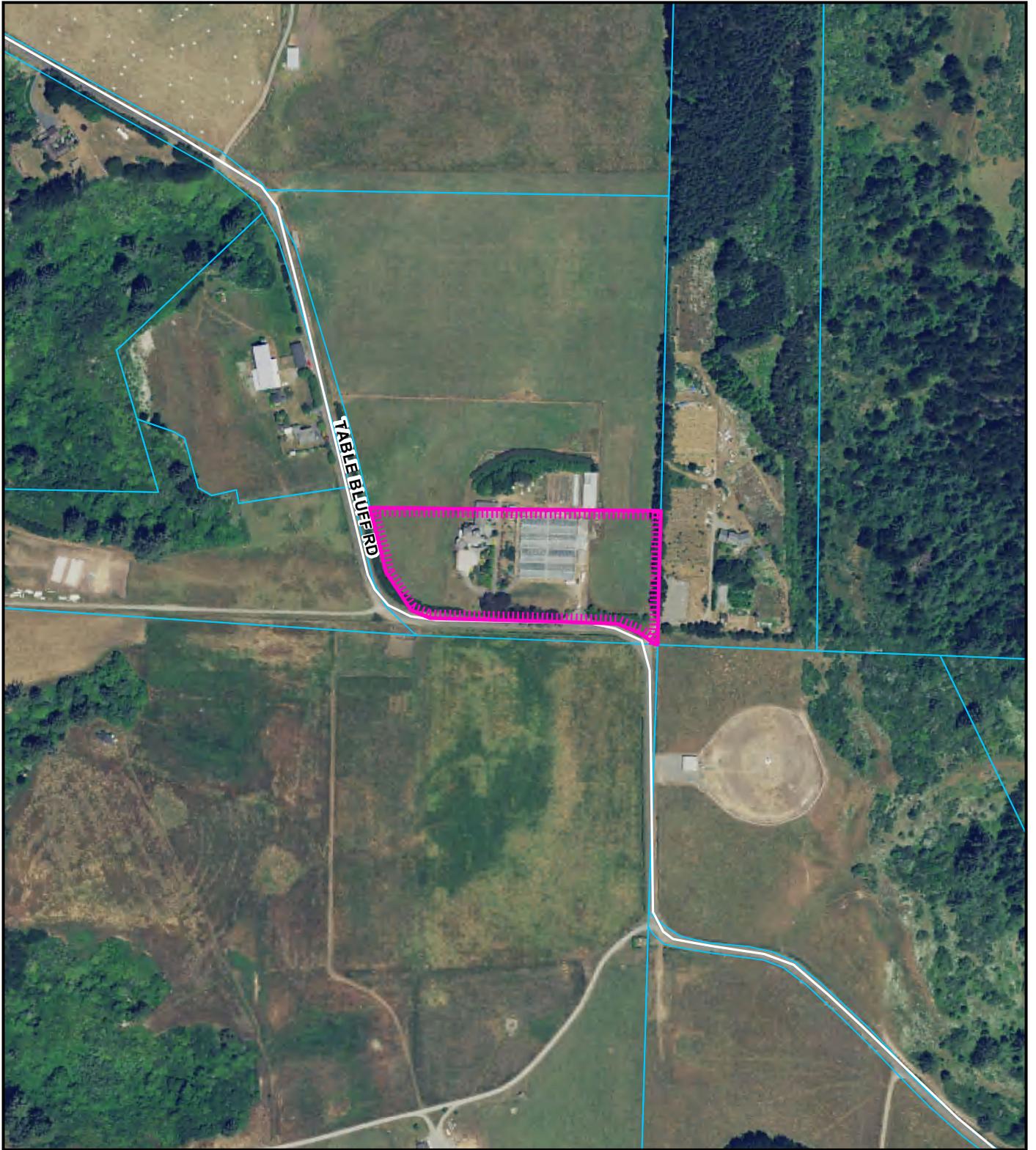


ZONING MAP
PROPOSED HUMBOLDT EMERALD TRIANGLE, LLC
TABLE BLUFF AREA
CUP-16-11065
APN: 308-131-012
T04N R02W S35 HB&M (FIELDS LANDING)

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.

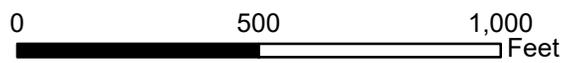


**AERIAL MAP
PROPOSED HUMBOLDT EMERALD TRIANGLE, LLC
TABLE BLUFF AREA
CUP-16-11065
APN: 308-131-012
T04N R02W S35 HB&M (FIELDS LANDING)**

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.



APN 308-131-019
SOPER RANCH LLC

1231'±

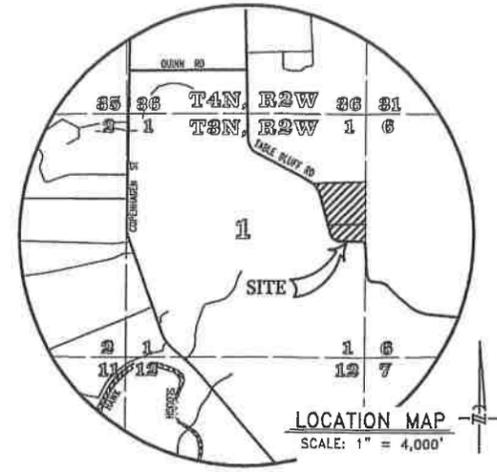
APN 308-201-013
RAU

UTILITIES

WATER & SEWER	ON-SITE
GAS	ON-SITE (PROPANE)
ELECTRIC	PG&E

LEGEND

SYMBOL	INDICATES
(E) [Symbol]	(E) PARKING SPACE
[Symbol]	DIRECTION OF SURFACE WATER RUNOFF/FLOW DIRECTION
(P)	PROPOSED
(E)	EXISTING
(TYP.)	TYPICAL
S.F.	SQUARE FEET
(OD)	OUT DOOR
(ML)	MIXED LIGHT
ADA	AMERICANS WITH DISABILITIES ACT
○	APPROXIMATE LOCATION OF POWER POLES
---360---	CONTOURS AT 20 FOOT INTERVALS



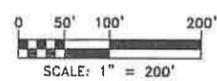
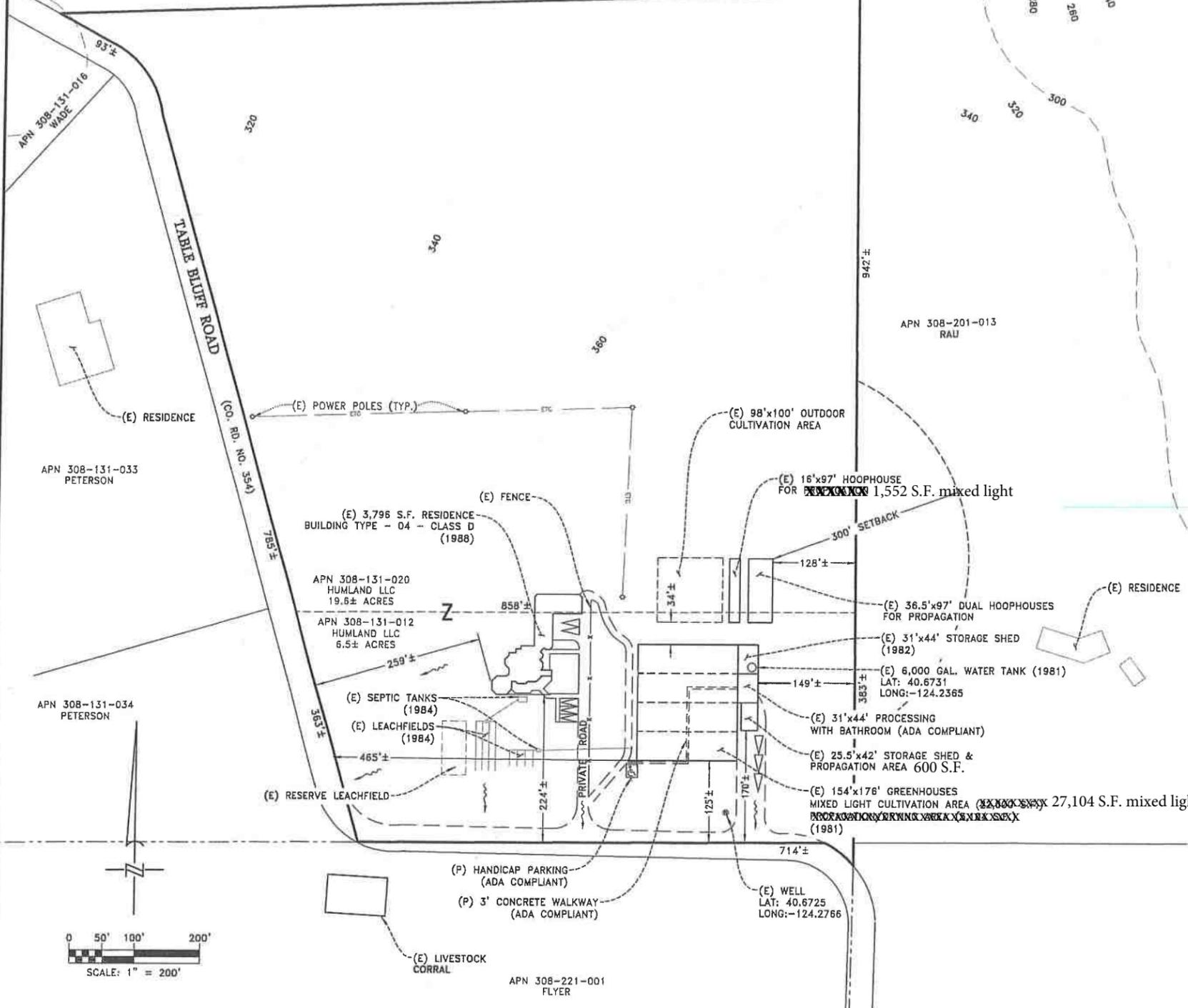
NOTES

