



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: September 16, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Kenneth Claypool, Special Permits**
Application Number: PLN-2020-16844
Assessor's Parcel Number: 209-161-001
Shively area

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Please contact Abbie Strickland, Planner I, at 707-441-2630 or by email at astrickland@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date September 16, 2021	Subject Special Permits	Contact Abbie Strickland
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Project Description: The applicant is seeking a Special Permit for 33,550 square feet of new outdoor commercial cannabis cultivation. There is an approved Zoning Clearance Certificate on the parcel (application 12683) which authorizes 9,700 square feet of outdoor commercial cannabis cultivation. The two projects would total 43,250 square feet of outdoor cultivation and will be supported by 4,320 square feet of propagation space. Two harvests may be obtained annually utilizing auto-flower strains. Irrigation occurs from natural subterranean irrigation (dry farming). An existing well will be the primary irrigation source for the applicant's nursery with a projected annual water usage of 5,000 gallons and there is 3,000 gallons of water storage onsite. Processing will occur offsite until such time the applicant obtains P.G.E. Once P.G.E is obtained, drying and curing will occur onsite in shipping containers. The project is owner operated although approximately six independent contractors may be utilized during the peak season. The applicant is also seeking a Special Permit for the ongoing use of the well for propagation and transplant, which is presumed to be a diversionary water source as it is located within the Eel River Floodplain and has not been analyzed for hydrologic connectivity.

Project Location: This project is located in Humboldt County, in the Shively area, on the south side of Shively Flat Road, at the intersection of Shively Flat Road and Stockwell Lane, on the property known to be in the southwest quarter of the southeast quarter of Section 29 of Township 01 North, Range 02 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Agricultural Exclusive (AE), Density: Range is 20 to 60 acres per unit, Avenues Community Planning Area: Stafford-Redcrest (AVES), 2017 General Plan, Slope Stability: Low Instability (1).

Present Zoning: Agriculture Exclusive (AE), Flood Hazard Areas (F)

Record Number: PLN-2020-16844

Assessor's Parcel Number: 209-161-001

Applicant

Kenneth Claypool
3838 North Road A
Garberville, CA 95542

Owner

Kevin and Jeanne Claypool
3838 North Road A
Garberville, CA 95542

Agent

N/A

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

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

Major Issues: None.

Recommended Zoning Administrator Action:

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

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

Executive Summary: The applicant is seeking a Special Permit for 33,550 square feet of new outdoor commercial cannabis cultivation. There is an approved Zoning Clearance Certificate (ZCC) on the parcel (application 12683) which authorizes 9,700 square feet of outdoor commercial cannabis cultivation. The two projects would total 43,250 square feet of outdoor cultivation and will be supported by 4,320 square feet of propagation space. Two harvests may be obtained annually utilizing auto-flower strains. Irrigation occurs from natural subterranean irrigation (dry farming). Processing will occur offsite until such time the applicant obtains P.G.& E. Once P.G.&E is obtained, drying and curing will occur onsite in shipping containers. Further processing will occur offsite at a licensed third-party processing facility. Six independent contractors may be utilized during the peak season. The applicant is also seeking a Special Permit for the ongoing use of the well for propagation and transplant, which is presumed to be a diversionary water source as it is located within the Eel River Floodplain and has not been analyzed for hydrologic connectivity.

Community Planning Area

The project site is in the Shivley Area and within the Avenue Community Planning Area (AVES). The project will support the major policies of the AVES and Humboldt County General Plan which work in unison. The project consists of the production of an agricultural crop within an area designated as prime farmland and does not exceed the 20 percent limit as required within the CCLUO. The project will not degrade other environmental resources, nor will it preclude future use of any on-site or off-site agricultural land. In addition, it will preserve the existing rural nature of the project site and surrounding land uses. These Special Permits will place limitations on development in accordance with flood constraints of the Shivley Area. The subject parcel is located in the FEMA mapped 100-year Flood Zone. The applicant will remove all greenhouses and shipping containers each year from October 15th through April 16th in accordance with flood plain restrictions (**General Conditions A.5**).

Water Resources

The irrigation source for the project is an existing unpermitted well. The project was referred to Division of Environmental Health (DEH) who recommended the well be permitted or destroyed. The applicant provided documentation to (DEH) which resulted in them determining the well to be of the legal non-conforming status. A condition of approval for the project will require that monthly water use be metered and recorded to ensure adequate water supply for the project (**Condition of Approval 1**). The project site is located in the Eel River Floodplain which allows the applicant to practice dry farming.

Per HCC § 314-55.4.6.3.2 a diversionary water source may be used for irrigation of the propagation area and for transplantation of the plants to the main cultivation area with a Special Permit. The existing well will be the primary irrigation source for the applicant's nursery with a projected annual water usage of 5,000 gallons. The applicant currently has 3,000 gallons of water storage. A condition of approval for the project will require the applicant to forebear from the use of the well between April 1st and October 31st

and to obtain an additional 2,000 gallons of water storage to meet the forbearance requirement (**Condition of Approval 2**). The applicant will be required to submit a modification for an alternative water source if they determine that dry farming is no longer viable.

The Division of Environmental Health also recommended that the applicant provide portable toilets to serve the operation, meeting the appropriate setbacks, or install a permitted onsite wastewater treatment system associated with a permitted structure. The applicant shall maintain records representing the use of portable toilets throughout the cultivation season to be made available upon request at the applicant's annual inspection (**General Conditions A.7**).

Energy Resources

The applicant is actively processing offsite for the existing project (apps 12683). A condition of approval for this project will require that the applicant continue to process offsite until P.G.&E has been obtained (**Condition of Approval 3**). Upon receiving P.G.&E. the applicant will be authorized to utilize fans and dehumidifiers for the drying process. Further processing will occur offsite at a licensed third-party processing facility. Solar panels will provide as a supplemental energy source for the low wattage lights used in the nursery and for the well pump.

Biological Resources

A *Biological Assessment* prepared by Timberland Resource Consultants dated September 11, 2019, documented existing site conditions and the potential for the project to impact any special status species or sensitive natural communities. Shively Creek, a Class I waterway, runs adjacent to the subject parcel which may contain habitat for special status reptile and amphibian species. All components of the project will be required to maintain a 150-foot setback from the Streamside Management Area. The *Biological Assessment* did not identify any sensitive natural communities and states that the project will not directly disturb any natural vegetation as the field was historically farmed and consists of primarily nonnative grain species, mustard species, and other herbaceous weed species. The applicant will be required to remove invasive species annually, in accordance with their *Operations Plan*. The biologist recommends that the applicant adhere to the State Water Resources Control Boards Cannabis General Order, a condition of approval for the project will require the applicant to submit a copy of the Site Management Plan to the Planning Department (**Condition of Approval 4**).

The project was referred to the California Department of Fish and Wildlife (CDFW) which did not respond to the referral sent by the County. However, the applicant did provide documentation from CDFW showing that the project is exempt from needing a Lake or Streambed Alteration Agreement. CDFW did not evaluate the hydro connectivity of the well.

Noise

The applicant was unable to record a 24-hour Noise Source Assessment to document ambient noise levels due to the ongoing cultivation of the existing project. Therefore, the applicant will be required to minimize project related noise levels below 50 decibels of continuous noise as measured from the property line (**General Conditions A.6**). No generators are authorized as the primary energy source for the project.

Tribal Cultural Resource Coordination

The project was referred to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkiyone Wilderness Council. A response was received from the Bear River Band, which did not require the applicant to complete a Cultural Resource Survey. However, they did request that the applicant adhere to the Inadvertent Discovery Protocol. This has been included as an ongoing requirement of the project

Access

Access to the site is provided by Stockwell Lane which is located off of Shively Flat Road. Both roads are county-maintained and developed to a Category 4 road standard. The project was referred to the Department of Public Works Land Use Division who recommended that the applicant adhere to the Sight Visibility Ordinance. This recommendation has been included as a condition of approval for the project (**Condition of Approval 5**).

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21 -
Record Number PLN-2020-16844
Assessor's Parcel Number: 209-161-001**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Kenneth Claypool Special Permits request.

WHEREAS, Ken Claypool, the applicant is seeking a Special Permit for 33,550 square feet of new outdoor commercial cannabis cultivation. There is an approved Zoning Clearance Certificate (ZCC) on the parcel (application 12683) which authorizes 9,700 square feet (SF) of outdoor commercial cannabis cultivation. The two projects would total 43,250 square feet of outdoor cultivation and will be supported by 4,320 square feet of propagation space. Two harvests may be obtained annually utilizing auto-flower strains. Irrigation occurs from natural subterranean irrigation (dry farming). An existing well will provide supplemental irrigation for the propagation area and for transplanting purposes. The combined projected annual water usage for the projects totals 5,000 gallons and there is 3,000 gallons of water storage onsite. Processing will occur offsite until such time the applicant obtains P.G.E. Once P.G.E is obtained, processing will occur onsite in shipping containers. The project is owner operated although approximately six independent contractors may be utilized during the peak season. A Special Permit is also requested for the ongoing use of the well for propagation and transplant, which is presumed to be a diversionary water source as it is located within the Eel River Floodplain and has not been analyzed for hydrologic connectivity.

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly noticed public hearing on September 16, 2021 and reviewed, considered, and discussed the application for the Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** The applicant is seeking a Special Permit for 33,550 SF of new outdoor commercial cannabis cultivation. There is an approved ZCC on the parcel (application 12683) which authorizes 9,700 square feet of outdoor commercial cannabis cultivation. The two projects would total 43,250 square feet of outdoor cultivation and will be supported by 4,320 square feet of propagation space. Two harvests may be obtained annually. Irrigation occurs from natural subterranean irrigation (dry farming). An existing well will provide supplemental irrigation for the propagation area and for transplanting purposes. The combined projected annual water usage for the projects totals 5,000 gallons and there is 3,000 gallons of water storage onsite. Processing will occur offsite until P.G.E is obtained. Once P.G.E is obtained, drying and curing will occur onsite in shipping containers. Six independent contractors may be utilized during the peak season. A Special Permit is also requested for the ongoing use of the well for propagation and transplant, which is presumed to be a diversionary water source as it is located within the Eel River Floodplain and has not been analyzed for hydrologic connectivity.
- EVIDENCE:** a) Project File: PLN-2020-16844

2. FINDING: The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to the Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

- EVIDENCE:**
- a) Addendum prepared for the proposed project.
 - b) The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by § 15162(c) of CEQA Guidelines.
 - c) The applicant has submitted a *Biological Assessment* prepared by Timberland Resource Consultants, dated September 11, 2019. As stated in the report, the project is not anticipated to impact any special status species or sensitive natural communities so long as the project maintains the required setbacks from the Streamside Management Area.
 - d) The project was referred to the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The Bear River Band responded to the project and recommended that the applicant adhere to the inadvertent discovery protocol as required by HCC section 314-55.4.12.1.15.
 - e) The applicant was unable to record a 24-hour Noise Source Assessment to document ambient noise levels due to the ongoing cultivation of the existing project. Therefore, the applicant will be required to minimize project related noise levels below 50 decibels of continuous noise as measured from the property line.

FINDINGS FOR SPECIAL PERMITS

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

- EVIDENCE**
- a) General agriculture is a use type permitted in the Agricultural Exclusive (AE) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
 - b) The project is within the Shivley Flat community in the AVES CPA. The project will support the major policies of the AVES and Humboldt County General Plan which work in unison. The project consists of the production of an agricultural crop within an area designated as prime farmland. This is consistent with the history of agricultural production in the AVES CPA and Myers Flat community. The project will not degrade other environmental resources, nor will it preclude future use of any on-site or off-site agricultural land. In addition, it will preserve the existing rural nature of the project site and surrounding land uses.

4. FINDING The proposed development is consistent with the purposes of the existing Agricultural Exclusive Zone (AE) and the combining Flood Hazard Zone (F) in which the site is located.

- EVIDENCE**
- a) The AE Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.

- b) All general agricultural uses are principally permitted in the AE zone.
- c) The proposed project will adhere to the development constraints of the Flood Hazard Zone (F) as the applicant will be required to remove all greenhouses and shipping containers from the subject parcel between October 16th and April 15th of each year. The proposed development is therefore consistent with the F zone in which its located.
- d) Humboldt County Code section 314-55.4.6 allows cultivation of up to 43,560 sq. ft on a parcel over 10 acres with a Special Permit. This application is for a Special Permit for 33,550 square feet of outdoor commercial cannabis cultivation and the subject parcel is 16.11 acres.

5. FINDING

The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

EVIDENCE

- a) The subject parcel has been determined to be one legal parcel as described in the Notice of Lot Line Adjustment recorded as 1991-61793.
- b) Water for irrigation will be sourced from an existing well. Per HCC § 314-55.4.6.3.2 a diversionary water source may be used for irrigation of the propagation area and for transplantation of the plants to the main cultivation area with a Special Permit. The applicant will rely upon dry farming techniques as a primary irrigation source. The use of the well for irrigation has been approved by the Division of Environmental Health. The applicant will forebear from the use of the well from April 1st to October 31st of each year.
- c) The applicant will process offsite until P.G.&E. is obtained. At that time, the applicant will be authorized to utilize fans and dehumidifiers for the drying process. Solar panels will provide as a supplemental energy source for the low wattage lights used in the nursery and for the well pump.
- d) No tree removal is authorized under this special permit. Therefore, the proposed project will not result in the net conversion of Timberland for cannabis cultivation.
- e) Access to the site is provided by Stockwell Lane which is located off of Shivley Flat Road. Both roads are county-maintained and are developed to a Category 4 road standard.
- f) The combined cultivation area of 43,250 square feet and associated propagation space of 4,320 square feet will not exceed 20 percent (140,350 square feet) of the mapped prime agricultural soils.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4. (a.-f.). It is more than 30 feet from any property line, more than 300 feet from any off-site residence, 270 feet from any adjacent undeveloped separately owned parcel, more than 600 feet from any school, church, public park or Tribal Cultural Resource, and 1,000 feet from all Tribal Ceremonial Sites.
- h) The applicant will be required to minimize project related noise levels below 50 decibels of continuous noise as measured from the property line. No generators are authorized as the primary energy source for the project.
- i) The applicant has submitted a *Biological Assessment* prepared by Timberland Resource Consultants, dated September 11, 2019. As stated in the report, the project is not anticipated to impact any special status species or sensitive natural communities so long as the project maintains

the required setbacks from the Streamside Management Area. The applicant will be required to remove invasive species annually, in accordance with their *Operations Plan*.

- j) The project was referred to the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The Bear River Band responded to the project and recommended that the applicant adhere to the inadvertent discovery protocol as required by HCC section 314-55.4.12.1.15.

6. FINDING

The cultivation of 43,560 square feet of outdoor commercial cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The project was referred to the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The Bear River Band responded to the project and recommended that the applicant adhere to the inadvertent discovery protocol as required by HCC section 314-55.4.12.1.15.
- b) The existing and proposed cannabis operation is located in an area where agriculture is a predominant use. The operation is not located in or near an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site will not change the character of the area.
- c) The project will not degrade other environmental resources, nor will it preclude future use of any on-site or off-site agricultural land. In addition, it will preserve the existing rural nature of the project site and surrounding land uses.

7. FINDING

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE

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

DECISION

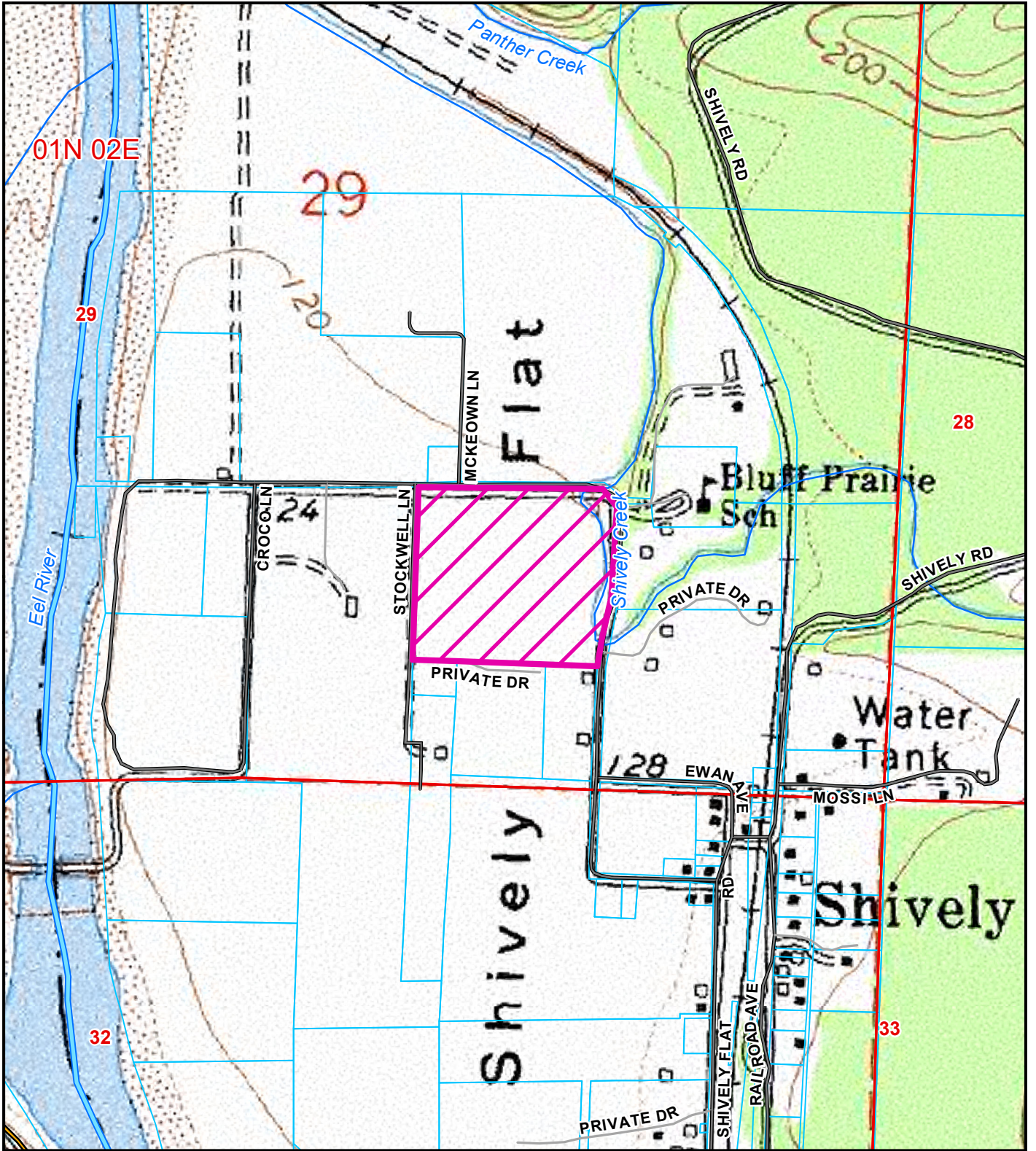
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