1. THIS PLOT PLAN HAS BEEN PREPARED TO MEET APPLICATION REQUIREMENTS FOR HUMBOLDT COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE NO. 2544 (CMMLUO), AND ALSO FOR THE PURPOSE OF PERMITTING PROPOSED ON SITE STRUCTURES.
2. THE SITE IS LOCATED AT 2121 TABLE BLUFF ROAD, LOLETA, CA, WITH ACCESS VIA STATE HIGHWAY 101 AND EEL RIVER ROAD.
3. THE PARCEL HAS A GENERAL PLAN DESIGNATION OF AGRICULTURAL EXCLUSIVE GRAZING (AEG 160) PER THE EEL RIVER ESTUARY PRESERVE IS ZONED AGRICULTURAL EXCLUSIVE (AE) WITH A 160 ACRE MINIMUM PARCEL SIZE, WITH COMBINING ZONES SPECIFYING ARCHAEOLOGICAL RESOURCE AREA (A), COASTAL WETLAND AREAS (W) AND TRANSITIONAL AGRICULTURAL LANDS (T).
4. WATER FOR THE SITE IS FROM A PERMITTED WELL.; SEWAGE DISPOSAL IS ON-SITE WITH PERMITTED SEPTIC TANKS AND LEACH FIELDS, ALL AS SHOWN HEREON. WATER STORAGE STRUCTURES ARE LABELED AS TO TYPE, CAPACITY, AND DATE OF CONSTRUCTION. EX: (E) 6,000 GAL. STORAGE TANK (1982).
5. THIS SITE IS SERVED BY THE LOLETA VOLUNTEER FIRE DEPARTMENT.
6. THIS SITE IS OUTSIDE ANY STREAMSIDE MANAGEMENT AREA, AND IS NOT LOCATED WITHIN A FLOOD HAZARD AREA ACCORDING TO FIRM PANEL D6023C1015G, JUNE 21, 2017, AND CONTAINS AREAS OF PRIME AGRICULTURAL SOILS PER HUMBOLDT COUNTY'S GIS DATABASE.
7. A SOILS REPORT WILL BE PREPARED BY A QUALIFIED GEOLOGIST, AND WILL PROVIDE SITE SPECIFIC GEOTECHNICAL RECOMMENDATIONS REQUIRED TO PERMIT BUILDINGS.
8. NO PUBLIC PARKS, SCHOOLS, BUS STOPS, PLACES OF WORSHIP, OR TRIBAL CULTURAL RESOURCES ARE LOCATED WITHIN 600 FEET OF EXISTING AND PROPOSED COMMERCIAL AGRICULTURAL OPERATIONS.
9. NO OFF-SITE RESIDENCES ARE LOCATED WITHIN 300 FEET OF THE EXISTING CULTIVATION, PROCESSING AND STORAGE AREAS, AND THE PROPOSED PROCESSING AREA.
10. EXISTING BUILDINGS ARE LABELED AS TO TYPE AND DATE OF CONSTRUCTION, INCLUDING WHETHER THEY WILL BE USED FOR ANY CULTIVATION OR PROCESSING ACTIVITY. EX: (E) GREENHOUSES (1982).
11. NO TREES OVER 12-INCHES IN DIAMETER WILL BE REMOVED AS PART OF THE PROJECT.
12. EIGHT (8) EXISTING 9'x18' PARKING SPACES AND ONE (1) ADA SPACE ARE LOCATED AS SHOWN HEREON.
13. THIS PLAN MAY BE BASED ON RECORD INFORMATION ONLY AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS AND DISTANCES SHOWN HEREON MAY HAVE BEEN COMPILED FROM RECORD DATA ONLY, SUCH AS ASSESSOR'S MAPS, DEEDS, ETC., AND SHOULD BE CONSIDERED APPROXIMATE IN NATURE. IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
14. THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.

APPURTENANT EASEMENTS

(PER PRELIMINARY REPORT BY HUMBOLDT LAND TITLE COMPANY, ORDER NO. 154491, DATED OCTOBER 5, 2015)

1. AN EASEMENT GRANTED TO ZEPHYR OIL COMPANY RECORDED JUNE 18, 1962 IN BOOK 691 OF OFFICIAL RECORDS, PAGE 339, UNDER RECORDER'S SERIAL NO. 10410, HUMBOLDT COUNTY RECORDS FOR A STRIP OF LAND 20 FEET IN WIDTH. A STRIP OF LAND OF THE UNIFORM WIDTH OF 20 FEET LYING EQUALLY ON EACH SIDE OF THE LINE WHICH BEGINS AT A POINT IN THE EASTERLY BOUNDARY LINE OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 2 WEST, HUMBOLDT MERIDIAN, FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 1 BEARS NORTH 85.7 FEET MORE OR LESS; THENCE NORTH 37 22' WEST 1081.01 FEET; THENCE NORTH 1525.5' WEST 1382.97 FEET; THENCE NORTH 37 56' WEST 1735.6 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 1 (MARKED BY A FENCE NOW UPON THE GROUND) FROM WHICH POINT THE EAST QUARTER CORNER OF SAID SECTION 1 (AS MARKED BY AN INTERSECTION OF FENCES NOW UPON THE GROUND) BEARS SOUTH 37 43' EAST 3396.5 FEET MORE OR LESS.
2. AN EASEMENT GRANTED TO PACIFIC TELEPHONE AND TELEGRAPH COMPANY RECORDED MARCH 22, 1974 IN BOOK 1231 OF OFFICIAL RECORDS, PAGE 481, UNDER RECORDER'S SERIAL NO. 5012, HUMBOLDT COUNTY RECORDS FOR THE SOUTH 10 FEET OF THAT PORTION OF SAID LINE LYING NORTH OF THE NORTH LINE OF TABLE BLUFF ROAD.
3. AN EASEMENT GRANTED TO PACIFIC GAS AND ELECTRIC COMPANY ON AUGUST 21, 1997 AS INSTRUMENT NO. 1997-20675-2, HUMBOLDT COUNTY RECORDS.
4. AN EASEMENT GRANTED TO MARTIN N. RAU AND JANET L. RAU RECORDED DECEMBER 1, 1998 AS INSTRUMENT NO. 1998-30884-5, HUMBOLDT COUNTY RECORDS FOR A STRIP OF LAND AS SET FORTH HEREIN. COMMENCING AT THE FOUND HALF INCH IRON PIPE ACCEPTED AS MARKING THE SOUTHEAST CORNER OF SAID LANDS AND RUNNING THENCE ALONG THE EASTERLY BOUNDARY OF SAID LANDS, A) NORTH 029' EAST 637.4 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE LEAVING SAID EASTERLY BOUNDARY LINE, B) NORTH 8057.3' WEST 428.2 FEET, MORE OR LESS, TO A POINT IN AN EXISTING LINE OF POLES OWNED BY PACIFIC GAS AND ELECTRIC COMPANY.
5. AN UNDIVIDED ONE-HALF INTEREST IN AND TO A WELL WITH RIGHTS CONVEYED FROM MONDELL BRAZELL TO FLOYD K. WILSON AND WIFE BY DEED RECORDED DECEMBER 31, 1968 IN BOOK 986 OF OFFICIAL RECORDS, PAGE 513, UNDER RECORDER'S SERIAL NO. 18992. ALONG WITH RIGHT TO USE SUFFICIENT WATER FROM SAID WELL FOR LIVESTOCK PURPOSES AND THE RIGHT TO INSTALL, MAINTAIN, REPLACE AND REPAIR A WATER PIPELINE FOR CONVEYING WATER FROM SAID WELL NORTHWESTERLY TO THE REMAINING LAND OF THE GRANTOR.
6. AN UNDIVIDED ONE-FOURTH INTEREST IN AND TO A WELL AND PUMP EASEMENT FOR A WATER PIPELINE FROM SAID WELL NORTHWESTERLY OVER SAID LAND TO THE WEST LINE OF PARCEL ONE AS DEEDED TO WILLIAM T. DRAKE FROM MONDELL BRAZELL RECORDED AUGUST 8, 1968 IN BOOK 1012 OF OFFICIAL RECORDS, PAGE 209, UNDER RECORDER'S SERIAL NO. 11442, AND THE RIGHT TO INSTALL, MAINTAIN, REPLACE AND REPAIR A WATER PIPELINE FOR CONVEYING WATER FROM SAID WELL NORTHWESTERLY TO THE REMAINING LAND OF THE GRANTORS.
7. AN OIL AND GAS LEASE TO EUREKA OIL COMPANY, DATED OCT. 24, 1927, AS SET FORWARD IN BOOK 6 OF LEASES PAGE 454, HUMBOLDT COUNTY RECORDS.
8. AN RECORDED OIL AND GAS LEASE TO GILMORE OIL COMPANY DATED JULY 15, 1936, AS SET FORTH IN BOOK 31 OF DEEDS OF TRUST, PAGE 33, HUMBOLDT COUNTY RECORDS.



Kimberly D. Preston 8.20.19
 KIMBERLY D. PRESTON
 P.L.S. 9153
 DATE

OWNER
 HUMLAND LLC
 c/o JONATHAN FLYER
 PO BOX 395
 FORTUNA, CA 95540

APPLICANT
 HUMBOLDT EMERALD TRIANGLE INC.
 c/o MICHELLE HILL
 P.O. BOX 683
 YREKA, CA 96097
 (530) 340-1503
 January 7, 2020



DESIGNED BY:	DATE:
K.D.P.	08/05/16
DRAWN BY:	DATE:
C.W.B.	08/05/16
CHECKED BY:	DATE:
KIMBERLY D. PRESTON	08/20/19

CMMLUO APPS #11065
 APN 308-131-012 & 308-131-020

PLOT PLAN	
for HUMBOLDT EMERALD TRIANGLE LLC	
In the unincorporated area of Humboldt County, Pln. NE/4 of Section 1, T.3N., R.2W., H.S. & M.	
SCALE AS SHOWN	SHEET 1 OF 1

C:\Projects\Civil\18-2050_Hill (Sue 16-1894_Weston)\Verg_2050_PLOT01.dwg 8/20/2019 9:33 AM
 CUP-16-139 Humboldt Emerald Triangle LLC 11065

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT 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 project approval, the Applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2–13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The groundwater well shall be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise and submitted to the Planning Department for review. The Planning Department reserves the right to require additional water storage if necessary.
3. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month and source.
4. The operator shall provide evidence of enrollment with the PG&E Repower+ program, and shall annually provide this evidence upon each annual county inspection.
5. 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.
6. 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 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 length of 50 feet.
7. 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.
8. 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.
9. The Applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any 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 in order to keep the permit valid.

10. The applicant shall submit one copy of the final Site Management Plan (SMP) to the Planning and Building Department. The applicant shall implement all corrective actions detailed within the SMP developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program, including those measures determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the report form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the third-party Consultant verifying that all their requirements have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]
11. The applicant shall provide a soil management plan detailing the use of imported and native soil on the parcels or premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any parcel(s) utilized for off-site disposal of spent soil if this occurs or is proposed.
12. The Applicant shall demonstrate the driveway and emergency vehicle turn around, signing and building numbers, conforming access to the planned 5,000-gallon tank for emergency water, and fuel modification standards conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The Applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
13. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
14. 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) shall 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.
15. The Applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
16. The Applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the Applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
17. A Notice of Exemption (OE) 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 NOE and will charge this cost to the project.