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

Adopted after review and consideration of all the evidence on September 16, 2021.

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

John H. Ford, Zoning Administrator
Planning and Building Department

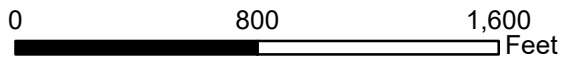


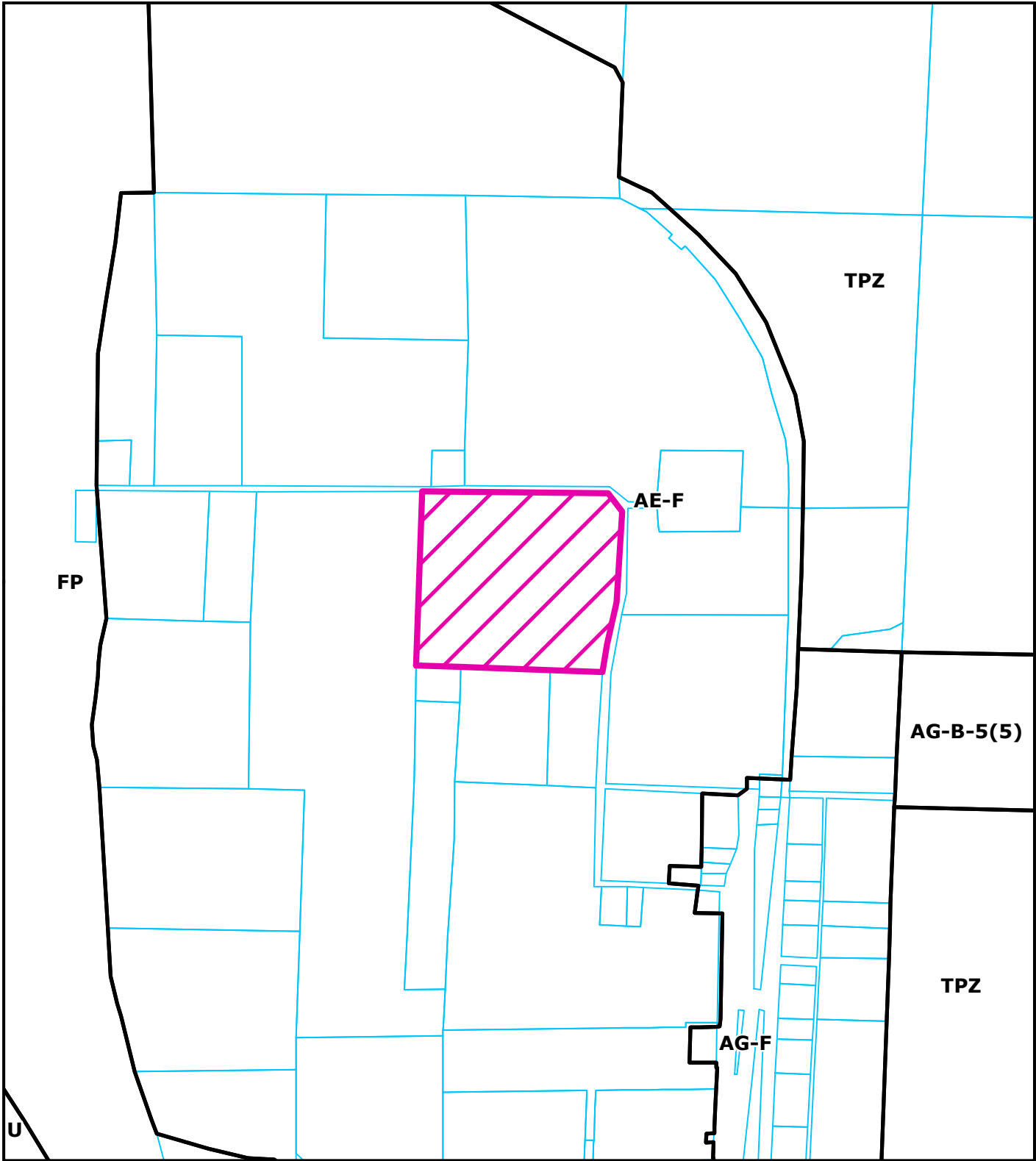
TOPO MAP
PROPOSED CLAYPOOL
PEPPERWOOD AREA
PLN-2020-16844
APN: 209-161-001
T01N R02E S29 HB&M (REDCREST)

Project Area =



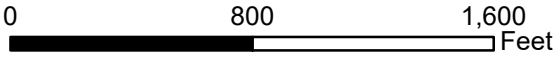
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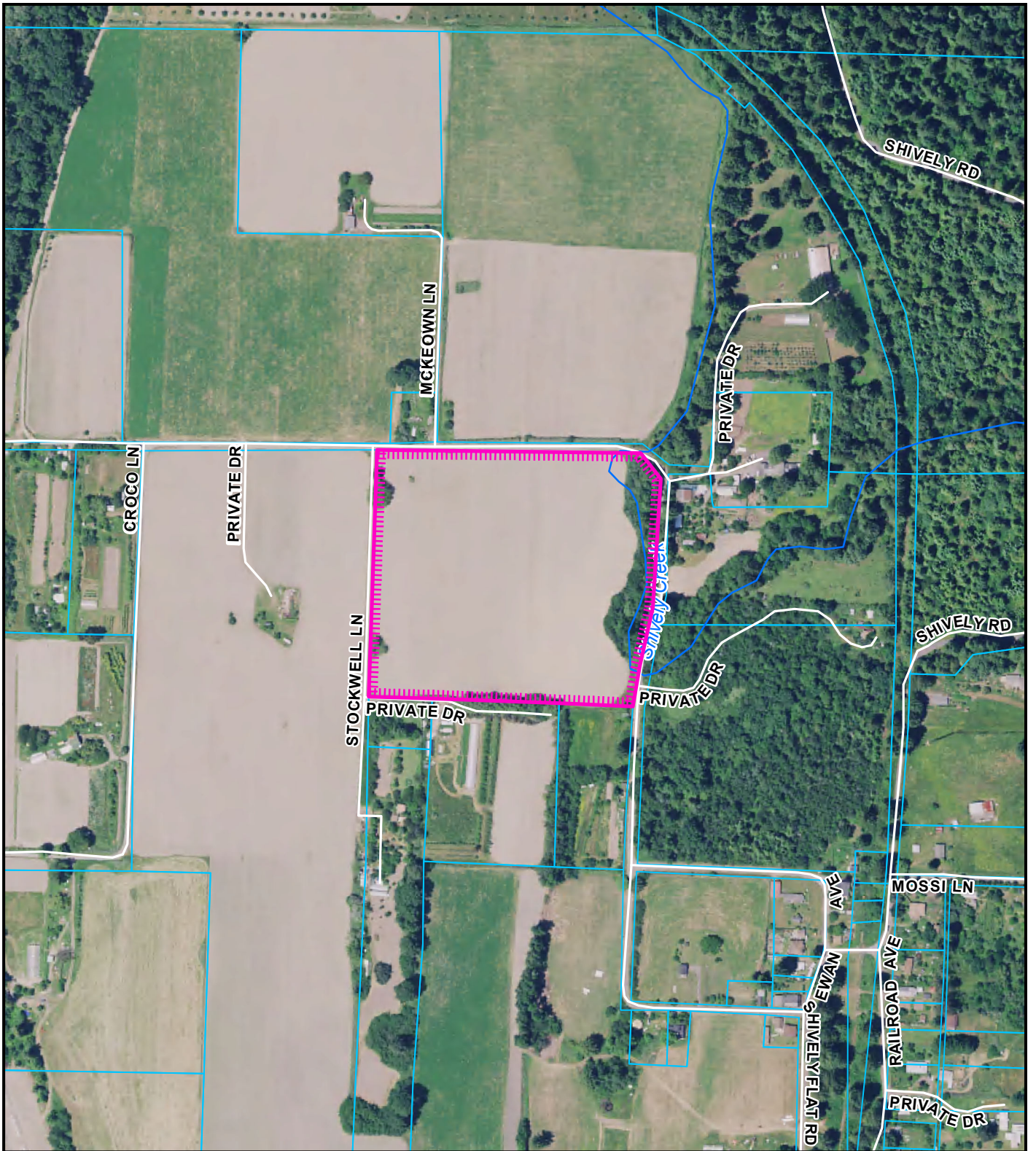


ZONING MAP
PROPOSED CLAYPOOL
PEPPERWOOD AREA
PLN-2020-16844
APN: 209-161-001
T01N R02E S29 HB&M (REDCREST)

Project Area = 



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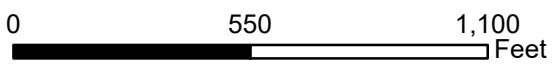


Project Area = 

AERIAL MAP
PROPOSED CLAYPOOL
PEPPERWOOD AREA
PLN-2020-16844
APN: 209-161-001
T01N R02E S29 HB&M (REDCREST)

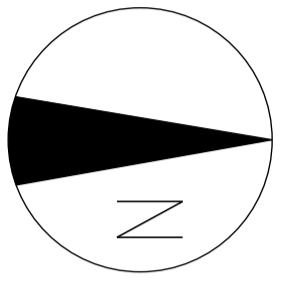


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Shively flat road #295 18' wide

852'



8'x8' temporary seasonal amendment and pesticide storage (Proposed)

30'
7x14 temporary seasonal storage
Parking

Existing well/ Solar panel

Proposed location for water storage tanks (3000gal for fire and 3000gal for propagation)

Proposed portable toilet location tbd by applicable regulations and convince for wheelchair users

Remainder of field is organic hay or other agriculture

11/29/2020

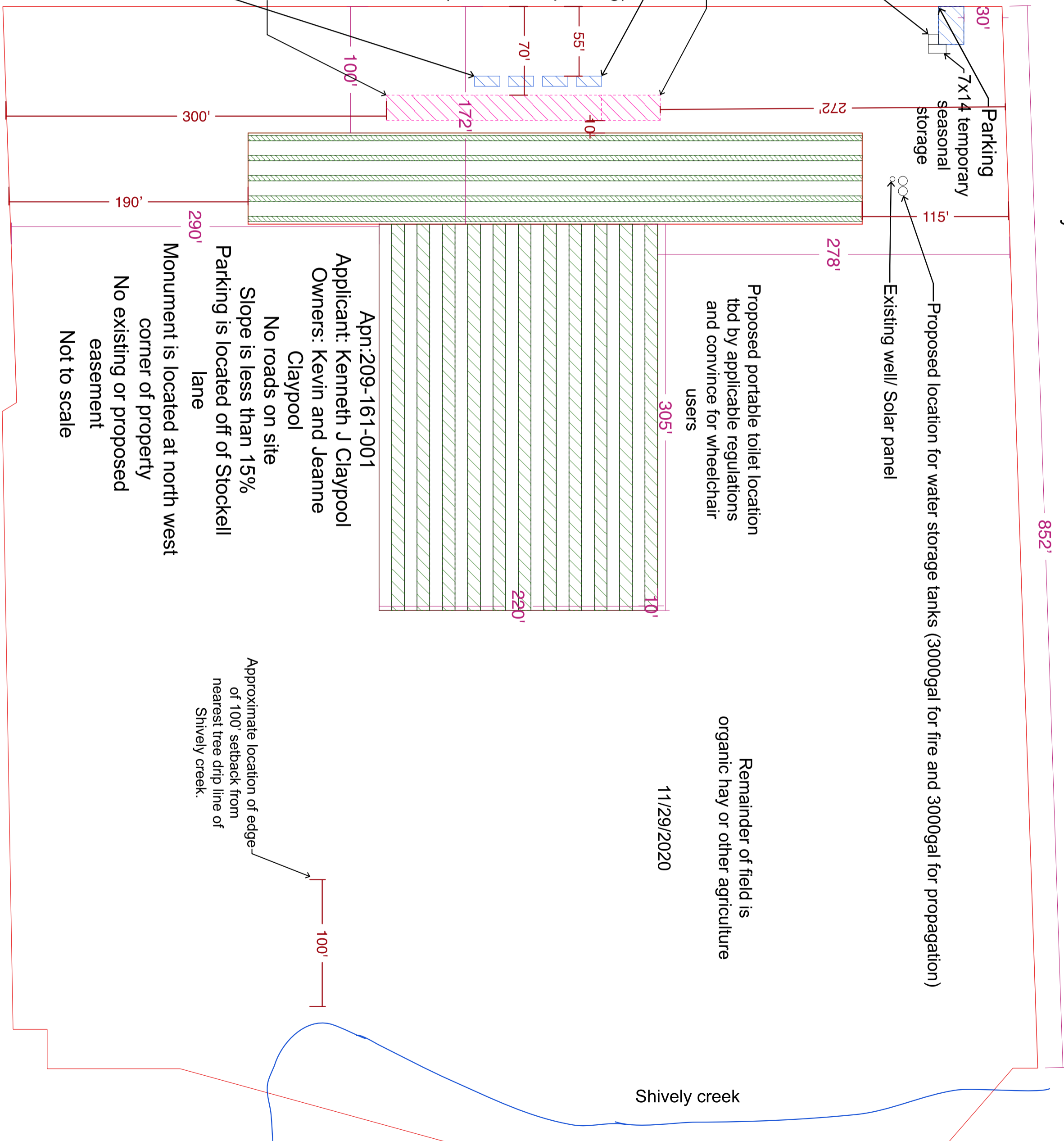
Proposed rental containers and/or freezer units if needed (2X 8'X20' or 1X 8'X40') for 1.0 harvest

20'X46' nursery for 1.0 propagation

Stockell lane (18' wide to parking)

20X170 nursery for 2.0 propagation

Proposed rental containers and/or freezer units if needed (2X 8'X20' or 1X 8'X40') for 2.0 harvest



Approximate location of edge of 100' setback from nearest tree drip line of Shively creek.

Apn:209-161-001
Applicant: Kenneth J Claypool
Owners: Kevin and Jeanne Claypool
No roads on site
Slope is less than 15%
Parking is located off of Stockell lane
Monument is located at north west corner of property
No existing or proposed easement
Not to scale

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMITS IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE RELEASE OF THE BUILDING PERMIT OR INITIATION OF OPERATIONS, WHICHEVER OCCURS FIRST.

Section 1: Conditions that must be met prior to Initiation of operations

1. A metering device shall be installed at the point of withdrawal from the well to ensure irrigation records coincide with the projected annual water usage for the propagation and transplantation. The applicant shall maintain a weekly record of water used for the operation. A copy of these records shall be stored and maintained at the cultivation site and kept separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be made available at the applicant's annual inspection
2. Prior to the 2022 cultivation season the applicant shall obtain an additional 2,000 gallons of water storage to meet the projected annual water usage. The applicant shall forebear from the use of the well between April 1st and October 31st of each year.
3. The applicant shall continue to process offsite until P.G.&E has been obtained. The applicant shall submit documentation to the Planning Department showing active service by P.G.&E. Upon approval from the Planning Department, the applicant will be authorized to utilize fans and dehumidifiers for the drying process. However, further processing such as trimming and packaging will occur offsite.
4. The applicant shall adhere to the recommendation made by the biologist which requires the applicant to adhere to the State Water Resources Control Boards Cannabis General Order and the subsequent *Site Management Plan*. The applicant shall submit a copy of the *Site Management Plan* to the Planning Department to fulfill this requirement.
5. The applicant shall adhere to the recommendation made by the Department of Public Works Land Use Division who requested that the applicant adhere to the Sight Visibility Ordinance. The applicant shall ensure that the intersection of Stockwell Lane and Shivley Road is not inhibited. Continued compliance with this condition will be assessed at the applicant's annual inspection.
6. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
7. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the

decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. The applicant shall remove all greenhouses and shipping containers each year from October 15th through April 16th. Alternatively, the applicant shall receive flood elevation certificates for the hoop houses, and all shipping containers shall be elevated at least one foot above base flood elevation, or they may be wet flood proof and anchored.
6. Noise resulting from cultivation related activities must not exceed 50 decibels of continuous noise as measured from the property line.
7. The applicant shall provide portable toilets to serve the operation, meeting the appropriate setbacks, or install a permitted onsite wastewater treatment system associated with a permitted structure. The applicant shall maintain records representing the use of portable toilets throughout the cultivation season and these records shall be made available upon request at the applicant's annual inspection.
8. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
9. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
10. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
11. The use of anticoagulant rodenticide is prohibited.
12. The operator shall provide information to all workers about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
13. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen

to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

14. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
15. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
16. 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.
17. 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).
18. Maintain enrollment in Tier 1 or 2, , certification with the State Water Quality Control Board (SWQCB) Order WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
19. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife, if applicable.
20. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
21. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
22. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
23. Pay all applicable application, review for conformance with conditions and annual inspection fees.
24. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
25. The master log-books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
26. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