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 secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. If applicable, prior to issuance of any building or construction permits a grading, erosion and sediment control plan shall be prepared by a qualified professional. The plan shall identify the cubic yards of all grading that has been done and any proposed grading. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. Future signage proposals are subject to review and approval by the Planning Director.
4. Odors shall be contained on the property on which the cannabis activity is located. To implement this requirement, air filtration and ventilation equipment is to be maintained in good working condition and monitored on an on-going basis to limit potential adverse odor emission impacts to employees and/or properties located in the vicinity. If the County received any odor complaints that are verified by County staff, the permit holder shall work with the building Official to correct odor concerns.
5. For the life of the project, the project shall not result in a discernable odor at the property lines adjoining the existing residential uses. Should the Department receive complaints regarding odor, the Department will work with the applicant/operator to resolve and return the project to compliance in a timely manner. Resolution may entail additional maintenance and/or replacement of the air filtration system. If the County receives any odor complaints, the permit holder shall work with the Building Official to correct odor concerns.
6. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCCLUO and MAUCRSA, as applicable to the permit type.
7. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
8. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
9. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control

measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

10. The environmental impacts of improper waste disposal are significant and well documented. All refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
11. The noise produced by any generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured 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. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
12. Any existing on-site lighting or proposed lighting upgrades in the future, shall be fully shielded and designed and installed to minimize off-site lighting and direct light within the property boundaries. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding, and alignment has been repaired, inspected, and corrected as necessary.
13. This permit does not authorize the use of Anticoagulant rodenticides on the subject parcel. Anticoagulant rodenticides are prohibited.
14. 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.
15. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]
17. Electricity will be supplied by Pacific Gas and Electric Company (PG&E). The applicant is required to conform to one or more of the following: 1) Grid power supplied from 100% renewable source, 2) on-site renewable energy system with up to twenty percent net non-renewable energy use, 3) grid power supplied by partial or whole non-renewable source with purchase of carbon offset credits. Note: purchase of carbon offset credits (for grid power procured from non-renewable producers) may only be made from reputable sourced, including those found on Offset Project Registries

managed by the California Air Resources Board, or similar sources and programs determined to provide bona fide offsets recognized by relevant state regulatory agencies.

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. If any wildlife is encountered during the authorized activity, the Applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
20. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
21. The Master Log Books maintained by the Applicant to track production and sales shall be maintained for inspection by the County.
22. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.
23. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
24. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials including fuel. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
25. Pay all applicable application and annual inspection fees.
26. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
27. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

Performance Standards for Cultivation and Processing Operations

28. 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."
29. 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).

30. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
31. Term of Commercial Cannabis Activity Conditional Use Permit. Authorization for any Commercial Cannabis Activity Zoning Clearance Certificate, Special Permit, Coastal Development Permit or Use Permit issued pursuant to this section shall expire terminate 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 permitted site has been found to comply with all conditions of approval, applicable eligibility and siting criteria, and performance standards.
32. Annual compliance inspections are required, pursuant to section 55.4.5.6 above. If the inspector or other County official determines that the site does not comply with the conditions of approval, the inspector shall serve the clearance certificate or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance and the time period within which the non-compliance must be corrected. The statement shall also advise the clearance certificate or permit holder of their right to file an appeal of the non-compliance statement within ten (10) calendar days of the date that the written statement is delivered to the permit holder, or after the date of any reinspection if there is a dispute about whether or not the corrections have been completed. Email, personal delivery, or mail are appropriate means of delivering the written statement. Where mailed or emailed, the written statement shall be sent to the most current mailing address or email shared with the Department by the operator. The statement shall be considered to be delivered 3 days following the postmarked date of mailing or verification of email transmittal. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request re-inspection and cure any items of non-compliance within the prescribed timeframes, or to timely file an appeal, shall terminate the Zoning Clearance Certificate, Special Permit, Coastal

Development Permit or Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed.

33. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #18 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 commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
 - b. 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
 - c. 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 Medical Marijuana Regulation and Safety Act.
36. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCCLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required conformance with conditions review shall accompany the request. The request shall include the following information:
 - (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - (3) The specific date on which the transfer is to occur; and
 - (4) Acknowledgement of full responsibility for complying with the existing Permit; and
 - (5) 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 314-55.4.6.5.7 of the CCCLUO, 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 314-55.4.6.5.5 of the CCCLUO.
2. This permit 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 construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-10.5 of the Humboldt County Code.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the 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) 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. 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. The Planning and Building Department shall provide information regarding the appropriate Tribal point(s) of contact for a specific area. 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.
5. If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and shall immediately contact the County. A qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the County. The paleontologist shall determine appropriate actions, in cooperation with the applicant and the County, that ensure proper exploration and/or salvage.

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 (Legal Lot Requirement) and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Conditional Use Permit and Coastal Development Permit:

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

1. The proposed development must be consistent with the General Plan (Eel River Area Plan), Open Space Plan, and Open Space Action Program. The following table documents the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Eel River Area Plan (ERAP).

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use §3.34 Agriculture Exclusive-Grazing [AEG(160)]</p>	<p>Grazing lands Table Bluff Agriculture Exclusive: Allowable density = 1 dwelling unit per each 20 acres of the original parcel as designated by the Eel River Area Plan.</p> <p>The specific designations for Agricultural Exclusive in the Eel River Area Plan reflect the existing land uses in the area. Agricultural Exclusive is intended for prime and non-prime agricultural lands for long-term productive agricultural use.</p> <p>Non-agricultural development must not impair agricultural viability or diminish the productivity of prime agricultural lands.</p>	<p>The Applicant is proposing to permit an existing commercial cannabis cultivation operation consisting of 28,656 square feet of existing mixed light and 9,800 square feet of existing outdoor commercial cannabis cultivation. Existing propagation space consists of 4,140.5 SF existing hoop houses on lands designated as Agriculture Exclusive. General and intensive agriculture are allowable use types for this designation.</p> <p>The existing cultivation is an agricultural use, and the supportive infrastructure for this use are accessory to the agricultural use and already permitted as agricultural related infrastructure under a previous Coastal Development Permit (CCC Permit 80-P-5).</p>
<p>Hazards §3.28 ERAP - Geologic</p>	<p>New construction shall be built to protect occupants from geologic hazards.</p>	<p>Geologic hazard maps show that the majority of the property to be relatively stable (low instability) with a portion rated as moderate instability. The area of cannabis operations is located on an area of less than 15% slopes with no mapped historic landslides and outside of areas of potential liquefaction. No known earthquake faults are mapped on or adjacent to the site.</p> <p>No new exterior construction is proposed, and no soils report is therefore required. The existing buildings are all permitted through the California Coastal Commission and the Humboldt County Building Division.</p>
<p>Hazards §3.28 ERAP – Flooding and Tsunamis</p>	<p>All new development shall conform with the County Flood Insurance Program.</p>	<p>According to FIRM Map Panel 0623C1015G, the parcel is outside of areas of flood hazard. The project site is also outside of the tsunami run up area. The project therefore conforms with the County's Flood Insurance Program.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Hazards §3.28 ERAP – Fire Hazard	The County will promote the orderly implementation of recognized fire protection practices.	The parcel is in an area of Moderate Fire Hazard Severity rating. The parcel is also located within a State Responsibility Area (SRA) with local fire response from the Loleta Fire Protection District. CalFire’s referral response stated, “No comment at this time,” indicating that no immediate actions are needed to bring the site into compliance with the County Fire Safe Regulations. The Loleta Fire Protection District received a project referral but did not provide comments.
Archaeological and Paleontological Resources §3.29 ERAP	Where new development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Office, reasonable mitigation measures shall be required.	A referral was sent to Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe on November 6, 2019. The site has been analyzed for sensitive cultural or archaeological resources that could be impacted from on-going cultivation. A Cultural Resource Survey conducted by William Rich and Associates found that no potential significant cultural resources were identified at the Site and that no project-specific recommendations are warranted. No new construction is proposed, so no ground disturbance will occur. Nonetheless, the project is conditioned to include an inadvertent discovery protocol should the project encounter undocumented cultural resources.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Environmentally Sensitive Habitats §3.29 ERAP	Designated sensitive habitats and natural resources shall be protected.	<p>The project site exhibits upland characteristics as shown by the 2017 National Wetland Inventory (NWI) mapping. A review of the Eel River Area Plan Resources map and County GIS shows that an adjacent parcel to the west the project parcel contains seasonally flooded palustrine wetland. This is approximately 800 feet away from the project activities. There are no sensitive or critical habitats on the project parcel.</p> <p>According to the California Natural Diversity Database (CNDDDB) Resource Map maintained by the California Department of Fish and Wildlife (CDFW), there are two (2) listed special-status or threatened species in the vicinity of the subject parcel. Habitat for Northern Spotted Owl exists in the project vicinity (approximately 3.45 miles away) but as no generators (except as an emergency back-up) are proposed the noise impacts on NSO from the project will be well below the thresholds that could cause disturbance of the species.</p>
Visual Resource Protection §3.42 ERAP	New development shall protect special communities which have unique visual characteristics.	The parcel is not in a Coastal View area, nor in a Coastal Scenic area. The existing on-site structures utilized for the project were built in the 1980's and are not considered historical buildings.
Agricultural Lands §4.41 ERAP	Grazing lands along Table Bluff are planned Agriculture Exclusive – Grazing (AEG). Minimum parcel size for Table Bluff is 160 acres. New homesites can be created as with a density not to exceed 20 acres per dwelling unit.	The existing parcel size for the project is 26.1 acres. This parcel was created by a Notice of Merger in 1980 and has been recognized as a separate legal parcel. It is existing non-conforming as to parcel size; however, the project will not increase the severity of this non-conformance. The project is a change of use from one type of permitted agricultural use to another.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Resource Protection – Wetlands §4.71 ERAP	Typically, transitional agricultural lands were identified as diked former tidelands and clearly defined non-tidal sloughs (see Chapter 6: Definitions). The plan policies of Section 3.41 generally limit new filling to new agricultural uses, such as residences, barns, etc., and oil and gas development. Minimum parcel size in these areas is 60 acres. Dredging within transitional agricultural lands is limited to maintenance of existing drainage facilities. Within areas defined as “wetlands” only resource dependent uses area permitted; those areas are all planned Natural Resources.	There are no wetland or transitional agricultural lands located in the immediate project vicinity. A seasonally flooded palustrine wetland is located approximately 800 feet away from the project site. The project is a change of use from one type of agricultural use to another. Due to these circumstances the project will not impact wetlands or transitional agricultural lands and is consistent with these resource protection policies.
Visual Resource Protection §4.74 ERAP	New development shall maintain the existing scale of structures and protect natural landforms.	The proposed development is a change of use to occur in existing structures. No new exterior development is proposed.
Access §4.80 ERAP	Maximum access and recreational opportunities shall be provided for all people.	The project site does not include any coastal access points, accessways, scenic views, or scenic areas. The project will not have an impact on coastal access.
Rural Plan Designations §5.30 ERAP	Agriculture Exclusive/Grazing Lands (1) – AEG(1) allows for production of food, fiber, or plants, with residence as a use incidental to this activity, including two separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator.	The project involves a change of use from one type of agricultural use to another; flower farm to cannabis cultivation. The site has one (1) existing residence with no nexus to cannabis.