27. Pursuant to the Business and Professions 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."
28. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
29. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
30. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
31. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities

- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
32. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
33. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
34. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
35. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
36. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Cannabis.
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. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

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

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

APN 209-161-001, Stockwell Lane, Shivley, CA, County of Humboldt

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

August 2021

Background

Modified Project Description and Project History –

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

The applicant is seeking a Special Permit for 33,550 SF of new outdoor commercial cannabis cultivation. There is an approved ZCC on the parcel (application 12683) which authorizes 9,700 square feet of outdoor commercial cannabis cultivation. The two projects would total 43,250 square feet of outdoor cultivation and will be supported by 4,320 square feet of propagation space. Two harvests may be obtained annually utilizing auto-flower strains. Irrigation occurs from natural subterranean irrigation (dry farming). An existing well will provide supplemental irrigation for the propagation area and for transplanting purposes. The combined projected annual water usage for the projects totals 5,000 gallons and there is 3,000 gallons of water storage onsite. Processing will occur offsite until P.G.E is obtained. Once P.G.E is obtained, drying and curing will occur onsite in shipping containers. Further processing will occur offsite at a licensed third-party processing facility. Six independent contractors may be utilized during the peak season. A Special Permit is also requested for the ongoing use of the well for propagation and transplant, which is presumed to be a diversionary water source as it is located within the Eel River Floodplain and has not been analyzed for hydrologic connectivity.

A *Biological Assessment* prepared by Timberland Resource Consultants dated September 11, 2019, documented existing site conditions and the potential for the project to impact any special status species or sensitive natural communities. Shively Creek, a Class I waterway, runs adjacent to the subject parcel which may contain habitat for special status reptile and amphibian species. All components of the project will be required to maintain a 150-foot setback from the Streamside Management Area. The *Biological Assessment* did not identify any sensitive natural communities and states that the project will not directly disturb any natural vegetation as the field was historically farmed and consists of primarily nonnative grain species, mustard species, and other herbaceous weed species. The biologist recommends that the applicant adhere to the State Water Resources Control Boards Cannabis General Order, a condition of approval for the project will require the applicant to submit a copy of the Site Management Plan to the Planning Department. Noise and light attenuation measures have been included as conditions of approval for the project to ensure consistency with the CCLUO and EIR.

The project was referred to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkiyone Wilderness Council. A response was received from the Bear River Band, which did not require the applicant to complete a Cultural Resource Survey. However, they did request that the applicant adhere to the Inadvertent Discovery Protocol. This has been included as an ongoing requirement of the project.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize the project is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- *Combined Operations Plans* prepared by the applicant, received January 26, 2021.
- *Site Plan* prepared by the applicant, received August 27, 2021.
- *Biological Assessment* prepared by Timberland Resource Constants, dated September 11, 2019.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

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 one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (*Site Plan* prepared by the applicant, received 08/27/2021)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (*Combined Operations Plans* dated January 26, 2021 - **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in #4 above)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Notice of Applicability- 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 California Department of Fish and Wildlife. (Not applicable - **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner

has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. *Biological Assessment* prepared by Timberland Resource Constants, dated September 11, 2019. (On file- confidential)
16. Road Evaluation Report prepared by the applicant, dated April 12, 2019. (**Attached**)
17. Temporary Structures in the Flood Zone Agreement. (On file)



Project introduction and description

Applicant is seeking a 2.0 permit to cultivate 33,550 square feet of cannabis. This square footage will be in addition to the 9,700 square feet that was issued a ZCC under 1.0 on March 18, 2020 ZCC number ZCC-16-540. Applicant also seeks 4,308 sq/ft of nursery area which is less than 10% of the total 43,250 sq/ft of cultivation area of the requested 2.0 permit and the issued 1.0 zcc. All cannabis will be grown using organic dry farming practices after propagation to minimize impact and water usage. Applicant reserves the right to permit or RRR a total of 20% of existing 15.73 +/- acres of prime ag soil and use the remainder of the property for hay, produce or other organic farming. The site has a less than 15% slope. Family run and operated. Any additional labor will be contracted when necessary.

Description of cultivation activities

Applicant is proposing to permit a new 33,550 ft.² of outdoor cultivation area on land zoned AE exclusive prime ag soil. This permit will be in addition to the existing 9,700 ft.² ZCC that was approved and issued on March 18, 2020. The total permitted area will be less than 1 acre. Applicant is applying for a 2.0 outdoor permit for the 33,500 ft.² mentioned above. Applicant also requests 4,308sq/ft of nursery area which is less than 10% of the proposed 2.0 permit and the approved 1.0 zcc. Cultivation activities will maintain a setback of at least 270ft from the borders of the parcels to the north, south and east as required. Cultivation activities permitted under 2.0 will maintain at least a 100ft setback from the border of the parcel to the west with attached permission from property owner. Cannabis will receive water by using dry farming practices. Applicant is anticipating using a mixture of traditional strains and new "auto flower" strains to allow the possibility of up to two harvest per season of outdoor cultivation. This will be done to allow the harvest process to be spread out over a longer period and also allow plants to be harvested earlier in the hopes of minimizing the need for late season issues such as rainy weather and mold. No external light sources will be used to eliminate the impact on neighboring parcels and comply with international dark sky association standards outlined in the CCLUO.

Applicant may utilize the nursery area to start and maintain plants prior to transplanting into the cultivation area. Seasonal covers may be used when allowed to protect young starts from cold, animals and other threats.

Energy Plan

Growing activities will not require power. Solar or battery power may be used for security features, water pumps and automation and pest management and any other needs not related to the cultivation.

Water Storage

Approximately 3,750 gallons of water storage using 3 1,250gal (or nearest available size) linear high density polyethylene tanks, at least one will be fitted with male fire connection and all will be filled using existing pre-1973 Unpermitted well when allowed and rain catchment if weather permits. Tanks may be seasonal and stored offsite if necessary or secured to allow them to safely be left on site depending on circumstances and recommendations/requirements of state and local agencies.

Invasive Species Control Plan

Plants and amendments brought to the site will come from reputable sellers to avoid the introduction of invasive species. Applicant will use best practices to remove existing or prevent new invasive species including manual

removal, natural organic remedies and the use of beneficial insects and plants. Applicant will use available resources to find the best practices to address or prevent invasive species.

Please add in references to proposed nursery area in the project intro and description and description of cultivation activities sections. Let me know if anything else was needed for that part. I also amended the site plan to show the proposed nursery area as well as an approximate location of the 100' setback from the tree drip line of Shively creek at its nearest to the cultivation site. I'm not sure how deep the natural riparian area is on that side of the creek so I set it back 12' from where the creek is shown on the county map. Either way the cultivation area will be well beyond the 100' required setback.

Addendum to the Operations Plan

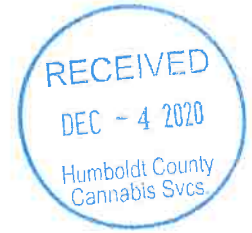
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In the event a fresh frozen processor is delayed, or unavailable applicant may either dry harvest in hoop houses used for nursery or rent up to (1) 8'X40 or (2) 8'X20' shipping containers and/or freezer units to store harvest until it can be moved offsite to a licensed facility for processing. Solar fans may be used but if necessary for additional fans, dehumidifiers, freezer units or other equipment needed for curing or storage, power will be provided by a PG&E ag drop that is currently being applied for.

Necessary ag exempt applications are also being submitted. If power is lost a rental generator may be used in an emergency to maintain the harvest. This will also apply as an amendment to current 1.0 zcc and applicant may also rent up to 1X 8'X40' or 2X 8'X20' shipping containers and/or freezer units to be maintained in the same manner for the 1.0 harvest.

Untitled



Claypool Family Farm

Project introduction and description

Applicant is seeking a 2.0 permit to cultivate 33,550 square feet of cannabis. This square footage will be in addition to the 9,700 square feet that was issued a ZCC under 1.0 on March 18, 2020 ZCC number ZCC-16-540. All cannabis will be grown using organic dry farming practices after propagation to minimize impact and water usage. Applicant reserves the right to permit or RRR a total of 20% of existing 15.73 +/- acres of prime ag soil and use the remainder of the property for hay, produce or other organic farming. The site has a less than 15% slope. Family run and operated. Any additional labor will be contracted when necessary.

Natural subterranean irrigation, dry farming practices using little to no water. Water source if used will be from existing well pre-1973 observing forbearance for cannabis and reserving the right to farm and raise livestock, without disturbing the existing natural riparian buffer zone, all remaining prime agricultural soil with the use of dry farming and Irrigation methods.

Site drainage by natural percolation

Applicant is enrolled in state water board self monitoring program for the existing 9700 ft.² ZCC and will amend submitted information to include the additional 33,550 ft.² for a total of 43,250 ft.². There will be no lake or stream alterations and no well water used for cannabis cultivation. Applicant will observe the state DFW order when and if applicable.

Protection of watershed in nearby habitat by maintaining proper buffer zone

Applicant has had the resource assessment of sensitive habitat drafted by Timberland Resource for the impact of up to 1 acre of cultivation. Applicant will amend information given to DFW to include the requested square footage of cultivation area. There are no historic or Native American artifacts remaining on the site due to extensive flooding, logging and farming for the past hundred plus years.

Description of water source, storage, irrigation plan and projected water use

water source and storage: The following sources of irrigation and storage of water serve the cultivation operation.

Dry farming: dry farming uses a system of tillage, surface protection and hearty more drought resistant varieties of plants to minimize the need for irrigation.

Well: applicant has an unpermitted well that existed prior to 1973. Well will be used to fill storage tanks and be used for propagation when allowed. Well water is non-potable water for human use and drinking water will be brought in as needed. A water faucet will also be available at the well for filling sprayers and other cultivation activities outside of plant watering.

Water storage: 2500 gallons of water storage use in linear high density polyethylene tanks fitted with male fire connection will be filled using existing pre-1973 Unpermitted well when allowed and rain catchment if weather permits. Tanks may be seasonal and stored offsite if necessary or secured to allow them to safely be left on site depending on circumstances and recommendations/requirements of state and local agencies.

Irrigation plan: relying primarily on dry farming practices will reduce or eliminate the need for traditional irrigation. Application anticipates the dry farming plan to provide a suitable amount of water after the propagation phase. Estimated water used for propagation is 4000 gallons per year.

Description of site drainage, including runoff and erosion control

Erosion control measures: applicants dry farming practices in minimal slope of form will substantially reduce concerns of erosion. Applicant will consult with and implement recommendations from PWA to minimize erosion and sediment delivery to water courses as needed.

runoff control measures: dry farming practices reduce runoff from the cultivation site and nearly flat farmland Allows any excess water to naturally percolate into the known underground reservoir to avoid runoff concerns to receiving waters. Planting of beneficial plants in the area will help control sediment and improve the effectiveness of dry farming practices. Applicant will consult with an implement recommendations from PWA to improve runoff control measures as needed. No changes in existing drainage conditions will be made.

details of measures taken to ensure protection of watershed and nearby habitat

Protection of watershed and habitat: Applicant will observe 150 foot buffer zone between cultivation activities and Shively Creek. The natural riparian buffer is undisturbed and intact providing protection to existing habitat. Owner is working with CDFW on recovery strategies for Coho salmon and has contacted a biologist to ensure operation will not interfere with any other rare and or endangered species.

Owner has implemented required upgrades to Stockell Lane and created the parking area as requested by public works for commercial activities.

Cultivation related waste protocols: applicant is implementing measures to reduce or eliminate cultivation related waste. All plant material that is not transported offsite will be re-distributed to the soil by chipping and or disking as part of applicants soil management plan. Parts containing starts or clones will be washed, rinsed and taken off site when not in use or recycled at the end of their useful life. Any fencing that is used that is unable to be left in place will be removed and prepared for reuse or disposed of at an approved facility if necessary. Trellis netting use will be minimized but if necessary to maintain plants an attempt will be made to use reusable products and/or recyclable products that will either be reused or disposed of at an approved facility. Any pesticide containers will be stored in a designated area with appropriate precautions to reduce chance of impact or any spillage as well as required documents for safe use and storage. When empty, pesticides containers will be recycled per per California pesticide regulations. Applicant intends to amend soil using bio amendments (cover crops) and any other amendments used will be organic and stored offsite or in a designated area before being distributed. Attempt will be made to use bulk amendments when available to reduce or eliminate waste from packaging.

Refuse disposal: The site generates little to no human refuse. All refuse create it will be taken off site for storage or disposal daily.

Human waste: applicant intends to utilize seasonal portable toilets that meet ADA accessibility requirements during active growing season. Portable toilets will be serviced on a regular basis and service records will be kept on site. Portable toilets will be in an area that they do not threaten water quality and removed were not needed. Applicant will consult with an implement recommendations from PWA, when necessary, on the placement of portable toilets to ensure they pose no threat to water quality.

Protocols for proper storage and use of fertilizers, pesticides and other regulated products

Pesticides: pesticides will either be stored offsite or kept on site in a designated area designed to contain any spills or leaks. They will be kept in an approved spill proof containers with appropriate information labels. A containment tote will also be used on site to further minimize spills from being transported to groundwater or receiving surface water. Applicant will maintain and keep personal protective

equipment required by the pesticide label in good working order. Coveralls will be washed after use when required. All required warning signs will be posted and material safety data sheets (MSDS) will be kept with pesticides. Emergency contact information in the event of a pesticide poisoning shall also be kept with pesticides including name, address and number of emergency care facilities. Change areas and decontamination rooms will be available offsite. Before pesticide application operators will evaluate equipment, weather conditions, the property to be treated and the surrounding areas to determine the likelihood of substantial draft or harm to non-target crops, contamination or creation of a health hazard.

Petroleum products and storage: no petroleum products will be stored on site. In the event petroleum products are needed they will be transported in from offsite and approved containers, kept safely away from combustibles and used with safe practices to avoid contamination. All petroleum products will then be transported offsite for storage.

Fertilizers: The majority of nutrients will be applied prior to cultivation or received from cover crop to minimize the need for fertilizer application during grow periods in the event access is needed it may be stored offsite or in a designated area on site and approve storage.

Soil amendments : Soil amendments will be bought in bulk and mixed into the soil as soon as possible and any amendments needed during grow period will either be stored offsite or kept in a designated area on site in approved storage.

Description of cultivation activities: Applicant is proposing to permit a new 33,550 ft.² of outdoor cultivation area on land zoned AE exclusive prime ag soil. This permit will be in addition to the existing 9700 ft.² ZCC that was approved and issued on March 15, 2020. The total permitted area will be less than 1 acre. Applicant is applying for a 2.0 outdoor permit for the 33,500 ft.² mentioned above. Cultivation activities will maintain a setback of at least 270ft from the borders of the parcels to the north, south and east as required. Cultivation activities permitted under 2.0 will maintain at least a 100ft setback from the border of the parcel to the west with attached permission from property owner. Cannabis will receive water by using dry farming practices. Applicant is anticipating using a mixture of traditional strains and new "auto flower" strains to allow the possibility of up to two harvest per season of outdoor cultivation. This will be done to allow the harvest process to be spread out over a longer period and also allow plants to be harvested earlier in the hopes of minimizing the need for late season issues such as rainy weather and mold. No external light sources will be used to eliminate the impact on neighboring parcels

and comply with international dark sky association standards outlined in the CCLUO.

Applicant will be cultivating using crop rotation utilizing a 220 foot wide section of the reserved 20% of parcel to maintain soil health, fertility and control weeds. Crop rotation will use 11 non-continuous rows, 10 feet wide and 305 feet long with a 10 foot wide empty area between each row. A cover crop will be planted in between the rows and be alternated with the grow area every 1 to 3 years. Seeds may be direct planted into prime ag soil or started on site in pots. Clones or starts may be bought or started on site and allowed to harden off before planting depending on weather or other circumstances. Once planted and established plants will be maintained using current dry farming practices. These methods allow for the farm to produce good results while minimizing the excess water use and waste production of many current farming methods. Applicant does not anticipate hiring any employees at the site for the cultivation activities. Cultivation will be family run and operated with any needed additional work performed by contracted labor.

Application will follow all performance standards outlined in the Humboldt County's commercial cannabis land-use ordinance CCLUO with respect to cultivation activities, including developing safety protocols which include:

1. An emergency action response plan and spill prevention protocols.
2. Fire prevention policies.
3. Maintenance of material safety data sheets (MSDS).
4. Material handling policies.
5. Personal protective equipment policies.

Applicant will post and maintain an emergency contact list which includes:

1. Operation management contacts.
2. Emergency responder contacts.
3. Poison control contacts.

All cultivation activities will be charted, dated and made available for inspection when needed.

Applicant does not anticipate increased road activity for the cultivation activities listed above. There are no roads on site. Parcel is bound by county roads on three sides. Applicant has obtained an encroachment permit and widened Stockel Lane to meet County commercial standards and also created a parking area as requested by public works.