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel known as APN 308-131-012 and 308-131-020 is comprised of one separate legal parcel created by Notice of Merger recorded on February 29, 1980 in Book 1605 of Official Records at Page 886. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§313-7.1 and 313-163.1.9.9 Agriculture Exclusive-160 acre minimum lot size (AE-160)	The AE Zone principally permits general agriculture, single family residential, and timber production.	The project consists of an existing commercial cannabis cultivation operation consisting of 28,656 square feet of existing mixed light and 9,800 square feet of existing outdoor commercial cannabis cultivation. Existing propagation space consists of 4,140.5 SF.. The cultivation of commercial cannabis is an agricultural use and is therefore compatible with the principally permitted uses allowed in the zone. Additionally, the proposed use is specifically allowed with Conditional Use Permit and a Coastal Development Permit in this zoning district under Section 313-55.4.6.1 of the CCCLUO. The project site was issued a Coastal Development Permit for construction of greenhouses and commercial flower production (Coastal Commission Case No. 80-P-5). The proposed project is simply a change of use from commercial flower production consisting primarily or orchids, to commercial flower production consisting entirely of cannabis. In accordance with the CCCLUO the change of use requires a CUP and a CDP in order to legally be permitted for commercial cannabis. The use of the site will remain agricultural and the project is therefore consistent with the Agricultural Exclusive zone district.
Minimum Lot Size:	160 acres	26.1 acres, this project will not increase the existing non-conformity.
Maximum Ground Coverage:	None specified	~3.8%
Minimum Lot Width:	As determined during subdivision review and approval	100 feet
Maximum Lot Depth:	None specified	None specified

Minimum Yard Setbacks:	Front: 20 feet Rear: 30 feet Interior Side: 30 feet Exterior Side: 20 feet SRA setback from all property lines: 30 feet	Front: 120 feet Rear: 770 feet Interior Side: 370 feet Exterior Side: 180 feet
Max. Building Height:	None specified	Single story
§ 313-121 Geologic Hazard Regulations	The purpose of these regulations is: to ensure that the risks to life and property in high and potentially high geologic hazard areas shall be minimized, and further, to assure the geologic stability and structural integrity of development, and to ensure that development neither creates nor contributes significantly to erosion, geologic instability or destruction of development sites or surrounding areas, or in any way requires the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.	Consistent. The existing project area is classified as low instability. The project does not propose to alter the land nor contribute to erosion, geologic instability, or the destruction of development sites in the vicinity.
§ 313-125 Wetland Buffer Areas	Ensure that development permitted in lands adjacent to coastal wetlands will not degrade the wetland and detract from its natural resource value without significant impact.	Consistent. The proposed event area is situated upland from the surrounding parcels where mapped wetlands exist. There are mapped coastal wetland area in the project area that events would occur. The closest NWI wetland is approximately 800 feet west on an adjacent parcel and the closest Farmed Wetland is 3,000 feet north east on an adjacent parcel. No event participants will be trespassing outside of the immediate area designated for events. No negative impacts to sensitive biological resources are anticipated.

<p>§313-16.1 A: Special Archaeological Resource Area Outside Shelter Cove</p>	<p>To provide for reasonable mitigation measures where development would have an adverse impact upon archaeological and paleontological resources.</p>	<p>The project is a change of use from one type of agricultural use to another. No additional structures are proposed. A Cultural Resource Survey conducted by William Rich and Associates found that no potential significant cultural resources were identified at the Site and that no project-specific recommendations are warranted. No new construction is proposed, so no ground disturbance will occur. Nonetheless, the project is conditioned to include an inadvertent discovery protocol should the project encounter undocumented cultural resources.</p>
<p>§313-35.1 T: Transitional Agriculture Lands</p>	<p>To permit agricultural use as a principal permitted use while providing that development in T lands is conducted in such a manner as to maintain long-term wetland habitat values and minimize short-term habitat degradation within these ESHA.</p>	<p>The project area is located at least 3,800 feet from the nearest mapped transitional agriculture land which is located on an adjacent property. No negative impacts to sensitive biological resources are anticipated.</p>
<p>§313-38.1 W: Coastal Wetland Areas</p>	<p>To provide that any development in coastal wetlands will not degrade the wetland, but will maintain optimum populations of marine or freshwater organisms and, where feasible, will enhance wetland resources.</p>	<p>The project area is located at least 800 feet from the nearest mapped wetland which is located on an adjacent property. No negative impacts to sensitive biological resources are anticipated.</p>

313-55.4 Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis Land Use Regulation for the Coastal Zone of the County of Humboldt – Coastal Commercial Cannabis Land Use Ordinance (CCCLUO)

Zoning Section and Summary of Applicable Requirement	Evidence that Supports the Required Finding
<p>§313-55.4.5.1.1 No Commercial Cannabis Activity shall be permitted within six hundred feet (600') of a school.</p> <p>§313-55.4.5.1.2 No Commercial Cannabis Activity shall be permitted within Tribal Lands without the express written consent of the Tribe.</p> <p>§313-55.4.5.1.3 No Commercial Cannabis Activity shall be permitted within 100 feet of an Environmentally Sensitive Habitat Area (ESHA) or Wetland.</p>	<p>The project is located more than 600 feet away from any schools and is not located on Tribal Lands.</p> <p>There are no ESHA or coastal wetlands within 100 feet of the project site. No negative impacts to sensitive biological resources are anticipated.</p>
<p>Eligibility Criteria</p> <p>§313-55.4.6.1.1: Zoning AE and RA.</p> <p>§313-55.4.6.1.2: Minimum Parcel Size and allowed Cultivation Area. a) On parcels 20 acres or larger in size, 1) up to 10,000 square feet of Cultivation Area with a Special Permit and a Coastal Development Permit; 2) a maximum of 43,560 square feet of cultivation areas with a Use Permit and a Coastal Development Permit on any parcel less than 320 acres in size.</p> <p>§313-55.4.7.1 A combination of Outdoor and Mixed Light cultivation activities may be authorized for a total area equal to or less than the cultivated size limit for the applicable permit being sought.</p>	<p>The project site is zoned Agricultural Exclusive. The project site is 26.1 acres in area. The project proposes 31,840 square feet of cannabis cultivation and is subject to a Conditional Use Permit. A Coastal Development Permit (Case No. 80-P-5) was approved by the California Coastal Commission on February 14, 1980. This project is a change of use from one type of agricultural use, orchid flower production, to another, cannabis flower cultivation. A Coastal Development Permit is being processed concurrently.</p>
<p>§313-55.4.5.4.1 Permit Limits and Permit Counting. No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).</p>	<p>Consistent. According to records maintained by the Planning Department, the applicant, submitted one (1) application for a commercial cannabis permit.</p>
<p>§313-55.4.6.3.1 Energy Source. Electricity must be exclusively provided by a Renewable Energy Source, meeting the Performance Standard for Energy Use.</p>	<p>The project has been conditioned according to the requirements of §313-55.4.6.3.1.</p>
<p>§313-55.4.6.3.2 Water Source. Irrigation shall exclusively utilize Stored Water from Non-Diversiory Sources or water from a Public or Private Water Supplier, if adequate capacity exists for irrigation use, as determined by the Public or Private Water Water Supplier. Water from on-site greywater systems is also authorized for year-round use. Dry Farmed Outdoor or</p>	<p>The water source is a permitted groundwater well. The applicant has provided a monthly and annual budget for water. The project has been conditioned to require metering and recording keeping of water use.</p>

Mixed Light cultivation sites may utilize Irrigation from Diversionary Sources for propagation areas and transplantation.	
§313-55.4.6.3.3 Access Road(s). Road systems providing access to the parcel(s) or premises hosting the Cultivation Site(s) must meet or exceed the Road System Performance Standards in Section 55.4.12.1.8.	The access roads meet category 4 standards as stated in the Road Evaluation Report for the project prepared October 2018 by Shasta Engineering and Consulting.
§313-55.4.6.4 Siting Criteria §313-55.4.6.4.1 Slope. Cultivation sites must be confined to areas of the Parcel where the Slope is 15 percent or less.	The project site has a slope of less than 15 percent. The cultivation site has a slope of less than 15 percent.
§313-55.4.6.4.2 Conversion of Timberland Prohibited. Cultivation sites may only be located within a Non-Forested area that was in existence prior to January 1, 2016.	This project site has not undergone a removal of timber.
§313-55.4.6.4.3 Limitation on Use of Prime Soils. The cumulative area of any Cannabis Cultivation Sites located in areas identified as having Prime Agricultural Soil shall not exceed 20 percent of the area of Prime Agricultural Soil on the Parcel. Where occurring in areas with Prime Agricultural Soil, Cultivation shall only occur within the native soil. Removal of native soil and replacement with manufactured soil is prohibited. Exceptions to the in native soil planting requirement may be considered with a Use Permit.	The prime agricultural soils being utilized do not exceed 20% of the area of Prime Agricultural Soil on the Parcel or legal lot. Removal/replacement of native soils is not proposed. The project is a change of use from one type of agricultural use to another.
§313-55.4.6.4.4 Standard Setbacks Cultivation Site(s) must observe the following setbacks: a) Property lines - setback at least 30 feet from any property line; b) Residences and undeveloped parcels - 300 feet from any residence on an adjacent separately owned parcel or 270 feet from any undeveloped adjacent separately owned parcel; c) Sensitive Receptors - 600 feet from a church or other place of religious worship, public park, Coastal Public Access, Commercial Recreational Facility, Tribal Cultural Resource, or School Bus Stop currently in use at the time of project application submittal; d) 1,000 feet from all Tribal Ceremonial Sites.	Setbacks for the cannabis cultivation project meet the Standard Setbacks a) through d).
§313-55.4.6.8 Cap on Permits. The total number of permits issued for commercial cultivation activities in the Eel River Area Plan (ERAP) shall be 112 permits and 39 acres. Cannabis cultivation sites with water from the Humboldt Bay Municipal Water District may be exempt from the cap with a will-serve letter from the district providing public water service to the site.	This project is the first permit issued in the ERAP and is under 1 acre of total cultivation area.. The water is sourced from a permitted well.
§313-55.4.11 Application Requirements	Attachment 3 identifies the information submitted

Identifies the Information Required for All Applications	with the application and shows all the required information was received.
§313-55.4.12.1.8 Performance Standards– Road System	The access roads meet category 4 standards as stated in the Road Evaluation Report for the project prepared October 2018 by Shasta Engineering and Consulting.
§313-55.4.12.1.9 The burning of plant material associated with the cultivation and processing of commercial cannabis is prohibited.	Burning of plant material associated with the cultivation and processing of cannabis is not proposed for the project.
<p>§313-55.4.12.1.10 Performance Standards– Biological Resource Protections. Projects proposing development activities shall implement the following mitigation measures from the Final Environmental Impact Report (FEIR, as applicable.</p> <ul style="list-style-type: none"> (a) Biological reconnaissance surveys (b) Special-status amphibians (c) Western pond turtle (d) Nesting raptors (e) Northern Spotted Owl (f) Special-status (g) Marbled Murrelet (h) American Badger (i) Fisher and Humboldt Marten (j) Special-status bats (k) Special-status voles (l) Special-status plants (m) Sensitive natural communities (n) Coastal waters and wetlands 	<ul style="list-style-type: none"> (a) No biological reconnaissance survey was required or submitted due to lack of ground disturbance associated with this project. The project is a change of use of existing, permitted structures and no new development is proposed. (b) no special status amphibians have been documented on the project site according to the California Natural Diversity Database (CNDB). (c) Western pond turtle presence has not been documented according to the CNDB. (d) no nesting raptors are on the project parcel or within the vicinity and no tree removal is proposed. (e) the nearest Northern Spotted Owl Activity Center is 3.45 miles away from the project site and the nearest occurrence is 2.3 miles from the project site. (f) no special-status nesting birds have been documented on the project site according to the CNDB. (g) no Marbled Murrelet presence has been documented within or adjacent to the project site. (h) American Badger presence has not been documented within or adjacent to the project site according to the CNDB. (i) Fisher and Humboldt Marten species have not documented within or adjacent to the project site. (j) Special-status bats have not been documented within or adjacent to the project site according to the CBDB. (k) Special-status voles have not been documented within or adjacent to the project site according to the CBDB. (l) Two species of Special-status plants have been identified on the project parcel, however as no ground disturbance is proposed and the structures are all in existence and permitted, there is unlikely to be any impact to these species

	<p>(m) Sensitive natural communities in the form of coastal wetlands on the project parcel and seasonally flooded palustrine wetland approximately 815 feet on the adjacent parcel to the west of the project parcel.</p> <p>(n) Coastal waters and wetlands are present on and adjacent to the project parcel.</p>
<p>§313-55.4.12.1.11 Performance Standards– Hazardous Material Site Assessments and Contingency Plans (a) through (c). Where commercial cannabis activities are located or proposed on a property previously developed with an industrial or heavy commercial use, applications must be accompanied by a Phase I Environmental Site Assessment (ESA) for the presence of potential hazardous materials.</p>	<p>The proposed project is not located or proposed on a property previously developed with an industrial or heavy commercial use.</p>
<p>§313-55.4.12.1.12 Performance Standards– Stormwater Management Projects shall include a plan detailing stormwater management for the property, including the location, capacity, and operations of all existing and proposed drainage facilities and features.</p>	<p>A Site Drainage Plan has been included as a section of the Cultivation and Operations Plan for the project. The Site Drainage Plan describes measures to mitigate drainage concerns on the project parcel.</p>
<p>§313-55.4.12.1.13 Performance Standards – Management of Waste and Hazardous Materials (a) and (b). All projects shall include a materials management plan (MMP) for proper disposal of project-related waste at legally authorized disposal sites.</p>	<p>The project has been conditioned to properly dispose of project-related wastes that conform to the Management of Waste and Hazardous Materials Performance Standards.</p>
<p>§313-55.4.12.1.14 Performance Standards – Protection of Historical Resources</p>	<p>The proposed project does not propose the removal or exterior alteration of structures over 45-years in age.</p>
<p>§313-55.4.12.1.15 Performance Standards – Inadvertent Discovery of Archaeological and Paleontological Resources (a) and (b).</p>	<p>No new construction is proposed, so no ground disturbance will occur. Nonetheless, the project is conditioned to include an inadvertent discovery protocol should the project encounter undocumented cultural resources.</p>
<p>§313-55.4.12.2 Performance Standards for Commercial Cannabis Cultivation Activities Permittees and operators shall conduct all commercial cannabis activities in compliance with the following performance standards: General Standards applicable to all Commercial Cannabis Activities 55.4.12.2.1-8. Failure to comply shall be grounds for permit revocation and administrative penalties.</p>	<p>The proposed project is projected to operate in conformance with the specified General Standards applicable to all Commercial Cannabis Activities 55.4.12.1-8 for the Eel River Area Plan (Coastal).</p>
<p>§313-55.4.12.4 Performance Standards for Light Pollution Control (a) through (c).</p>	<p>The project has been conditioned to comply with the International Dark Sky Association standards.</p>
<p>§313-55.4.12.5 Performance Standards for Energy Use All electricity sources utilized by Commercial Cannabis Cultivation, Manufacturing, or</p>	<p>Electricity will be supplied by Pacific Gas and Electric Company (PG&E). To ensure compliance with this requirement for the life of the project, the cited performance standard is incorporated into</p>

<p>Processing activities shall conform to one or more of the following standards:</p> <ul style="list-style-type: none"> • Grid power supplied from 100% renewable source • On-site renewable energy system with twenty percent net non-renewable energy use • Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits. 	<p>the Conditions of Approval.</p>
<p>§313-55.4.12.6 Performance Standards for Noise at Cultivation Sites Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by taking twenty-four-hour measurements on three or more property lines when all cannabis related activities are not in operation.</p>	<p>A Coastal Development Permit (Case No. 80-P-5) was approved by the California Coastal Commission on February 29, 1980. This project is a change of use from one type of agricultural use, flower production, to another, cannabis cultivation. A Coastal Development Permit is being processed concurrently with the Conditional Use Permit. The applicant measured the ambient noise produced for the existing use at each property line with all cultivation fans running. The resulting decibel range was 37 db to 51 db. No additional fans are proposed for the project.</p>
<p>§313-55.4.12.7 Performance Standards for Cannabis Irrigation. In addition to the requirements of Section 55.4.5.3.2 that irrigations shall exclusively utilize stored water from non-diversionary sources, or water from a public or private water supplier (if adequate capacity exists for irrigation use, as determined by the public or private water supplier), all cannabis irrigation, regardless of cultivation area, shall be subject to the following standards: Documentation of current and projected water use 55.4.12.7.1 (a) through (d). Metering and Recordkeeping 55.4.12.7.4 - 6</p>	<p>Water for this project is sourced from a permitted groundwater well and the applicant has provided a monthly and annual budget for water. The project has been conditioned to require metering and recording keeping of water use.</p>
<p>§313-55.4.12.8 Performance Standards for Water Storage All facilities and equipment storing water for irrigation shall be designed and managed in conformance with the following performance standards, as applicable: <i>Existing ponds and reservoirs a) through d)</i> <i>Bladders & Above-Ground Pools, and similar vessels e)</i> <i>Tanks located in designated Flood Zones f)</i></p>	<p>All water storage equipment and facilities are proposed to conform to the Performance Standards for Water Storage a) through f). This project is a change of use from one type of agricultural use, flower production, to another, cannabis cultivation.</p>
<p>§313-55.4.12.9 Performance Standards for Wells on Small Parcels Cultivation Site(s) located on lot sizes forty acres or</p>	<p>This project is a change of use from one type of agricultural use, flower production, to another; cannabis cultivation. The well being utilized for</p>

smaller where proposing or conducting irrigation with water from a proposed or existing well located within 400 feet of a property line, shall be subject to groundwater testing to determine connectivity of the source supply well.	cultivation irrigation and domestic purposes is a permitted groundwater well. The condition has been conditioned to be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season.
§313-55.4.12.10 Soils Management Performance Standard A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.	This project is a change of use from one type of agricultural use, flower production, to another; cannabis cultivation. The project has been conditioned such that the applicant provide a soil management plan detailing the use of imported and native soil on the parcels or premises.
§313-55.4.12.11 Existing Site Reconfiguration a) through f).	This project is a change of use from one type of agricultural use, flower production, to another; cannabis cultivation. No reconfiguration is required or proposed.
§313-55.4.12.16 Invasive Plant Species Control (FEIR mitigations measure 3.4-3b) As part of any application, the existence, type, and location of invasive species must be identified, and a plan must be submitted to control their spread. All invasive plant species shall be removed from the cultivation site and associated infrastructure which shall be confirmed during annual inspection.	The project has been conditioned such that the applicant identify and eradicate invasive plant species classified as invasive by the California Invasive Plant Council.

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

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

5. Residential Density Target: The following table documents 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 midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The property was not included in the 2014 Housing Inventory and is not in a Housing Opportunity Zone. The site has an existing residence, and the project would not disallow future residential use. The project does not involve housing, but does not limit the ability of the parcel to be developed for residential uses if in conformance with the General Plan and Zoning designations. The project is in conformance with the standards in the Housing Element.

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

The project is a change of use from orchid flower production to cannabis flower production. The production methods, required infrastructure, number of employees and hours of operation will remain similar in nature and no development is proposed. The existing structures housing the new operation were permitted by the California Coastal Commission and Humboldt County in 1980, and no exterior changes or additional ground disturbance is proposed. The project is therefore categorically exempt from environmental review pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. There are no exceptions to the exemptions as listed in Section 15300.2 of the CEQA Guidelines that would apply to this project or this project site that would render this exemption inapplicable.

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. (On File)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (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. (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. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Pending)
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 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)

11. 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)
12. 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)
13. Road Evaluation Report prepared October 2018 by Shasta Engineering and Consulting. (On file)
14. DEH Worksheet (on file)

HUMBOLDT EMERALD TRIANGLE LLC

PERMIT APPLICATION 11065 AND 11069

APN- 308-121-12, 308-121-020

HUMBOLDT COUNTY, CALIFORNIA

CULTIVATION PLAN UPDATE

SEPTEMBER 2019

SHASTA ENGINEERING AND CONSULTING

CULTIVATION PLAN UPDATE – HUMBOLDT EMERALD TRIANGLE LLC
PERMIT APPLICATION 11065 AND 11069 – APN 308-131-012,020
SEPTEMBER 2019

- A) **Zoning-** the project parcel is zoned Agricultural Exclusive(AE), with a general plan designation of Agricultural Exclusive/Grazing (AEG). The existing greenhouse and hoop houses on the project were permitted prior to January 1, 2016 and qualify as lawfully constructed non-residential structures. No new greenhouses or buildings are being proposed.
- B) **Section 55.4.6.4.3 Prime Agricultural Soil-** the cannabis cultivation ordinance requires that cannabis cultivation in Prime Agricultural soils areas occur only in native soil. The cultivation plan for this site is only in containers on the existing rock based disturbed area. No cultivation is proposed in native soils as all of the cultivation grow areas have been previously disturbed. No removal of native soils is proposed.
- C) **Hours of Operation:** Normal hours are 6am to 8pm although problems in the cultivation area such as electrical issues, water issues or climate issues may necessitate some work in times other than stated.
- D) **Water Source:** The water source for this project is an existing well on the property that serves both the commercial cannabis and the residential house on the property. The well records indicate 38 gallons per minute yield and the pump is an in-ground water pump. See attached separate document on the well.
- E) **Water Storage :** There is an existing water storage tank within the building site that is a polyethylene tank with capacity of 6,000 gallons. See the site plan for exact location of the existing tank. No changes are proposed to this, and there is no other water storage on the site.
- F) **Method of Irrigation-** Irrigation is primarily by hand with hoses. Some areas within the greenhouse area have drip irrigation in place. The project may convert to all drip irrigation in the future.
- G) **Water Schedule-** watering is done on a year around basis in the greenhouse areas and plants are watered approximately two times per week based on temperature and type of cannabis. Greenhouse irrigation is estimated at 76,900 gallons/month or 922,800 gallons/year. Outdoor cultivation watering is from approximately April until October of each year and watering is done three times per week and uses approximately 12,600 gallons/month or 88,200 gallons per year. Annual total water usage is estimated at 1,011,000 gallons.

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Month	Indoor	Outdoor	Projected Water Usage(gallons)
JAN	X		76,900
FEB	X		76,900
MARCH	X		76,900
APRIL	X	X	89,500
MAY	X	X	89,500
JUNE	X	X	89,500
JULY	X	X	89,500
AUG	X	X	89,500
SEPT	X	X	89,500
OCT	X	X	89,500
NOV	X		76,900
<u>DEC</u>	X		<u>76,900</u>
TOTAL			1,011,000 per year

- H) **Site Drainage-** The site is very flat sitting on top of a mesa and there are no streams, creeks or major drainage ways on the site. The property in general drains to the West with some part of the property draining to Table Bluff Road on the South part of the property. Drainage and erosion protection are governed by the Regional Water Quality Control Board and the project has obtained a permit from them for this property. Although the property is very flat, straw waddles and silt fences are placed at water gathering spots to prevent any erosion or other materials from going off the property. These protection devices are replaced every winter season. See attached property site plan.
- I) **Protection of the Watershed-** the watershed for the area is protected by placement straw waddles and silt fences to protect any materials from migrating off the property. All drainage from the site ends up in the roadside ditches of Table Bluff Road with borders the property on the South and West. There is no direct drainage into any lake or creek or water body.
- J) **Protocols for Storage of fertilizers, pesticides and hazardous materials -** all materials are stored in a locked cabinet with access by the on site manager.
- K) **Description of Cultivation Activities-** The project site has both outside cultivation and cultivation inside of an existing glass greenhouse on the property. Both cultivation areas are in the same general vicinity with the outdoor cultivation just north of the glass greenhouse.

Outdoor Cultivation

The outdoor cultivation is seasonal and is in an area of 9,840 square feet which is located as shown on the attached plot plan of the property. It is planned out in a rectangle of approximately 98ft x 100ft with four temporary hoop structures used for light deprivation and moisture control. Plants within each hoop house are either in 10 gallon canvas bags or in a raised bed confined by wooden support structures. There is one string of low wattage bulbs in each hoop structure for security purposes. Watering is done by hand. The “skins” of the hoop houses are removed each year during the winter season until spring cultivation takes place. Harvested plants are dried on site and then taken to an off

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site licensed distribution facility for trimming and packaging. All plants will be on the State “Track and Trace” system. Waste product is taken to a certified waste facility in Eureka for disposal and records are kept of each load going to the facility.

Indoor Cultivation – Glass Green House

The indoor cultivation is done in an existing glass greenhouse which has been on the property for many years. The indoor cultivation area is 22,000 square feet for mature plants and a portion of the greenhouse is used for immature plant propagation. This area is clearly labeled and identified as separate from the cultivation areas. Plants are in 10 gallon canvas bags or 5 gallon pots which are set on existing gravel which is throughout the greenhouse. Plants are placed in the greenhouse on a schedule to rotate crop harvesting on a 2 to 3 week schedule in different sections of the greenhouse. This is a year around operation. Harvested plants are dried and then taken to a licensed Distribution facility for trimming and packaging. Watering is done by hand with some drip line assistance. Immature plants are grown in the adjacent ancillary buildings and outside hoop houses that existed prior to January 1,2016 and then transferred into the glass greenhouse when ready. All plants will be on the State “Track and Trace” system. Waste product is taken to a certified waste facility in Eureka for disposal and records are kept of each load going to the facility.

L) Number of Cultivation Cycles

Outdoor Cultivation

For the Outdoor Cultivation it is anticipated that there will be two cultivation cycles per year. Much of the cultivation depends on the weather which is variable in this coastal area. One cultivation cycle is expected but if the weather is favorable, a second cultivation cycle may be appropriate.

Indoor Cultivation

Cultivation in the glass greenhouse cycles all year long on approximately 8 week cycles. It is anticipated that four to five cultivation cycles are attainable in a calendar year depending on cannabis type.

SHASTA ENGINEERING AND CONSULTING

M) Schedule of Monthly Cultivation Activities

	<u>Mixed Light Greenhouse</u>	<u>Outdoor</u>
January	Mature Plants growing in 8 week cycles	inactive
February	Mature Plants growing in 8 week cycles Harvest portion of plants	inactive
March	Mature Plants growing in 8 week cycles Harvest portion of plants	inactive
April	Mature Plants growing in 8 week cycles Harvest portion of plants	Spring Planting
May	Mature Plants growing in 8 week cycles Harvest portion of plants	Growing
June	Mature Plants growing in 8 week cycles Harvest portion of plants	Growing
July	Mature Plants growing in 8 week cycles Harvest portion of plants	Harvest/Plant
August	Mature Plants growing in 8 week cycles Harvest portion of plants	Growing
September	Mature Plants growing in 8 week cycles Harvest portion of plants	Growing
October	Mature Plants growing in 8 week cycles Harvest portion of plants	Harvest
November	Mature Plants growing in 8 week cycles Harvest portion of plants	inactive
December	Mature Plants growing in 8 week cycles Harvest portion of plants	inactive

Note- Generator Usage is only needed in case of power outage

N) Soils Management

In general, soils are re-used with added supplements. When it is determined that the soil can no longer be re-used, the soil is taken off site and disposed of at a licensed waste facility in the City of Eureka, with documentation as to the proper disposal. New soil is then brought in for cultivation.

O) Processing:

The site is only to be used for cultivation and for immature plant propagation at the property. No processing is being requested with this permit and all processing will be done at a licensed facility off site.

P) Electric Power for Indoor Cultivation :

Electric Power for Indoor cultivation is obtained from PG&E from their electrical grid. There is a standby generator for electrical failures or emergencies but not for continuous operations.

SHASTA ENGINEERING AND CONSULTING

Q) Equipment Decibel Levels :

The existing generator has sound attenuation materials around it and produces noise levels of 55-58 db at a distance of 20 feet from the generator. Sound measurements taken at the property lines with the generator operating showed a range of 37db to 49 db which is well below the county standard of 60 db. Existing large exhaust fans from the greenhouse produce noise of 37db to 51 db at the property boundaries depending on wind direction and speed.

R) Light Pollution Compliance

The outside "hoop houses" have black mylar covers which are raised over them at night to prevent any light escaping. The glass greenhouse also has interior black mylar "curtains" which are motor operated and closed at night to prevent any light from escaping. Employees check for light escape each night to make sure everything is operating properly and in compliance with 55.4.12.4.

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
Wiyot Tribe		No Response	
CalFire	✓	No comment at this time	On file with Planning
CA Department of Fish & Wildlife		No Response	
California Department of Transportation District #1		No Response	
Environmental Health Division	✓	Approval	On file with Planning
Building Inspection Division		No Response	
Humboldt County District Attorney		No Response	
Public Works Land Use Division	✓	Conditional Approval	Attached
RWQCB		No Response	
Humboldt County Sheriff		No Response	
Loleta Fire Protection District		No Response	
Loleta Union Elementary School District		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	
Bear River Band of Rohnerville Rancheria	✓	Conditional Approval	On file with Planning
NWIC	✓	Other comments	On file with Planning
California Coastal Commission		No Response	
NCUAQMD		No Response	



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

ON-LINE
 WEB: CO.HUMBOLDT.CA.US

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

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Portia Saucedo, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 12/03/2019

RE:

Applicant Name	HUMBOLDT EMERALD TRIANGLE, LLC
APN	308-131-012
APPS#	PLN-11065-CUP

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"**

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has existing surfaced driveway approaches that meet County residential standards. For Cannabis operations the length of the driveway required is 50', therefor the easterly driveway will need to be surfaced an additional amount to meet the commercial standard. No encroachment permit is required to extend the driveway.

It is unclear if a parking lot is being required by the Planning and Building Department. If required see Exhibit "A".

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS #11065

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: (AT COUNTY MAINTAINED RD)

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 //

Attachment 5

CALIFORNIA COASTAL COMMISSION

NORTH COAST REGION

1636 UNION STREET, ROOM 150

P.O. BOX 4946

EUREKA, CALIFORNIA 95501

(707) 443-1623



February 29, 1980

Sequoia Orchids
2440 Frank Street
Eureka, CA 95501

Dear Sirs:

RE: Permit No. 80-P-5
AP No. 308-131-12

On February 14, 1980, by a vote of 11 in favor, 0 opposed, the North Coast Region of the California Coastal Commission granted your application for a permit for the development described in the attached application summary and staff recommendation, which were adopted at the Commission meeting of February 14, 1980. This permit is limited to the above described development and is subject to the terms and conditions contained therein.

This permit will be in effect for a period of two years from the time of the Regional Commission's final action. If the ~~development~~/development has not been ~~commenced~~ commenced by that date, application for any extensions must be made before expiration of the permit.

If you should determine that you wish to assign this permit to another party, you should contact the Regional Commission office for instruction in the appropriate procedure.

You will also find attached a "Notice of Completion" which should be returned when you have finished your project.

Please return to this office copy of this statement with your signature acknowledging that you have received it and understood its content.

All construction must occur in accord with the proposal as set forth in the application for permit, subject to any special conditions as set forth in the attachment. Any deviations from the approved plans must be reviewed by the Commission pursuant to California Administrative Code, Title 14, Sections 13164-13168.

Yours truly,

Richard G. Rayburn
RICHARD G. RAYBURN
Executive Director

attachment
CC: Donald Reed, LACO Associates
County Assessor's Office
Building
Planning Department

The undersigned permittee acknowledges receipt of the California Coastal Commission Permit No. 80-P-5, and fully understands its contents, including all conditions imposed.

State of California, George Deukmejian Governor

California Coastal Commission
NORTH COAST DISTRICT
350 E Street, 4th Floor
P.O. Box 4946
Eureka, CA 95501
(707) 443-1623

May 15, 1985

Ron Whisenand
Humboldt County Planning Department
3015 H Street
Eureka, California 95501

Re: 80-P-5

Dear Mr. Whisenand:

Dr. Wittwer asked me to clarify the above referenced coastal development permit for you. The development description in the permit application proposed five phases of development, commencing with a 25,900 square foot greenhouse, a well and septic system. Phases II, III and IV proposed the construction of three additional 25,000 square foot greenhouses. Phase V proposed the construction of an office/dwelling to serve the development.

The coastal development permit likewise approved with conditions all of the five proposed phases of development. The permit was approved with conditions on February 14, 1980. The conditions were met and the permit was issued by March 21, 1980. Subsequently, an immaterial amendment to the coastal development permit that revised the language of condition three was issued by the Executive Director on December 19, 1980 (see enclosed).

Dr. Wittwer has informed me that he has only constructed Phase I to date. He now plans to construct Phase II, but with fewer square foot coverage. The development has already been approved by the Coastal Commission as I described above and as you can see from the enclosed material.

I hope this letter clarifies the status of his coastal development permit. If you have further questions concerning this matter, please do not hesitate to call me

Sincerely,


Linda G. Evans
Coastal Planner

LGE:jp

cc: Sequoia Orchids

enclosures

CALIFORNIA COASTAL COMMISSION

NORTH COAST REGION

1656 UNION STREET, ROOM 150

P.O. BOX 4946

EUREKA, CALIFORNIA 95501

(707) 443-1623



December 19, 1980

Boy & Frae Wittwer
Sequoia Orchids
2440 Frank Avenue
Eureka, California 95501

RE: Immaterial Amendment to
Permit No. 80-P-5

Dear Mr. & Mrs. Wittwer:

The Executive Director of the California Coastal Commission, North Coast Region, hereby grants an immaterial amendment to the above captioned permit pursuant to the California Administrative Code, Title 14, Sections 13164-13168.

The original permit provided for the construction of a glass greenhouse and packing shed with a well and septic system, driveway, and parking area.

The immaterial amendment will grant the applicant permission to allow a change in the language of condition three.

Sincerely,

RICHARD G. RAYBURN
Executive Director

RGR:lp

CALIFORNIA COASTAL COMMISSION

NORTH COAST REGION

1656 UNION STREET, ROOM 150

P.O. BOX 4946

EUREKA, CALIFORNIA 95501

(707) 443-1623

STAFF REPORT
PUBLIC HEARING AGENDAI. APPLICATION SUMMARY

Applicant: Sequoia Orchids
2440 Frank Street
Eureka, CA 95501

Agent: LAGO Associates
ATTN: Donald Reed
212 J Street
Eureka, CA 95501

Application No: 80-P-5
Date Filed: 1-25-80
A. P. No: 308-131-12
Summary Date: 2-5-80

Development Description: Construction of a 25,900 sq. ft. glass greenhouse and packing shed with a well and septic system, a driveway, and parking area.

Location (address and area): Located on a 6.53 acre parcel on Table Bluff Road approximately 0.5 mile south of the intersection with Hookton Road.

Approvals Received: Humboldt County Building, Planning and Health Departments.

II. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

A. Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the following conditions, on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

B. Conditions

This permit is subject to the following conditions:

1. Prior to the issuance of this permit and, therefore construction, the applicant shall submit to the Executive Director proof that the two adjoining parcels, 308-131-12 and 308-131-20, have been reconsolidated and recorded as such by the Humboldt County Recorder.
2. The water system developed for the greenhouses shall be expanded to provide irrigation for the remaining pastureland at the project site.
3. Prior to the issuance of this permit and, therefore, construction, the applicant shall submit proof of the execution and recordation of an agreement, subject to the approval of the Executive Director and in consultation with a representative of the Attorney General's office, and that is binding to all heirs and successors, that the greenhouse shall be removed and the parcel shall be restored to its former productive capacity should the orchid producing business fail at this site.

III. FINDINGS & DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project & Site Description: The proposed development is for the construction of a 25,900 sq. ft. glass greenhouse and packing shed with a well and septic system, plus a driveway and parking area (Exhibit A). This application is Phase I of potentially four other phases of development to total 100,000 sq. ft. of growing area for orchid production. The growing areas consist of glass and aluminum greenhouse structures built on a perimeter foundation with a sheet of black viscous plastic covering the interior floor area and approximately $1\frac{1}{2}$ " layer of gravel on top of the plastic. Long tables will hold the pots in which the orchids grow. The heat source will be primarily solar with a back-up system of propane gas to be used only when the greenhouse temperatures drop below 27° F. Water supply will be by an on-site well for two watering methods within the greenhouse: primarily individual plant watering and secondarily, spray watering.

Phase I of this project will consist of the construction of 25,900 sq. ft. of covered growing beds, the development of a well and a septic tank-leach field system. Within the greenhouse will be a packing shed of approximately 2,000 sq. ft. The project also includes 6250 sq. ft. of space for parking 15 vehicles and an access road 320' long.

Phase II, III, and IV will consist of adding more greenhouses in 25,000 sq. ft. increments. Phase V will involve the construction of an 1800 sq. ft. office/dwelling to serve the development.

The project site is a relatively level (0 to 5% slope) parcel located on Table Bluff Road on a slight slope to the west. Present use is pasturage. The subject parcel is 6.53 acres in size. The applicant owns an adjoining parcel of 21.59 acres which is also used for pasturage. Surrounding land use is primarily agricultural production, including dairying, pasturage, and hay production and a Christmas Tree farm adjacent to the parcel with some large rural residential parcels to the east and southwest along Hookton and Table Bluff Roads.

Soils at the site are Rohnerville 5, a silty loam soil characteristically found on high flat terraces such as those occurring at Table Bluff. These prime agricultural soils are rated grade 1, index 81, according to the Soils of Western Humboldt County. The parcel is presently zoned unclassified with a general plan designation of Agricultural Exclusive.

B. Development: Section 30250(a) of the Coastal Act provides, in part:

"(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources."

The proposed horticultural development is an agriculturally-related commercial development located in a productive agricultural area. While the proposed development is not located in an existing developed area, it will not have significant adverse impacts either individually or cumulatively, on the following coastal resources:

1. Agriculture: Section 30241 of the Coastal Act provides, in part:

"The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy."

According to the Soils of Western Humboldt County, soils at the project site consist of Rohnerville silty loams, prime agricultural soils with a Storey index of 81. These soils are common to Table Bluff. In the past, this area was devoted to grain production but today it is used primarily for pasture and hay production. According to the Soils of Western Humboldt County "the deep permeable Rohnerville soils on the flatter portions of...terraces such as...Table Bluff produce the best of pastures." Because these terrace pastures do not become waterlogged during the winter and produce the first high quality feed of the spring, they are especially valuable when used in conjunction with bottomlands in the Eel River delta and Humboldt Bay. Parcels immediately adjacent to the bottoms are used as winter and flood season pastures for bottomland dairies while parcels along the top of the bluff are used to pasture heifers and dry stock. In addition, two parcels at the western end of Table Bluff support dairies on their own with irrigated pastures watered from shallow wells.

The productivity of the Rohnerville soils could be increased by at least two-fold with irrigation. The present carrying capacity for these prime soils is estimated at 3 to 4 acres per animal unit per year. With improved farm management such as irrigation, fertilization, and seeding of high quality species, productivity could be increased to 1 acre per animal unit.

A viable economic unit for dairying is 80 milking cows and, for beef production, is 200 head of beef. At that rate and under the best conditions, anywhere from 80 to 200 acres would be needed to sustain an economically feasible unit. Most of the parcels on Table Bluff used for these agricultural purposes are very large, typically in 160 acre parcels, although there are some parcels of 100 and 80 acres as well. Smaller parcels such as the 20 acre parcels along Hookton Road and between Copenhagen and Table Bluff Roads, are used as ranchos and for rural residential purposes.

The Table Bluff pastures have not been irrigated in the past because the high cost of pumping water from deep wells reduces the cost effectiveness of irrigating. Since providing water to the greenhouses is essential to the development, it is subsequently affordable to irrigate the remaining pastureland on the parcel and therefore improve productivity in an area that otherwise would probably not be irrigated. The conditions of the permit require that irrigation developed for the greenhouse be expanded for use on the adjoining pasturelands.

Although the construction of the commercial greenhouse will mean a net loss of initially 0.6 acre and potentially a total of 2.3 acres of prime agricultural lands, the development, as conditioned, will actually be increasing the productivity of the remaining soils at this site. Because the foundation is a perimeter type and the soil inside the greenhouse will be covered with black plastic sheets and about 1½" layer of gravel rather than paving walkways, the development is not a permanent commitment of the soils. The site could, in fact, be reverted to pasturage and hay production. The Rohnerville soils are less susceptible to compaction due to a high organic content and regeneration of the soils would be a fairly short process, probably about a year.

The project site is currently used for both pasturage and hay production. A neighboring dairy farmer runs his cows on the pastures during the winter. In return for the use of the land, he cuts the hay for the owner later in the year. The conditions of the permit ensure that the remainder of the parcel will be maintained in agricultural production.

The utilization of a greenhouse is both increasing and changing the productivity of the site. Orchids are essentially epiphytes or non-parasitic plants that grow on other plants. However, the Cymbidium orchids which are proposed to be grown in the greenhouse are cultivated in pots using fir bark and redwood chips as a growing medium because of the need for good drainage. This type of orchid is apparently extremely well suited to the climate of Humboldt County since the ideal growing temperature is 45° F. During the summer, the greenhouse will be cooled by simply opening vents and windows. Heat absorbed by the black plastic flooring sheets will be radiated off at night. The plants can tolerate temperatures down to 27° F without suffering ill effects from the cold. The primary heat source is anticipated to be solar with a secondary source of liquified petroleum gas only to be used when temperatures drop below 27° F.

The Economic Development Action Plan and Strategy for Humboldt County recognized the ability of Humboldt County to produce nursery products including bulbs, cut flowers, and ornamental plants. The EDA plan also noted that the value of nursery production in Humboldt County has quadrupled in the past decade although this probably reflects a rising commodity value rather than an expansion of nursery production efforts (Exhibit C). The long-term economic outlook for nursery products in this area is not a very promising one as stated in the EDA study:

"The prospects for an immediate increase in row crops, nursery products, bulbs, and ornamentals are very limited. This type of farming is highly specialized and expensive to initiate on a significant scale. The production of most row crops is hampered by insects and fungal, virus, and bacterial diseases that flourish in this climate. Nematodes are particularly troublesome to bulb producers. The cost of approved and tested pesticides limits profitable bulb and row crop production. Environmental restriction by all levels of government discourage the capital investments required to be successful in these enterprises."

The capital investment required for establishing an orchid-producing business is extremely high. The applicant began earnestly raising orchids as a hobby about 10 years ago and what began as a hobby is expanding into a commercial venture. It takes about six years for seedlings to become productive enough for dividing and generating new plants. Besides the investment of money, there is also the investment of time to enter into this business. The market for selling the orchids is primarily with distributors in San Francisco although this could potentially expand to Los Angeles, Portland, and Seattle. Distance to the market has also acted as a deterrent to diversifying agricultural production to row crops, nursery products, bulbs, or ornamentals. The added shipping costs reduces the opportunity for competitive pricing on the market.

For the various reasons listed above, largely based on high capital investments, it is not anticipated that nursery and greenhouse production will be rapidly expanding in the Humboldt County area. Approval of the project is

not likely to start a trend in either orchid production or greenhouse industry. The conditions of the permit guarantee that the remainder of the parcel will not only be maintained for agricultural production but will also improve production of hay and pasturage. Requiring through conditions that the soils of the parcel be restored should the orchid business prove unsuccessful at this site, the long-term productivity of the parcel is ensured. While the potential for this occurring is probably unlikely, the conditions protect the existing agricultural values of the site. The viability of the parcel as an economic unit is enhanced by several factors resulting from this development: first, the alternative use of orchid growing will both diversify the productivity of the site and will presumably generate an income; second, by drilling a well and irrigating the site, productivity will be increased; and, third, through reconsolidating the parcels, the remainder of the parcel is protected for continued agricultural production in that it is a larger unit. The project, as conditioned, is consistent with Section 30241 of the Coastal Act.

2. Marine Environment: Section 30231 of the Coastal Act requires that:

"The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams."

Part of the proposed development includes drilling a water well, installing a water system in the greenhouse and an irrigation system for the remaining pastureland. The system for watering the orchids is two-part: one is a spray irrigation and the other is a semi-automated method for watering individual plants. The provision of water only as the plants require, generally once a week, will provide the optimum moisture conditions while minimizing water use. The proposed watering methods are not expected to generate a significant amount of run-off. Application of fertilizers will be through the irrigation system that waters individual plants. Pesticides will be applied only as needed. The proposed project will not result in adverse impacts to coastal water resources and, therefore, conforms to Section 30231 of the Coastal Act.

3. Visual Resources: Section 30251 of the Coastal Act provides, in part:

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas."

The northern portion of Table Bluff has been recognized as a scenic area in the County's technical study for visual resources. The specific areas mapped for significant visual resources are located north of the development. The proposed development will not require night-time lighting for

production. The project should not interfere with significant coastal viewsheds. The parcel is located on a north and west facing slope where it will not disrupt views to and along the ocean. Furthermore, the greenhouses being an agriculturally-related development are compatible with existing agricultural development surrounding the project site.

- C. Local Coastal Program: Humboldt County's Local Coastal Program (LCP) will be prepared as a supplement and update of existing county plan elements. The existing general plan designates the project area for exclusive agricultural use. The following policy regarding greenhouses has been approved as part of the County's Coastal Land Use Policies:

"Greenhouses are an agricultural use, except that no greenhouse requiring a foundation that would cover the underlying soil be permitted on prime agricultural land."

The greenhouses proposed by this project will be constructed on perimeter foundations which is not a permanent commitment of prime soils and is, therefore, a permitted use. Additionally, the condition requiring reconsolidation of the two adjoining parcels increases the size and brings it closer to the minimum size approved in CLUP's as appropriate for prime agricultural lands as follows: That prime agricultural lands be planned for exclusively agricultural uses, with a minimum parcel size of 60 acres; except where such prime land is additionally protected by an Agricultural Preserve contract effective for 10 years, divisions may be permitted to 20 acres.

The project, as conditioned, conforms to the agricultural policies approved in the county's CLUPs document to implement the requirements of Chapter 3 of the Coastal Act and, therefore, will not prejudice the preparation of a local Coastal Program.

- D. California Environmental Quality Act: For reasons previously stated in the staff report, the project, as conditioned, will not have significant adverse impacts on the environment within the meaning of CEQA.

Linda Evans

 Linda Evans
 Permit Analyst

CONCUR:

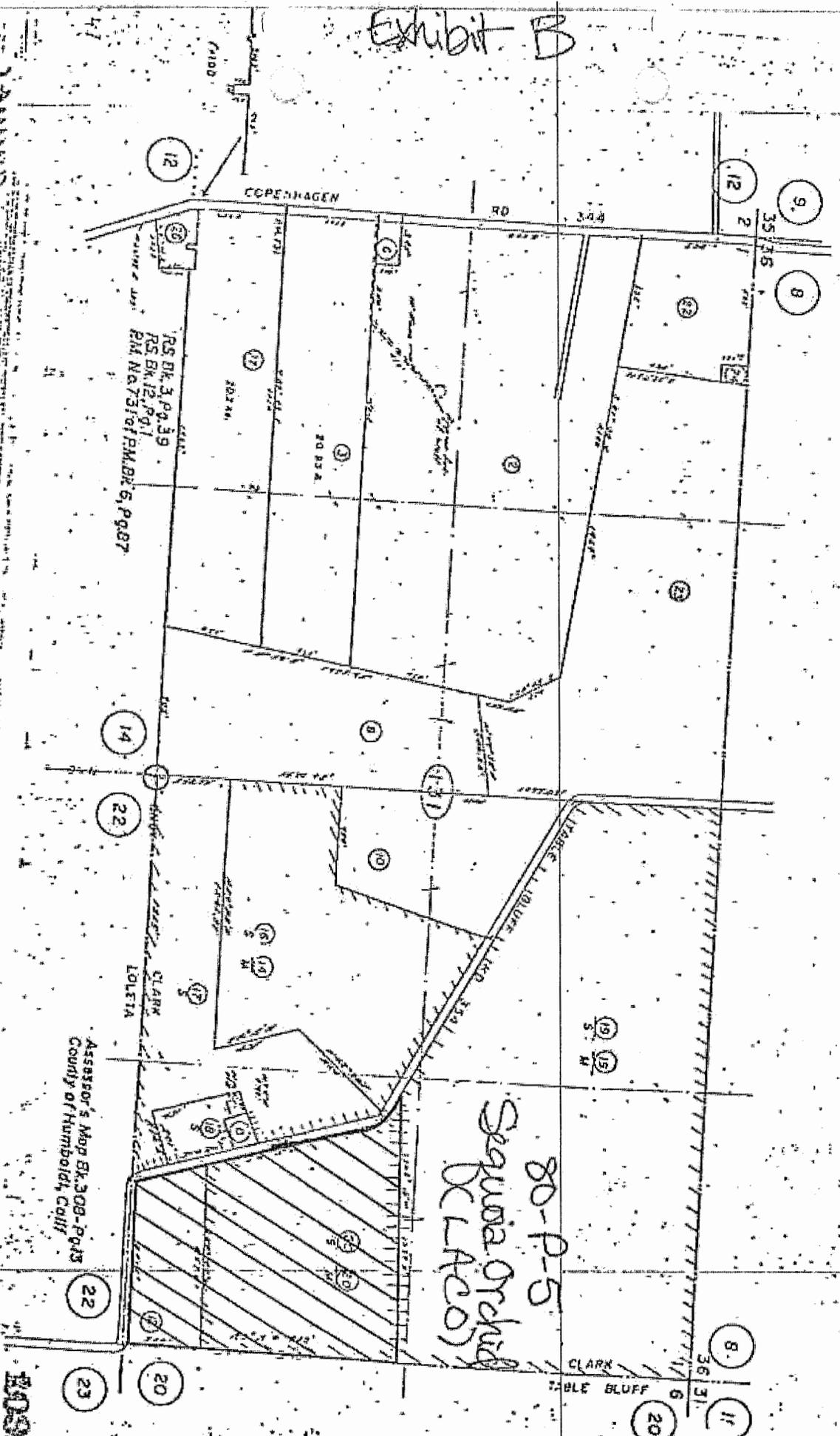
Richard G. Rayburn

 RICHARD G. RAYBURN
 Executive Director

Exhibit B

FOR SECTION, R2W, H.B.G.M.

308-13



RS BK. 3, P. 39
 RS BK. 12, P. 41
 PM NO. 731 of PM, BK. 6, P. 87

80-P-5
 Sequoia Orchards
 (CLACO)

Assessor's Map Bk. 308-P. 13
 County of Humboldt, Calif.

10895

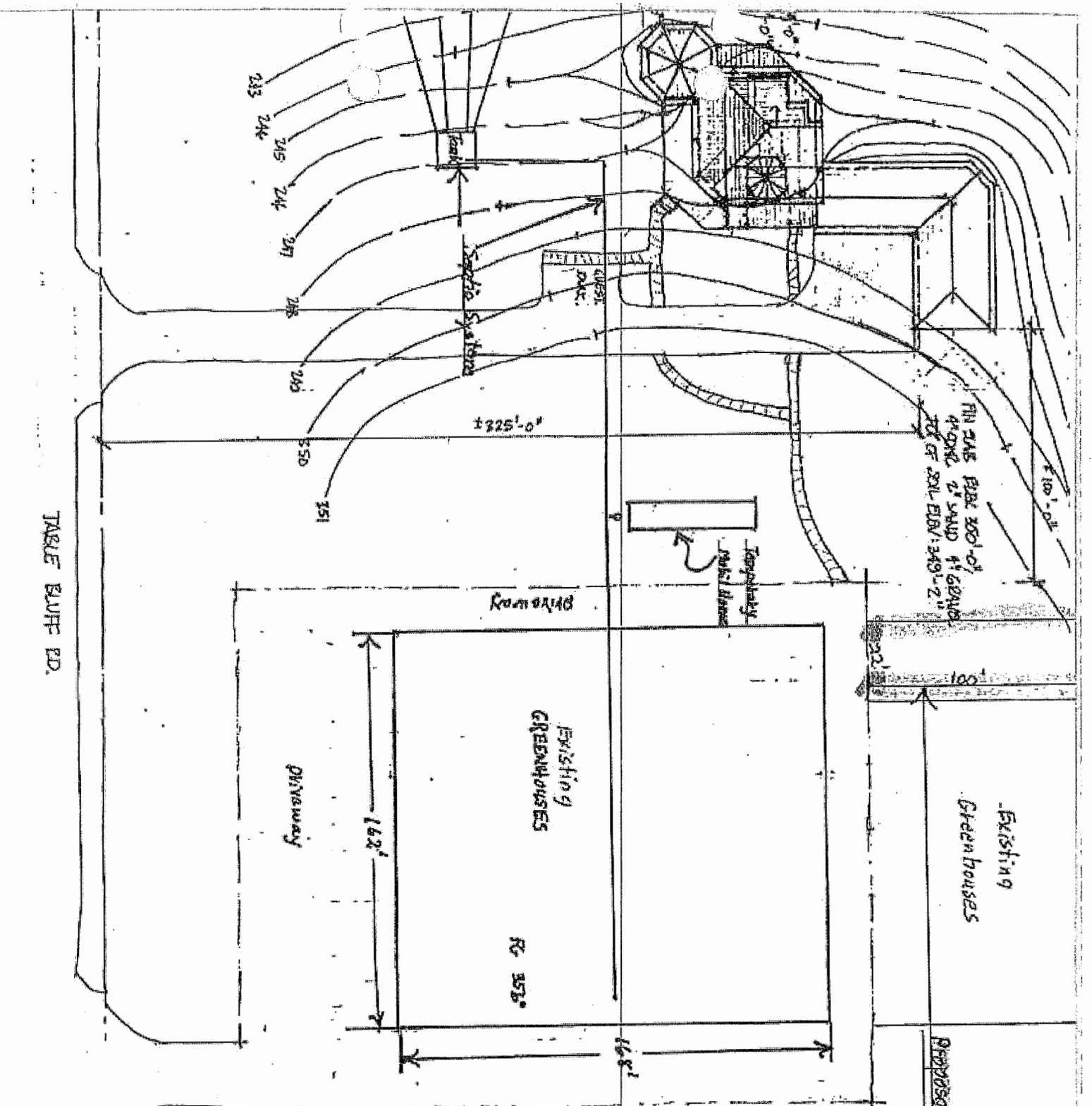


TABLE BLUFF RD.

DRAFT

PRELIM. SITE PLAN - 1"=40'
 WINTER RESIDENCE
 TABLE BLUFF
 1/4" = 10.0' Elevation

AP 308-131-12