Schedule of activities for each month of growing season:

January, February and March

1. Cover crops established from prior year

April

1. Harvest cover crop, reincorporate cover crop and start soil prep

May

1. Prep soil for planting
2. Purchase and delivery of starts from licensed dealer for transplanting
3. Plant seeds
4. Plant beneficial plants for wind barriers and ground insulation

June

1. Remove male plants as they become visible
2. Begin weeding and other ground maintenance

July

1. Cultivate and weed

August

1. Provide trellising as needed for plant support
2. Begin harvest of "auto flower" plants if used

September

1. Spray/dust as needed
2. Remove dead foliage
3. Begin harvest
4. Begin soil prep

October

1. Spray/ dust as needed
2. Remove dead foliage
3. Continue harvest
4. Continue soil prep and plant winter crop/ cover crop

November

Winter crop established

December

Winter crop established

Processing plan and activities :

No processing activities will be conducted on site. Applicant anticipates obtaining a contract for fresh frozen harvest for the majority of the crop. Plants will be harvested by contractor and placed directly into freezers and hauled off site for continued processing. Stocks and other plant material that is not taken with the harvest will be deposited into a secure area to either be composted or chipped/ shredded before being redistributed to the field. Contractors will have proper equipment for safe

harvesting and will have proper permits for transportation and processing of product.

Any product that is not fresh frozen may be dried on site in permitted, seasonal ag buildings then taken off site to a permitted processing facility.

Security features

Applicant plans to use plants as a natural wind and visual barrier which may be planted to obscure the visibility of cultivation area from passing people or vehicles. A perimeter fence may be installed as deemed necessary or required by county or state. No trespassing signs will be posted in conspicuous locations. Applicant intends to install cameras and or motion sensors to alert to activity. There will not be someone on site full-time but they will conduct random patrols to inspect the area and also be available to respond to alerts from cameras or motion sensors once cannabis reaches a mature enough state to raise the risk of theft. Applicant hopes to work with neighboring farms to establish a mutual watch program to improve safety for all residents and farms. To ensure non-diversion of product, applicant has taken required METRC training and enrolled in their California track and trace program.

Noise source assessment :

Full sun outdoor cultivation using dry farming will not produce an appreciable increase in noise. Beneficial plants will be planted around the cultivation site in order to help mitigate any noise that may occasionally arise from farming practices. These noises will be minimized and an attempt will be made that they be at a time to have as little impact on neighbors as possible.

Light pollution control:

Outdoor plants will be grown with no artificial light once on site to eliminate any concern of light pollution.



May 11, 2020

Kenneth Claypool
3838 North Rd. A
Garberville, CA 95542
claypoolfamilyfarm@yahoo.com

Subject: **Refund for Notification of Lake or Streambed Alteration
Notification No. 1600-2020-0079-R1
Humboldt County Assessor’s Parcel APN 206-161-001**

Dear Kenneth Claypool:

This letter is to inform you that the Department of Fish and Wildlife (Department) will be issuing you a refund for the reason indicated below.

- Notification was not required because your project **as Notified** is not subject to the notification requirement in Fish and Game Code section 1602.

Pursuant to Fish and Game Code (FGC) section 1602, February 19, 2020 the California Department of Fish and Wildlife (CDFW) received your Notification of Lake or Streambed Alteration (Notification).

CDFW has determined from a desk review completed on May 1, 2020 that, as notified, the project does not need a Lake or Streambed Alteration Agreement. Your Notification indicates a water well located at (lat./long): 40.4349, -123.9748 and used as the sole source of commercial and domestic water. There are no water diversions or stream crossings on the parcel. CDFW did not evaluate hydraulic connection of the well to surface water, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review. If any activities subject to FGC section 1602 are proposed in the future (for domestic or commercial purposes), a new notification shall be submitted to CDFW.

This letter does not retroactively permit any stream crossings, water diversions or other encroachments not described above. No other projects that may be subject to FGC1602 were disclosed.

Your refund check, in the amount of \$609.25, will take from four to six weeks to process and will be sent to the contact address provided in your notification.

While you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These

Conserving California’s Wildlife Since 1870

Kenneth Claypool

May 11, 2020

Page 2 of 2

include FGC sections 5650 and 5652 which make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials. A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, CDFW may impose civil penalties administratively against any person found by CDFW to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

Other statutes in the FGC that might apply to your activity, include, but not limited to the following sections: 2080 et seq. (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); 1908 (rare native plants); 3511, 4700, 5050, and 5515 (fully protected species); 3503 (bird nests and eggs); 3503.5 (birds of prey); 5901 (fish passage); 5937 (sufficient water for fish); and 5948 (obstruction of stream), and the requirements set forth in the Forest Practice Act (Pub. Resources Code, § 4511 et seq.) for projects on private timberlands.

If you have any questions regarding this letter, please contact Allison Mitchell, Environmental Scientist at your allison.mitchell@wildlife.ca.gov.

Sincerely,



Cheri Sanville

Senior Environmental Scientist Supervisor

ec:

Allison Mitchell

Environmental Scientist

allison.mitchell@wildlife.ca.gov

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: KEVIN J. CLAYPOOL APN: 209-161-001

Planning & Building Department (Case) File No.: PLN-12683-ZCC

Road Name: SHIVELY FLAT ROAD (complete a separate form for each road)

From Road (Cross street): EWAN AVE,

To Road (Cross street): STOCKELL LANE

Length of road segment: 0.4 miles Date Inspected: 10-25-2018

Road is maintained by: County Other _____
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Kevin J. Claypool
Signature

2-20-2019
Date

KEVIN J. CLAYPOOL
Name Printed



Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

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
Division Environmental Health	✓	Conditional approval	Attached
Public Works, Land Use Division	✓	Approval	Attached
Sheriff	✓	Approval	On- file
Building Inspection	✓	Approval	Attached
Northwest Information Center	✓	Further study	On file and confidential
CAL FIRE	✓	No comment	On-file
California Department of Fish & Wildlife		No response	
Bear River Band of The Rohnerville Rancheria	✓	Conditional Approval	On-file
Intertribal Sinkyone Wilderness Council		No response	
CA State Water Resources Control Board – Division of Water Rights		No response	
NCUAQMD		No response	
Scotia Union School District		No response	
District Attorney		No response	
Ag Commissioner		No response	
RWCQB		No response	
Rio Dell Fire Protection District		No response	

APPS# 16844: Update to DEH Referral Comments



Whittlesey, Joseph

Thu 8/26/2021 11:30 AM

To: Strickland, Abigail

Cc: claypoolfamilyfarm@yahoo.com



Hi Abbie,

On 6/14/21, DEH recommended approval of the subject project pending the following conditions:

“DEH has no record of the well proposed as the source of water. Owner shall either provide evidence of an approved permit, destroy the well, legalize the well through installation of a new sanitary surface seal, or provide compelling evidence that the well was installed prior to February, 1973. Applicant shall submit a County certified CEQA Environmental Document resulting from this project’s Planning review and must explicitly address the well and all environmental impacts associated with its proposed use prior to DEH approval of water well permit.

Seasonal cultivation without processing may use portable toilets to serve the operation. Permittee shall provide portable toilet(s) to cultivation areas, meeting appropriate setbacks per Humboldt County Code, or install a permitted onsite wastewater treatment system associated with a permitted structure.”

Kenneth Claypool, Applicant for the subject project, has since submitted supporting documentation to DEH regarding the unpermitted water well proposed as the project water source. Following review, DEH considers this documentation adequate to recognize the existing well as possessing legal non-conforming status; the condition regarding legalization of the existing well is considered satisfied. The remaining conditions are considered still applicable.

Thank you,

Joey Whittlesey

Senior Environmental Health Specialist

[Land Use Program](#)

[Division of Environmental Health](#)

100 H Street, Suite 100, Eureka, CA 95501

Phone: (707) 268-2240 – Fax: (707) 441-5699



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

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


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

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Abbie Strickland, Planner, Planning & Building Department
 FROM: Kenneth M. Freed, Assistant Engineer 
 DATE: 04/16/2021

RE:	Applicant Name	KENNETH CLAYPOOL
	APN	209-161-001
	APPS#	PLN-2020-16844 SP

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 completed Public Works Department surfacing requirements as part of a previous cannabis application #12683.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 16844

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 //



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

4/29



4/28/2021

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD: Rio Dell Fire Protection District, RWQCB, NCUAQMD, School District: Scotia Union School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Kenneth Claypool **Key Parcel Number** 209-161-001-000

Application (APPS#) PLN-2020-16844 **Assigned Planner** Abbie Strickland

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

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

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

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

Return Response No Later Than: 5/13/2021

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

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

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

Other Comments: _____

DATE: 4-28-21 PRINT NAME: Ross Eskig



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Accela Record No: PLN-16844 APN: ~~209-0~~ 209-161-001-000

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

- Site plan appears to be accurate.
- Site plan is not accurate, submit revised site plan showing the following items:
 - All grading including ponds and roads,
 - Location of any water course including springs,
 - All structures including size and use and all setbacks from each other, above stated items, and property lines.
 - _____
 - _____
- Existing operation appears to have expanded as follows: _____

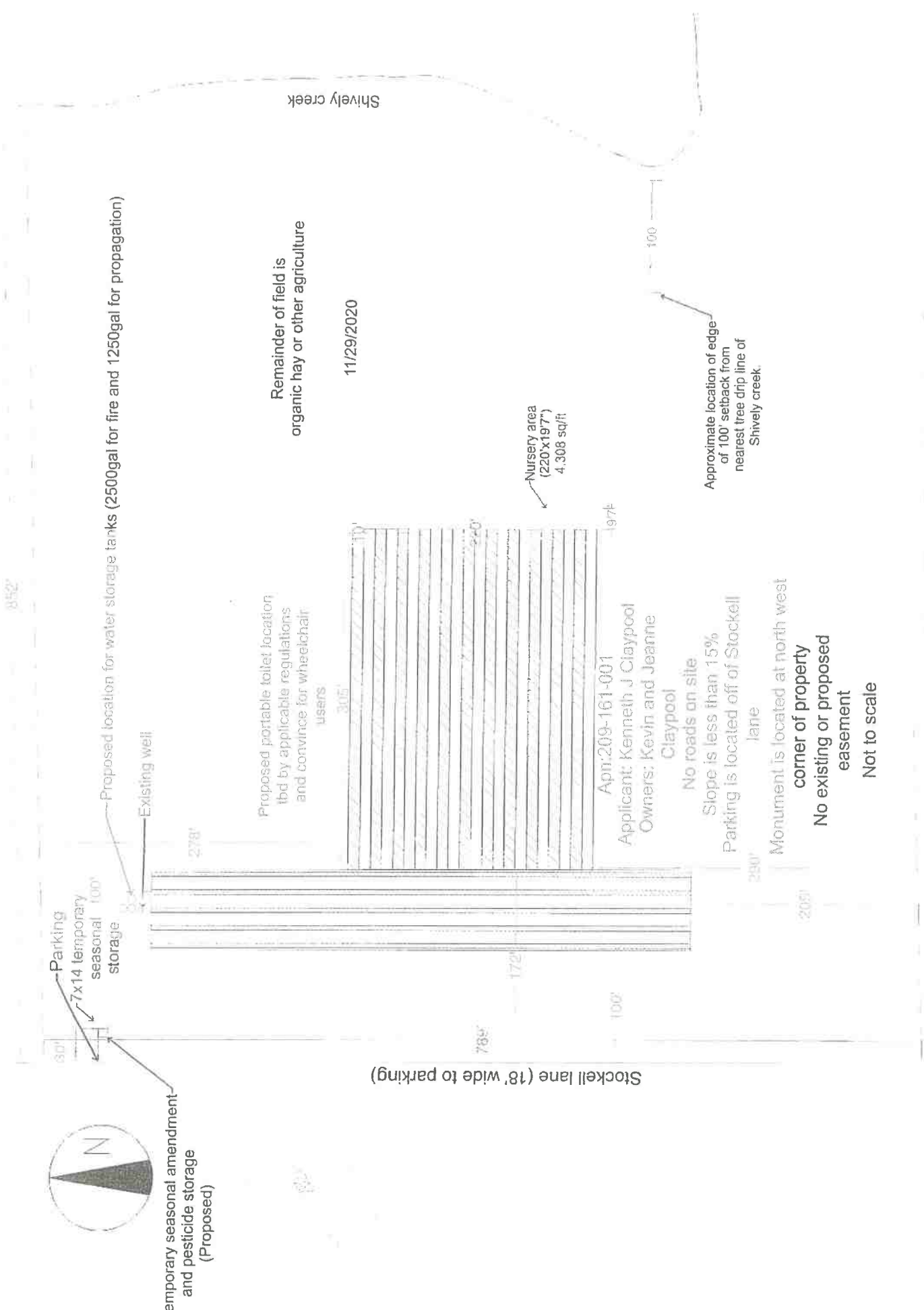
- Proposed new operation has already started.
- Development is near a wet area. If yes, distance from development: _____
- Development is near a Steam side Management Area (SMA). If yes, distance from development: _____
- Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemptions are obtained.
- Other Comments: No structures at time of visit, only PG 5 E power pole & small parking space

Name: Ross Eskra

Date: 4-28-21

Note: Please take photographs and save them to the Planning Accela record number. Updated 1/21

PROPERTY INFORMATION MADE TO ORDER



Proposed location for water storage tanks (2500gal for fire and 1250gal for propagation)

Remainder of field is organic hay or other agriculture

11/29/2020

Nursery area (220x197) 4,308 sq/ft

Approximate location of edge of 100' setback from nearest tree drip line of Shively creek.

Apr:209-161-001
Applicant: Kenneth J Claypool
Owners: Kevin and Jeanne Claypool

No roads on site
Slope is less than 15%
Parking is located off of Stockell lane

Monument is located at north west corner of property
No existing or proposed easement
Not to scale



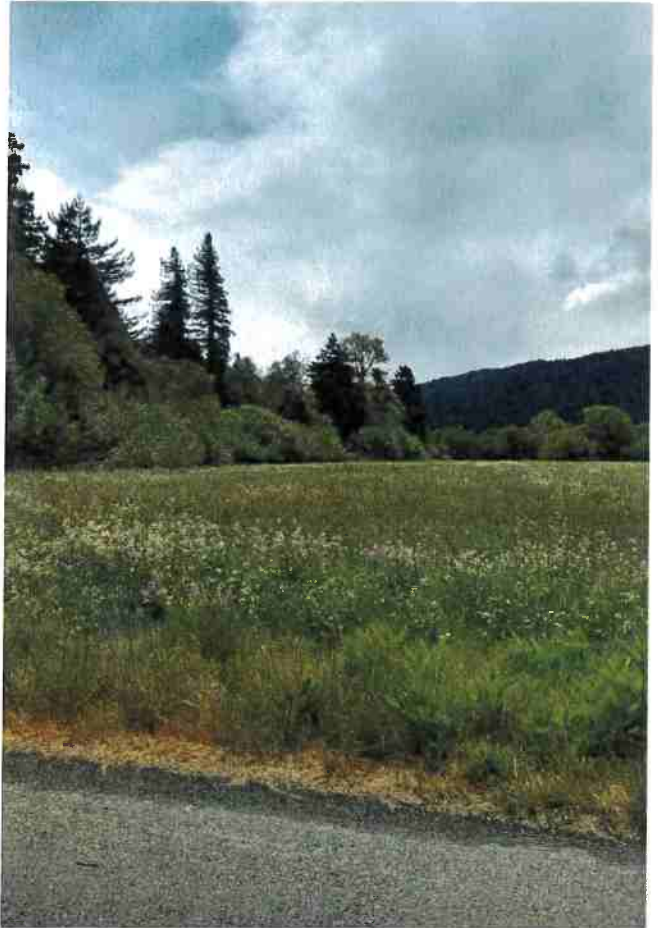
8' temporary seasonal amendment and pesticide storage (Proposed)

Stockell lane (18' wide to parking)

View from NW Corner



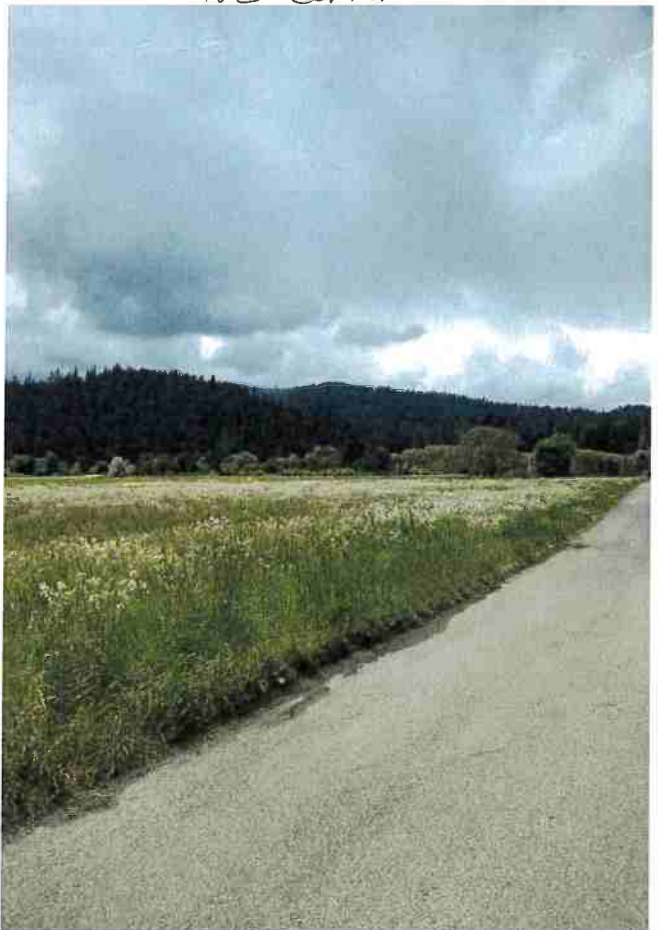
NE Corner



NE Corner



NE Corner



NW Corner



NW Corner



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

- The Department has no comment at this time.
- Suggested conditions attached.
- Applicant needs to submit additional information. List of Items attached.
- Recommend denial.
- Other comments.



Forester Comments: Date: Name:

AP# 16844
APN 209-161-001

Battalion Chief Comments: Date: Name:

Summary: