



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: June 16, 2022

To: Humboldt County Planning Commission

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

Subject: **Lost Coast Elixirs, LLC Conditional Use Permit**
Record Number: PLN-11247-CUP
Assessor's Parcel Numbers (APNs): 220-081-016
Briceland Area

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Please contact Megan Acevedo, Planner, at 707-441-2634 or by email at macevedo@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date June 16, 2022	Subject Conditional Use Permit	Contact Megan Acevedo
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Project Description: Lost Coast Elixirs, LLC seeks a Conditional Use Permit for an existing operation with 16,144 square feet (sf) of outdoor and 7,710 sf of mixed light cannabis cultivation with 2,746 sf of ancillary propagation. Water for irrigation is sourced from a permitted well (Permit #20/21-0663) and the applicant has obtained a well assessment supporting the continued use of the well for irrigation. The applicant plans to add rain catchment features to collect up to 20,000 gallons per year. Anticipated annual water usage is 383,472 gallons (14.4 gal/sf/yr). There is a total of 411,500 gallons of existing hard tank water storage on-site designated for irrigation. Drying and curing will occur on-site and trimming will occur off-site at a licensed processing facility. The applicant will be hiring between 3-10 employees for the cultivation operation. The site is equipped with two permitted septic systems, and additional portable toilets and hand washing stations will be used. Power is currently sourced by two (2) diesel generators housed within secondary containment, and the project is proposed to be conditioned to transition to 100% renewable energy source by 2026.

Project Location: The project is located in Humboldt County, in the Briceland area, on the north, west, and east side of Eubanks Road, approximately 1.1 miles from the intersection of Etersburg-Honeydew Road and Eubanks Road, on the property known as 569 Eubanks Road, Briceland.

Present Plan Land Use Designations: Residential Agriculture (RA40), 2017 General Plan, Density: 40 acres per unit, Slope Stability: Moderate Instability (2)

Present Zoning: Unclassified (U)

Record Number: PLN-11247-CUP

Assessor's Parcel Number: 220-081-016

Applicant Lost Coast Elixirs, LLC PO Box 196 Redway, CA 95560	Owner Thomas & Christina Harwood PO Box 264 Redway, CA 95560	Agents Lost Coast Exotics PO Box 610 Redway, CA 95560
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Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

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

Major Issues: None

Lost Coast Elixirs, LLC
Record Number: PLN-11247-CUP
Assessor's Parcel Number's: 220-081-016

Recommended Commission Action

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

Adopt the resolution to find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the Lost Coast Elixirs, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions.

Executive Summary: Lost Coast Elixirs, LLC seeks a Conditional Use Permit for an existing operation with 16,144 sf of outdoor and 7,710 sf of mixed-light cannabis cultivation with 2,746 sf of ancillary propagation. Water for irrigation is sourced from a permitted well (Permit #20/21-0663) and the applicant has obtained a well assessment supporting the continued use of the well for irrigation. The applicant plans to add rain catchment features to collect up to 20,000 gallons per year. Anticipated annual water usage is 383,472 gallons (14.4 gal/sf/yr). There is a total of 411,500 gallons of existing hard tank water storage on-site designated for irrigation. Power is currently sourced by two (2) diesel generators housed within secondary containment, and the project will be conditioned to transition to 100% renewable energy source by 2026.

The applicant will have between three (3) and ten (10) employees on-site for cultivation activities. The site is equipped with two (2) permitted septic systems, and additional portable toilets and hand washing stations will be provided. The project was referred to the Department of Environmental Health (DEH) on September 5, 2017, and comments were received on December 14, 2017. DEH commented that no processing can be approved until an acceptable site suitability report can establish potential for onsite wastewater treatment system, the applicant shall provide an invoice or equivalent documentation to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of an annual permit (**Ongoing Condition B.1**), and Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs (**Condition A.24**). Drying, curing and packaging will occur on-site and trimming will occur off-site at a licensed processing facility. The applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility to be furnished during an annual inspection (**Ongoing Condition B.2**).

The project will consist of 16,144 sf of outdoor cultivation within twenty-seven (27) full-sun hoop houses and five (5) light-deprivation greenhouses without the use of supplemental lights, 7,710 sf of mixed-light cultivation within four (4) mixed-light greenhouses, and 2,746 sq. ft. of ancillary propagation will exist in a 1,100 sf full-sun outdoor area three (3) hoop houses and two (2) 198 sf rooms within the Garage and Storage Building. Mixed-light cultivation activities will occur year-round with three (3) to four (4) harvests anticipated per year, and outdoor cultivation will have one to two harvest per year.

Other buildings with a nexus to cannabis include one (1) 30' x 60' Garage and Storage Building (used for propagation areas to cut clones, and nutrient storage), one (1) 8' x 20' Storage Container to house hazardous materials, one (1) 2-Story Building used for drying and packaging, and three (3) Generator Sheds. The project was referred to the Building Division on September 5, 2017, and a Site Inspection was conducted on March 19, 2018. Comments from the Building inspector recommended conditional approval of the project based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained. The applicant shall permit all structures with a nexus to cannabis (**Condition A.8**), as well as all historic grading that occurred for cannabis cultivation (**Condition A.9**). Generator sheds must have a concrete floor designed to

incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams (**Condition A.8**).

Reconfiguration of outdoor cultivation to mixed-light cultivation

Lost Coast Elixirs received an Interim Permit for 22,514 sf of pre-existing outdoor and 5,551 sf of pre-existing mixed-light cannabis cultivation, a total of 28,065 sf of cultivation area. The applicant requested that some of the pre-existing outdoor square footage be allowed to transition to mixed-light cultivation in exchange for an overall decreased cultivation area. The application for 16,144 sf of outdoor, 7,710 sf of mixed-light for a total of 23,854 square feet of cultivation is overall substantially less cultivation than what was found to be pre-existing. It was determined that if the applicant could show that no increase in water or power would result in the transition of pre-existing outdoor cultivation to mixed-light cultivation, that the transition would be supported by staff as an environmentally superior reconfiguration. In Attachment 3 to this staff report the applicant has provided calculations demonstrating a reduction in water needs of 44,0436 gallons a year as a result of the reconfiguration. Because additional mixed-light would result in some additional cultivation during the period when outdoor is not viable, more water would be used during the wet season. The reduction in water use is actually a reduction of 61,000 gallons during the dry season. The applicant has provided energy calculations to show the change in energy usage with the transition of pre-existing outdoor cultivation to mixed-light. The energy usage calculations submitted by the applicant show that the pre-existing cultivation used 138,775 Watts (138,775 Watts/208V = 667amps), which has a load capacity of 62% for the generators. The proposed transition to mixed-light cultivation would use 192,750 Watts (192,750W/208V = 926 amps), which has a load capacity of 89% for the generators. The recommended load capacity for the highest efficiency of the MQ 220 generators is 80%. The applicant has stated that the change in power used would result in a more efficient use of the generators.

The energy calculations show that the applicant used 25 Watts per sf for pre-existing mixed-light cultivation and plans to continue to use 25 Watts per sf with the increase of mixed-light cultivation on-site. This overall shows an increase in the amount of electrical needs used for the project. The applicant states that timers have been installed on the generators within the last year, which allows for a more efficient use of the generators to power lights within the mixed-light greenhouses, and reduces the amount of fuel required to power the generators by 40%. The increase in mixed-light area is 39% more than what was pre-existing, and with the added timers to the generators, the project will not result in an increase of fuel consumption or power usage. Additionally, a recommended condition would require the project to transition to 100% renewable energy source by the 2026 cultivation season (**Condition A.11**).

Energy

The project currently utilizes two (2) 220 kW diesel generators, which are housed within secondary containment structures. Additional small portable generators are kept on-site for emergency backup purposes. The site also hosts four (4) solar panels, which will provide additional power to the project, and the applicant shall permit the on-site solar system with the Building Division (**Condition A.10**). The applicant is conditioned to transition to 100% renewable energy source supplied for the project by the 2026 cultivation season, and after transition shall only be allowed to keep one (1) generator on-site for emergency backup purposes only (**Condition A.11**). The applicant shall provide an Energy Plan to the Planning Division to show how all power required by the project will be sourced by 100% renewable energy sources, and shall submit an updated Site Plan to show one (1) emergency backup generator on-site (**Condition A.12**).

The applicant has provided energy calculations to show the change in energy usage with the transition of pre-existing outdoor cultivation to mixed-light. The energy usage calculations submitted by the applicant show that the pre-existing cultivation used 138,775 Watts (138,775 Watts/208V = 667amps), which has a load capacity of 62% for the generators. The proposed transition to mixed-light cultivation would use 192,750 Watts (192,750W/208V = 926 amps), which has a load capacity of 89% for the generators. The recommended load capacity for the highest efficiency of the MQ 220 generators is 80%.

The applicant has stated that the change in power used would result in a more efficient use of the generators.

The energy calculations show that the applicant used 25 Watts per sf for pre-existing mixed-light cultivation and plans to continue to use 25 Watts per sf with the increase of mixed-light cultivation on-site. This overall shows an increase in the amount of electrical needs used for the project. The applicant states that timers have been installed on the generators within the last year, which allows for a more efficient use of the generators to power lights within the mixed-light greenhouses, and reduces the amount of fuel required to power the generators by 40%. The increase in mixed-light area is 39% more than what was pre-existing, and with the added timers to the generators, the project will not result in an increase of fuel consumption or power usage.

Fire Safety & Timber Conversion

The project is in an area known to have a High Fire Hazard Severity, and is within the Telegraph Ridge Fire Protection District (TRFPD) for fire response. The project was referred to the TRFPD on September 5, 2017, and comments were received by the agency on September 18, 2017. Comments from the agency recommended conditional approval for the project on the conditions that employee fire safe training be held, and installation of a Fire standpipe. As part of employee orientation, all employees shall undergo fire safe training, and the applicant shall provide proof of employee safe trainings upon request during an annual inspection (**Ongoing Condition B.3**). The applicant has identified four (4) existing Fire Nozzles on the Site Plan, and the applicant shall obtain written confirmation from the TRFPD stating that this satisfies their recommendation for a Fire standpipe, or shall update the Site Plan to show a proposed Fire standpipe location in and shall install in coordination with the TRFPD (**Condition A.13**). The project is also in the State Responsibility Area for CalFire. The site shows ample room for a firetruck turnaround, and the applicant shall submit an updated Site Plan to the Planning Division to designate a minimum of 2,500 gallons of water storage for fire suppression only (**Condition A.5**).

There are several greenhouses located in the southeast corner of the parcel that appear to be very close to the property line from Humboldt County Web GIS. The Site Plan shows a 30-foot setback for the greenhouses from the property line, but after reviewing the Record of Survey for the parcel a 20-foot setback (in line with zoning regulations) is more likely the case. There is an existing property survey on record, and a request was made by the Planning Division that the applicant find the survey marker with a GPS tracker and confirm the southeast corner of the property, but as the survey marker is located on a very steep hillside, this was not possible to obtain. As there are also existing greenhouses located very close to the shared property line on the adjacent property to the east (APN: 220-081-015), per the Humboldt County Fire Safe Regulations the applicant is required and conditioned to have a maintenance and open space easement recorded with the adjoining lot (APN: 220-081-015) (**Condition A.14**).

The project was referred to CalFire on December 28, 2021, and comments were received on January 12, 2021. Comments from CalFire stated that it appears that trees were removed between 2015 and 2018, a CalFire document should have been obtained prior to removing the trees, and that a Registered Professional Forester (RPF) may be required to advise the landowner of necessary permits from CalFire. The applicant did obtain a Timber Conversion Report (TCR) prepared by RPF Chris Carroll with Timberland Resource Consultants, dated January 24, 2022. The TCR was sent to CalFire for review on April 15, 2021, and the agency replied on April 19, 2022, stating that they had no comments at that time. The TCR states that a total of 1.94 acres of timberland was converted on-site, and approximately 1.01 acres was removed post-2016. The TCR recommended the removal dead, dying, and diseased tanoak trees infested with Sudden Oak Death in the areas shown on the attached photographs, and to treat material per the attachment titled A Homeowners Guide to Sudden Oak Death (**Condition A.15**). As well, the applicant is conditioned to restock the 1.01 acres of post-2016 timberland converted, shall obtain a Restocking Plan prepared by an RPF and submit to the Planning Division, and shall adhere to the recommendations within the Restocking Plan (**Condition A.16**).

Water Resources

The project site has four (4) existing wells, one of which is listed as a point of diversion under a Streambed Alteration Agreement with California Department of Fish & Wildlife (CDFW), and there is one (1) additional point of diversion from a spring box on-site. Three (3) of the four (4) wells, and the spring diversion are used for domestic purposes only. Water for cannabis irrigation will be provided by one permitted well (Permit #20/21-0663), and a well assessment has been obtained supporting the continued use of the well for the project. The applicant also plans to add rain catchment features this year to collect up to 20,000 gallons of rain water per year for the project, which will be used in priority of the well water (Permit #20/21-0663). The applicant shall monitor the amount of water collected from rain catchment per year, and shall keep logs on-site to be furnished during an annual inspection (**Ongoing Condition B.4**).

The Well Assessment Report (WAR) for well Permit #20/21-0663 was prepared by licensed Geologist David Lindberg with Lindberg Geologic Consulting, dated April 12, 2022. The WAR states that based on a four-hour air lift pump test, the total drawdown of the well was reported to be zero (0) feet. The WAR mentions that the Well Completion Report for the well (Permit #20/21-0663) estimates a yield of 12 gallons per minute (gpm), but that this is not representative of the well's long-term yield and the driller recommended that the well be pumped at six gallons per minute (6 gpm). The applicant shall adhere to the recommendation of pumping the well at 6 gallons per minute and shall not go over this rate for the life of the project (**Ongoing Condition B.5**). The applicant shall keep daily logs of water pumped from the well (Permit #20/21-0663) to storage, and the logs shall be available to be furnished during an annual inspection (**Ongoing Condition B.6**). The WAR also states that the deeper "Rock" zone is the water-producing unit, and is considered hydrologically isolated from and not connected to any other aquifer in the surrounding, approximates that 6.4 million gallons of water per year may be expected to recharge the local aquifer, and concludes that based on professional experience, observations, and research, the well has a negligible likelihood of being hydrologically connected to nearby surface waters or wells in any manner that might affect adjacent wetlands and or surface waters in the vicinity of the project.

The applicant shall meter water diverted and stored for domestic purposes separately from irrigation (**Condition A.17**), and shall not utilize the three (3) wells designated for domestic uses (Permit #16/17-0228, #16/17-0327, & #16/17-0329) or the domestic spring diversion, for cannabis irrigation (**Ongoing Condition B.7**). In the event that the applicant seeks the approval of an additional water source on-site, the applicant shall submit to the Planning Division an application for Modification of the approved project. The Site Plan currently shows water lines that are connected to all existing wells, water tanks and cultivation areas. The applicant shall not have shared water lines used for cannabis irrigation and domestic uses, shall have water lines separated for domestic purposes from cannabis purposes, and shall submit an updated Site Plan to the Planning Division to show the new water lines separated on-site (**Condition A.18, & Condition A.5**). There is a total of 411,500 gallons of hard tank storage designated for irrigation, 13,400 gallons of hard tank storage designated for nutrient mixing, and there is one (1) 50,000-gallon water tank for domestic uses only. Annual water usage is estimated at 383,472 gallons (14.4 gal/sf/yr). As the applicant has enough water storage on-site to meet a forbearance period, the Planning Commission may decide to add a condition to the project that the well adhere to a forbearance period.

An anonymous complaint was received in the form of a phone call on October 4, 2021. The complainant made accusations that the applicant was having water trucked to the site for their cannabis operation. Per section 55.4.11 (m) of the Humboldt County Code, water is to be sourced locally (on-site) and trucked water shall not be allowed, except for emergencies, and an "emergency" is defined as: "a sudden, unexpected occurrence demanding immediate action". The applicant has added additional water storage on-site since the complaint was made, and with the WAR and a total of 411,500 gallons of storage designated for irrigation, it is anticipated that the applicant will not require any trucked water for the project. The applicant shall not have water trucked to the site for cannabis irrigation, unless approval has been received from the Planning Director for an "emergency" situation, and is on file prior to hauled water being supplied to the site (**Informational Note 4**).

The site was historically enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R-1-2015-0023, under WDID 1B16459CHUM. The applicant obtained a Water Resource Protection Plan (WRPP) for the site, prepared by Timberland Resource Consultants, dated September 28, 2016. The WRPP outlines corrective actions required for the project to meet the NCRWQCB's Order for Waiver of Waste Discharge. The WRPP shows that the site did not conform with six out of eleven standard conditions required by the Order, and listed Identified Sites Requiring Remediation in a table on page 3 of the WRPP. The table lists corrective actions along with ongoing monitoring, and the applicant shall adhere to the corrective actions and the recommended ongoing monitoring in the WRPP (**Condition A.19 & Ongoing Condition B.8**).

The site has also been enrolled in the State Water Board's General Order 2019-0001-DWQ under WDID 1_12CC435453, as a Tier 2 Low Risk site. The applicant has a Notice of Applicability letter from the Water Board dated July 20, 2021, as proof of enrollment in the General Order, and shows that a Site Management Plan (SMP) is required for the project. The applicant shall obtain an SMP for the project site, submit the SMP to the Planning Division, and shall adhere to the remedial actions and ongoing monitoring recommendations within the report (**Condition A.20 & Ongoing Condition B.9**).

The project is located within the Headwaters Mattole River HUC-12 subwatershed, within the Cape Mendocino Planning Watershed, which is considered impacted and designated as a refuge subwatershed. The applicant requested that some of the pre-existing outdoor cultivation area that was verified by the County be allowed to transition to mixed-light. It was determined that if the applicant could show that water usage for the transition of pre-existing outdoor to mixed-light would not result in the increase of overall water used for the project, that we could support the transition. The applicant provided calculations of the change in annual water used for the project, and with overall less cultivation area on-site from transition, it is anticipated that a reduction of approximately 44,436 gallons of water used annually for the project would result.

Biological Resources

The project site does contain habitat for red bellied newt in the northeast corner of the property, according to the California Natural Diversity Database (CNDDDB) Resource Map, and the nearest Northern Spotted Owl (NSO) activity center is located approximately 1.73 miles from the nearest cultivation site. As the site is for pre-existing activities, the cultivation site is located outside of the mapped habitat area for red bellied newt, and no new development is proposed, no Biological Assessment was required for the project. The project was referred to CDFW on September 5, 2017, and no comments were received.

The applicant obtained a Streambed Alteration Agreement (SAA 1600-2016-0436-R1) with CDFW, signed by the applicant on June 23, 2017. The SAA included four (4) encroachments for the instream work required for two (2) diversions for domestic uses, and two (2) remediation sites. A Stormwater Management Plan was prepared by Timberland Resource Consultants, dated July 14, 2017, and was received by the applicant showing compliance with item 2.14 and 2.15 in SAA 1600-2016-0436-R1. A Notice of Violation letter was sent to the applicant by CDFW, dated May 18, 2018, which listed several violations that were occurring on the site during a site inspection conducted by CDFW on April 24, 2018. Violations included water diversions existing from unnamed tributaries to Eubank Creek, unpermitted stream crossing, water pollution from (1) deposition of sediment, potting soil, and cannabis stems existing where it can pass into waters of the state, and deposition of cut logs into waters of the state.

Actions needed to correct the violations included (1) installing a flow meter on each water diversion to comply with Measure 2.6 of the SAA, (2) installing a float valve and repair or replace water tank to comply with measure 2.12 of the SAA, (3) installing a screen to comply with Measure 2.9 of the SAA, (4) removing POD3 and all trash in the stream or with the potential to enter the stream, (5) recording and reporting the quantity of water used from each diversion, (6) submitting a water management plan to comply with Measure 2.7 of the SAA, (7) submitting a project inspection report to comply with Measure 2.20 of the SAA, (8) remove potting soil from current location and install adequate road drainage

structure to comply with measures 2.16-2.18 of the SAA, (9) submitting major amendment to the SAA Agreement and pay the applicable fee, and (10) remove firewood rounds abandoned in the stream.

Correspondence with CDFW, dated June 4, 2018, was received from the applicant, showing actions taken (with photos) to correct violations 1-4, 8 and 10 above, and requested an extension for items 5-7, and 9. The State Water Board Division of Water Resources website was searched, and showed that the applicant has been submitting annual monitoring and reporting for the domestic diversions on-site and has corrected item 5 above. The applicant shall submit the Water Management Plan and the Major Amendment to the SAA to the Planning Division to show compliance with items 7 and 9 above. The applicant shall also complete the work as described in the amended SAA, and shall adhere to the conditions outlined in the amended SAA (**Condition A.21 & Ongoing Condition B.10**).

The project does include the use of two (2) diesel generators on-site, and the applicant is conditioned to transition to 100% renewable energy source by 2026. The applicant is also conditioned to ensure that all generators shall not exceed 50 decibels at 100 feet or the nearest canopy, whichever is closer (**Ongoing Condition B.11**). Additionally, the project is conditioned to adhere to International Dark Sky Standards, and any supplemental lighting used within propagation nursery greenhouses shall not escape between the hours of dusk and dawn (**Ongoing Condition B.12**).

Site Inspection

Due to several complaints that were received by the Planning Division in regards to noise and light pollution, as well as alleged water being trucked to the cultivation site, a Site Inspection was conducted on November 30, 2021, by Planning Staff. During the Site Inspection, the following violations were observed: leaking water tanks, an untreated slash pile, exposed electrical, solid waste scattered around the property and not within secondary containment, exposed fuel not within secondary containment, stringed lights within outdoor hoop houses and greenhouses, uncontained soil and perlite near soil pile, and water tanks existing within the streamside management area. The applicant shall correct these violations within two years of approval, and water tanks within the streamside management area shall be located outside of the streamside management areas and an updated Site Plan shall be submitted to the Planning Division to show new location for water tanks (**Condition A.22 & A.5**).

As well, a Site Inspection shall be conducted by the Planning Division within 30 days of permit approval, in order to verify compliance with the following: water lines separated for domestic uses from commercial irrigation uses, no leaking water tanks, no stringed lights within the outdoor hoop houses and light-deprivation greenhouses, proper storage of fuel and solid waste within secondary containment, and contained perlite and soil pile (**Condition A.6**).

Tribal Cultural Resource Coordination

The project is located within the Bear River Band and Sinkyone tribal aboriginal territories. The project was referred to the Bear River Band THPO, the Sinkyone tribe, and the Northwest Information Center (NWIC) on September 5, 2017. The NWIC responded on November 22, 2017, with a recommendation that the lead agency contact the local Native American tribe(s) regarding tradition, cultural, and religious heritage values. A response was received from the Bear River Band THPO on June 18, 2019, requesting the applicant adhere to Inadvertent Discovery Protocols as a condition of approval (**Informational Note B.3**).

Access

The project site is accessed from non-county maintained Eubanks Road, from county maintained Ethersburg Honeydew Road, from county maintained Briceland-Thorne Road. The applicant submitted a Road Evaluation Report (RER) form (with a route map & photos), dated November 22, 2019. The RER submitted by the applicant for the 2 miles of Eubanks Road to the project site, self-certified that the road is developed to the equivalent of a Category 4 road standard. The application was referred to the Department of Public Works on March 2, 2018, and comments were received by the agency on March 2, 2018. Comments from Public Works included the following recommended conditions of approval for the project: all driveways and private road intersections onto the County Road shall be maintained in

accordance with County Code Section 341-1 (Sight Visibility Ordinance), and 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 (**Condition A.23**).

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 217 cultivation permits and the total approved acres would be 77.59 acres of cultivation.

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 Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

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

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 22-

Record Number PLN-11247-CUP

Assessor's Parcel Numbers: 220-081-016

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Lost Coast Elixirs, LLC, Conditional Use Permit.

WHEREAS, Lost Coast Elixirs, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 16,144 square feet (sq. ft.) of outdoor and 7,710 sq. ft. of mixed-light commercial cannabis cultivation, and appurtenant nursery and drying activities;

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on June 2, 2022, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit for an existing operation with 16,144 sf of outdoor and 7,710 sf of mixed-light cannabis cultivation with 2,746 sf of ancillary propagation. Water for irrigation is sourced from a permitted well (Permit #20/21-0663) and the applicant has obtained a well assessment supporting the continued use of the well for irrigation. The applicant plans to add rain catchment features to collect up to 20,000 gallons per year. Anticipated annual water usage is 383,472 gallons (14.4 gal/sf/yr). There is a total of 411,500 gallons of existing hard tank water storage on-site designated for irrigation. Power is currently sourced by two (2) diesel generators housed within secondary containment, and the project will be conditioned to transition to 100% renewable energy source by 2026.

EVIDENCE: a) Project File: PLN-11247-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

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 MND. 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 project is located within the Headwaters Mattole River HUC-12 subwatershed, within the Cape Mendocino Planning Watershed, which is considered impacted and designated as a refuge subwatershed. The applicant requested that some of the pre-existing outdoor cultivation area that was verified by the County be allowed to transition to mixed-light. It was determined that if the applicant could show that water usage for the transition of pre-existing outdoor to mixed-light would not result in the increase of overall water used for the project, that we could support the transition.

Lost Coast Elixirs received an Interim Permit for 22,514 sf of pre-existing outdoor and 5,551 sf of pre-existing mixed-light cannabis cultivation, a total of 28,065 sf of cultivation area. The application for 16,144 sf of outdoor, 7,710 sf of mixed-light, and 2,746 sf of ancillary propagation (a total of 26,600 sf) is overall less cultivation than what was found to be pre-existing.

The applicant states that timers have been installed on the generators within the last year, which allows for a more efficient use of the generators to power lights within the mixed-light greenhouses, and reduces the amount of fuel required to power the generators by 40%. The increase in mixed-light area is 39% more than what was pre-existing, and with the added timers to the generators, the project will not result in an increase of fuel consumption.

The applicant provided calculations of the change in annual water used for the project, and with overall less cultivation area on-site from transition, it is anticipated that a reduction of approximately 44,436 gallons of water used annually for the project would result.

- d) The site was historically enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R-1-2015-0023, under WDID 1B16459CHUM. The applicant obtained a Water Resource Protection Plan for the site, prepared by Timberland Resource Consultants, dated September 28, 2016, and the applicant is conditioned to adhere to the corrective actions and the recommended ongoing monitoring recommended in the WRPP.
- e) A Notice of Applicability letter showing enrollment as a Tier 2 Low Risk site with the State Water Board's General Order No. WQ 2019-001-DWQ, under WDID 1_12CC435435. The applicant is conditioned to provide a Site Management Plan to show site requirements in order to meet compliance with the State Water Board General Order No. WQ 2019-001-DWQ.
- f) The applicant obtained a Streambed Alteration Agreement (SAA 1600-2016-0436-R1) with CDFW, signed by the applicant on June 23, 2017. The SAA included four (4) encroachments for the instream work required for two (2) diversions for domestic uses, and two (2) remediation sites. A Stormwater Management Plan was prepared by Timberland Resource Consultants, dated July 14, 2017, and was received by the applicant showing compliance with item 2.14 and 2.15 in SAA 1600-2016-0436-R1.
- g) A Well Assessment Report (WAR) was obtained for well Permit# 20/21-0663 was prepared by licensed Geologist David Lindberg with Lindberg Geologic Consulting, dated April 12, 2022. The WAR states that based on a four-hour air lift pump test, the total drawdown of the well was reported to be zero (0) feet. The WAR mentions that the Well Completion Report for the well

estimates a yield of 12 gallons per minute (gpm), but that this is not representative of the well's long-term yield and the driller recommended that the well be pumped at six gallons per minute (6 gpm). The applicant shall adhere to the recommendation of pumping the well at 6 gallons per minute. The WAR also states that the deeper "Rock" zone is the water-producing unit, and is considered hydrologically isolated from and not connected to any other aquifer in the surrounding, approximates that 6.4 million gallons of water per year may be expected to recharge the local aquifer, and concludes that based on professional experience, observations, and research, the well has a negligible likelihood of being hydrologically connected to nearby surface waters or wells in any manner that might affect adjacent wetlands and or surface waters in the vicinity of the project.

- h) The project was referred to CalFire on December 28, 2021, and comments were received on January 12, 2021. Comments from CalFire stated that it appears that trees were removed between 2015 and 2018, a CalFire document should have been obtained prior to removing the trees, and that a Registered Professional Forester (RPF) may be required to advise the landowner of necessary permits from CalFire. The applicant did obtain a Timber Conversion Report (TCR) prepared by RPF Chris Carroll with Timberland Resource Consultants, dated January 24, 2022. The TCR was sent to CalFire for review on April 15, 2021, and the agency replied on April 19, 2022, stating that they had no comments at that time. The TCR states that a total of 1.94 acres of timberland was converted on-site, and approximately 1.01 acres was removed post-2016. The applicant is conditioned to restock the 1.01 acres of post-2016 timberland converted, shall obtain a Restocking Plan prepared by an RPF, submit to the Planning Division, and shall adhere to the recommendations within the Restocking Plan.
- i) The project is located within the Bear River Band and Sinkyone tribal aboriginal territories. The project was referred to the Bear River Band THPO, the Sinkyone tribe, and the Northwest Information Center (NWIC) on September 5, 2017. The NWIC responded on November 22, 2017, with a recommendation that the lead agency contact the local Native American tribe(s) regarding tradition, cultural, and religious heritage values. A response was received from the Bear River Band THPO on June 18, 2019, requesting the applicant adhere to Inadvertent Discovery Protocols as a condition of approval.
- j) The project site is accessed from non-county maintained Eubanks Road, from county maintained Etersburg Honeydew Road, from county maintained Briceland-Thorne Road. The applicant submitted a Road Evaluation Report (RER) form (with a route map & photos), dated November 22, 2019. The RER submitted by the applicant for the 2 miles of Eubanks Road to the project site, self-certified that the road is developed to the equivalent of a Category 4 road standard. The application was referred to the Department of Public Works on March 2, 2018, and comments were received by the agency on March 2, 2018. The applicant shall adhere to the recommendations of Public Works.

FINDINGS FOR CONDITIONAL USE PERMIT

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE**
- a) The proposed project does not have a combining zone that would be considered open space, but will incorporate relocating tanks outside of the streamside management areas on-site. The relocation of water tanks outside of streamside management areas is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- 4. FINDING** The proposed development is consistent with the purposes of the existing U zone in which the site is located.
- EVIDENCE**
- a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture uses is a desirable use.
 - b) All general agricultural uses are principally permitted in the U zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 sq. ft. of existing mixed-light cannabis on a parcel zoned U over 1 acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 16,144 sq. ft. of outdoor and 7,710 sq. ft. of mixed-light cultivation on a 40-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- 5. FINDING** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.
- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).
 - b) The subject parcel was legally created through deed conveyance, a portion of a patent parcel of approximately 40 acres, on May 26, 1971.
 - c) The project will obtain water from rain catchment collected off of roof tops, and from a permitted well.
 - d) The project site is accessed from non-county maintained Eubanks Road, from county maintained Ettersburg Honeydew Road, from county maintained Briceland-Thorne Road. The applicant submitted a Road Evaluation Report (RER) form (with a route map & photos), dated November 22, 2019. The RER submitted by the applicant for the 2 miles of Eubanks Road to the project site, self-certified that the road is developed to the equivalent of a Category 4 road standard. The application was referred to the Department of Public Works on March 2, 2018, and comments were received by the agency on March 2, 2018. The applicant shall adhere to the recommendations of Public Works.
 - e) The project was referred to CalFire on December 28, 2021, and comments were received on January 12, 2021. Comments from CalFire stated that it appears that trees were removed between 2015 and 2018, a CalFire document should have been obtained prior to removing the trees, and that a Registered Professional Forester (RPF) may be required to advise the

landowner of necessary permits from CalFire. The applicant did obtain a Timber Conversion Report (TCR) prepared by RPF Chris Carroll with Timberland Resource Consultants, dated January 24, 2022. The TCR was sent to CalFire for review on April 15, 2021, and the agency replied on April 19, 2022, stating that they had no comments at that time. The TCR states that a total of 1.94 acres of timberland was converted on-site, and approximately 1.01 acres was removed post-2016. The applicant is conditioned to restock the 1.01 acres of post-2016 timberland converted, shall obtain a Restocking Plan prepared by an RPF, submit to the Planning Division, and shall adhere to the recommendations within the Restocking Plan.

No further timber conversion is proposed on-site.

- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, and more than 600 feet from any school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource.

6. FINDING

The cultivation of 23,854 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- b) Irrigation water will come from rain catchment from rooftops of three existing structures connected to water tanks, and one permitted well.
- c) The project site is in an area known to have High Fire Hazard Severity. There is an SRA firetruck turnaround designated on-site, and is conditioned to designate a minimum of 2,500 gallons of water storage for fire suppression only.
- d) The project site is accessed from non-county maintained Eubanks Road, from county maintained Ettersburg Honeydew Road, from county maintained Briceland-Thorne Road. The applicant submitted a Road Evaluation Report (RER) form (with a route map & photos), dated November 22, 2019. The RER submitted by the applicant for the 2 miles of Eubanks Road to the project site, self-certified that the road is developed to the equivalent of a Category 4 road standard. The application was referred to the Department of Public Works on March 2, 2018, and comments were received by the agency on March 2, 2018. The applicant shall adhere to the recommendations of Public Works.

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.

8. FINDING Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.

EVIDENCE a) The project is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 217 permits and the total approved acres would be 77.59 acres of cultivation.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Lost Coast Elixirs, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

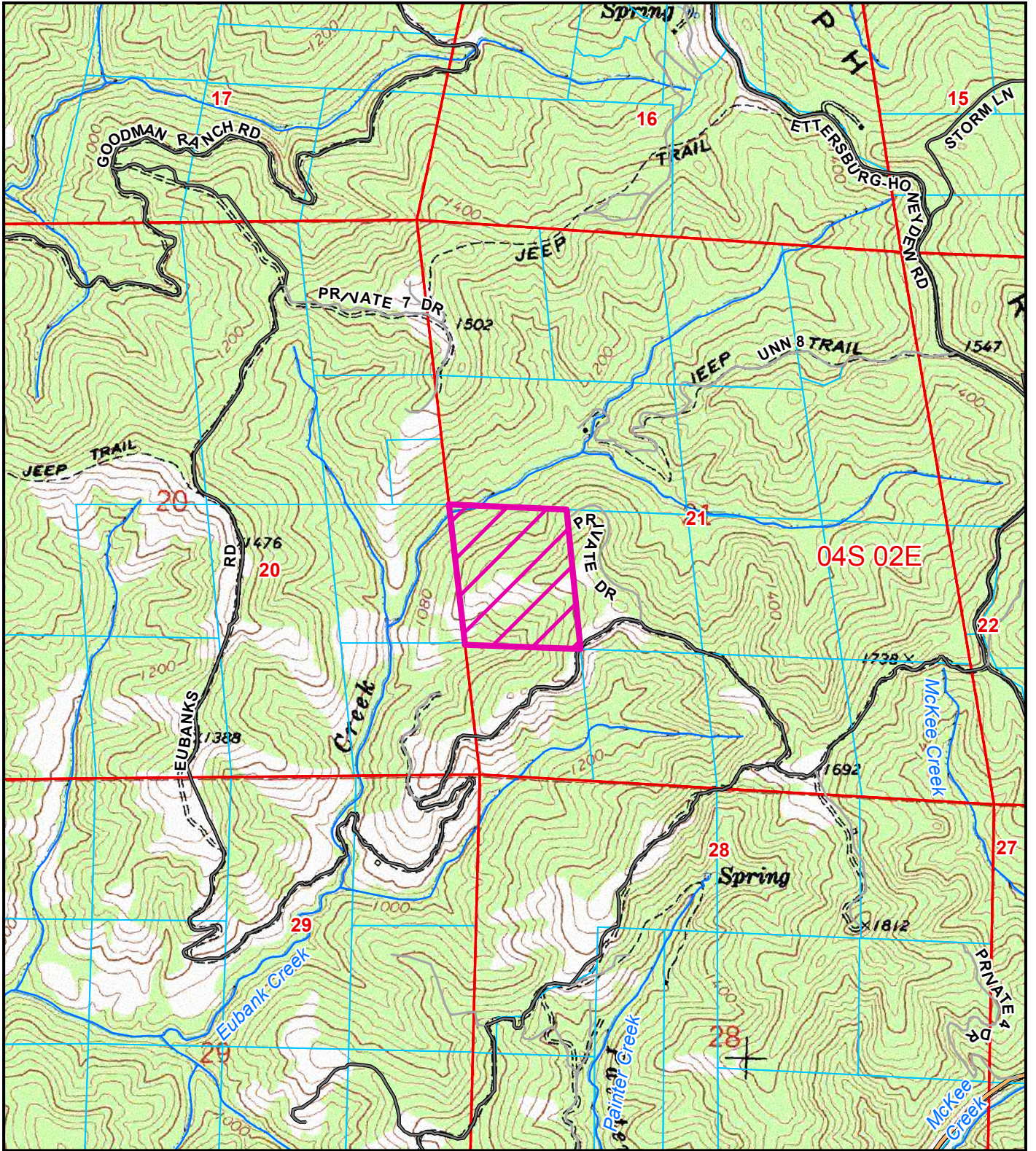
Adopted after review and consideration of all the evidence on June 16, 2022

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
DECISION:

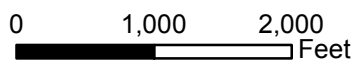
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department

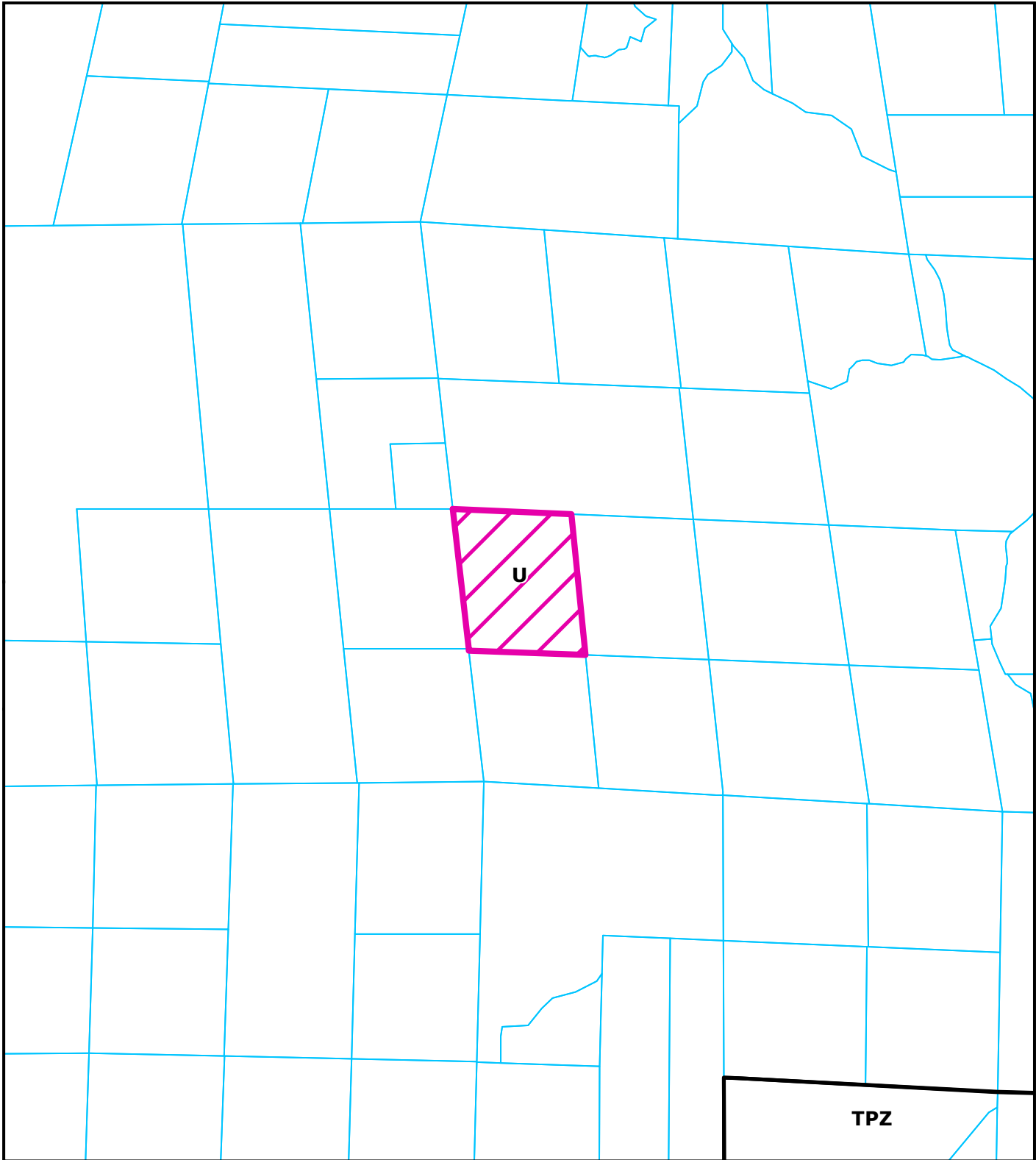


TOPO MAP
PROPOSED LOST COAST ELIXIRS LLC
BRICELAND AREA
CUP-16-197
APN: 220-081-016
T04S R02E S21 HB&M (BRICELAND)

Project Area =

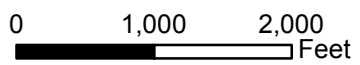


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

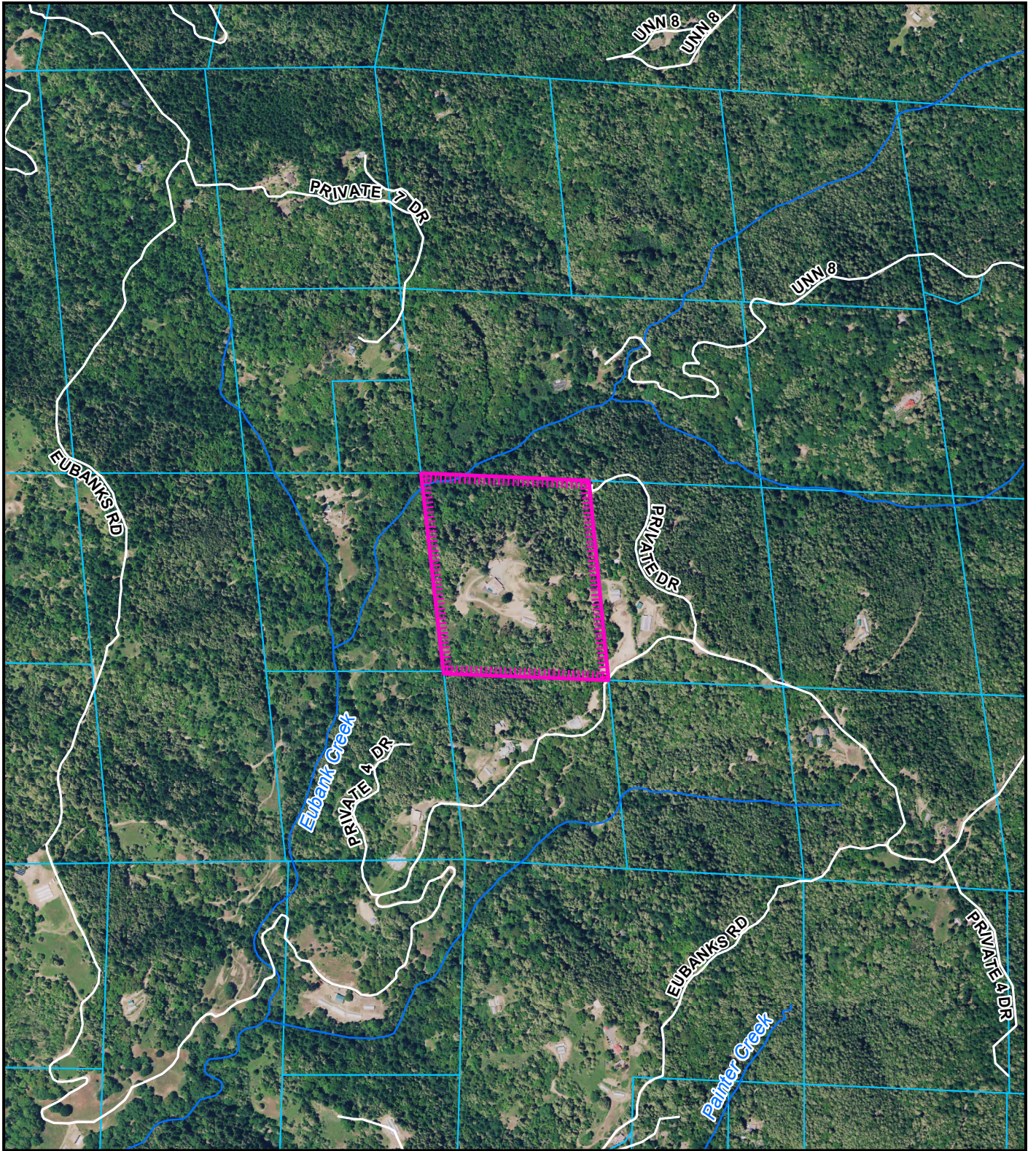


Project Area = 

**ZONING MAP
PROPOSED LOST COAST ELIXIRS LLC
BRICELAND AREA
CUP-16-197
APN: 220-081-016
T04S R02E S21 HB&M (BRICELAND)**



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

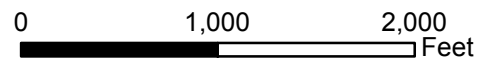


Project Area = 

**AERIAL MAP
 PROPOSED LOST COAST ELIXIRS LLC
 BRICELAND AREA
 CUP-16-197
 APN: 220-081-016
 T04S R02E S21 HB&M (BRICELAND)**



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



PROJECT INFORMATION:

PERMIT APPLICATION#: 11247

APPLICANT:

LOST COAST ELIXIRS, LLC
PO BOX 196, REDWAY, CA

PROPERTY OWNER:

THOMAS AND CHRISTINA HARWOOD
PO BOX 264, REDWAY, CA

SITE ADDRESS:

APN: 220-081-016
569 EUBANKS RD, WHITETHORN, CA 95589

AGGREGATE SQUARE FOOTAGE OF OUTDOOR CANOPY: 16,144 SQ FT

OUTDOOR AREA 1: 3,704 SQ. FT.

OUTDOOR AREA 2: 2,848 SQ. FT.

OUTDOOR AREA 3: 1,320 SQ. FT.

LIGHT DEP. GREENHOUSE ZONE 1: 8,272 SQ. FT.

AGGREGATE SQUARE FOOTAGE OF MIXED LIGHT CANOPY: 7,110 SQ FT

M.L. GREENHOUSES ZONE 1: 3,420 SQ. FT.

M.L. GREENHOUSES ZONE 2: 4,290 SQ. FT.

EXISTING CULTIVATION FACILITIES:

GENERATOR SHED: 10' X 12', 120 SQ FT

GARAGE AND STORAGE: 30' X 60', 1,800 SQ FT

GENERATOR SHED 1: 16' X 24', 384 SQ FT PORTABLE GENERATOR

GENERATOR SHED 2: 16' X 24', 384 SQ FT PORTABLE GENERATOR-FUEL STORAGE

STORAGE CONTAINER: 8' X 20', 160 SQ. FT. HAZARDOUS MATERIAL STORAGE

2-STORY BUILDING: 40' X 60', 1,440 SQ. FT. DRYING AND PROCESSING

IMMATURE PLANT AREAS: 2,746 SQ FT

BED 6: 8' X 46', 368 SQ FT

BED 7: 8' X 18', 144 SQ FT

BED 8: 8' X 18', 144 SQ FT

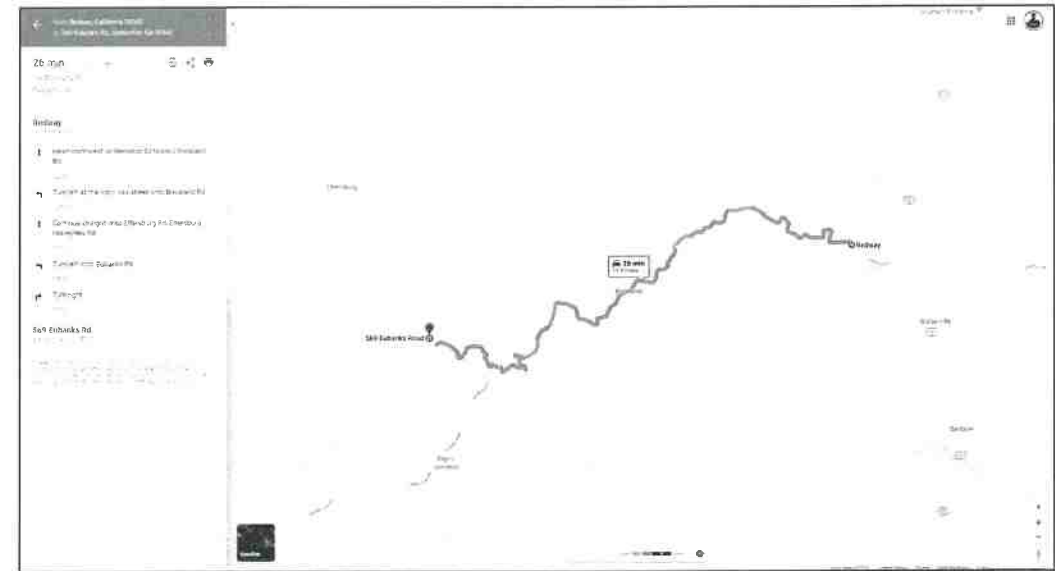
AREA 10: 1,100 SQ. FT.

GH 11: 75'X8', 600 SQ. FT.

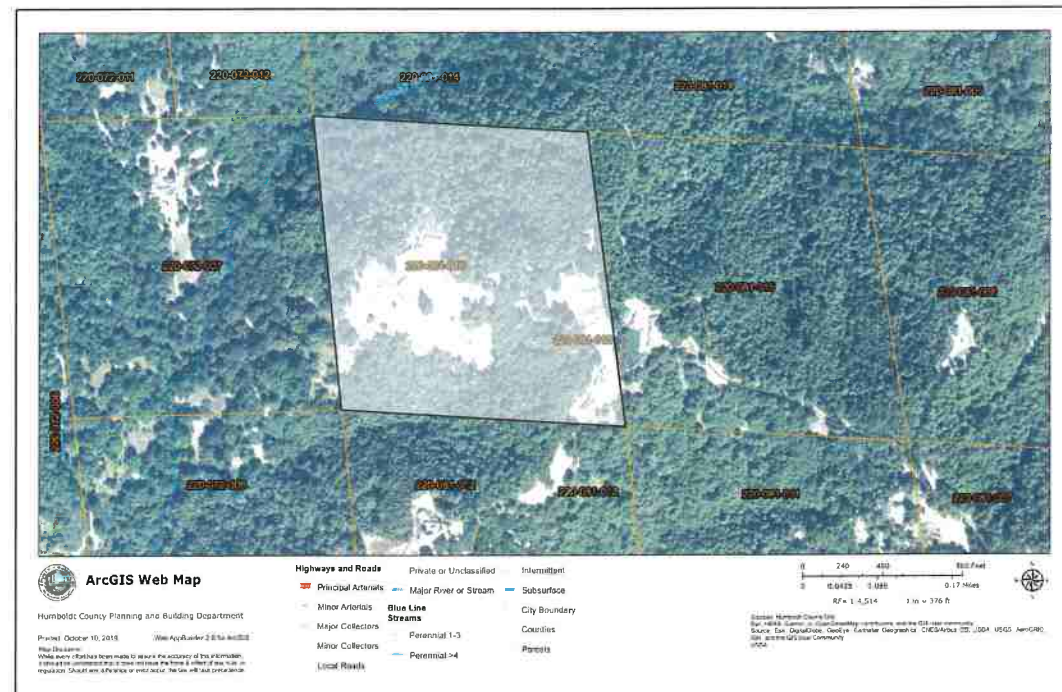
GARAGE PROPAGATION: 390 SQ. FT.

PARCEL SIZE: ±40 ACRES

GENERAL PLAN DESIGNATION: U (UNCLASSIFIED)



VICINITY MAP & DIRECTIONS TO SUBJECT PARCEL



PROXIMITY MAP



GENERAL NOTES

1. SCALE AS SHOWN
2. BOUNDARY INFORMATION FROM HUMBOLDT COUNTY GIS AND PROPERTY OWNER KNOWLEDGE
3. THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FT OF THE CULTIVATION AREA, AND NO RESIDENCES ON ADJACENT PARCELS WITHIN 300 FT OF THE CULTIVATION AREA.
4. ANY EXISTING DEVELOPMENT SHALL BE SUBJECT TO APPROVAL BY HUMBOLDT COUNTY BUILDING DEPARTMENT.

While every care has been taken to prepare this map, we make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and cannot accept liability and responsibility of any kind (whether in contract, tort or otherwise) for any expenses, losses, damages and/or costs (including indirect or consequential damage) which are or may be incurred by any party as a result of the map being inaccurate, incomplete or unsuitable in any way and for any reason.

LAYOUT PAGE TABLE			
LABEL	TITLE	DESCRIPTION	COMMENTS
P-1	PROJECT OVERVIEW		
P-2	PROPERTY DIAGRAM		
P-3	ROADS, STREAMS, WRPP, OFFSETS		
P-2	PROPERTY DIAGRAM		
	PREMISES DIAGRAM		

REVISION TABLE	NUMBER	DATE	REVISION BY	DESCRIPTION

LOST COAST ELIXIRS, LLC
THOMAS HARWOOD
PO BOX 196, REDWAY CA, 95560

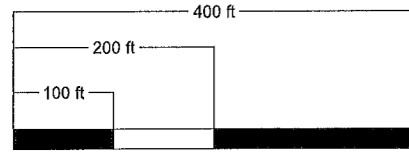
Project Overview

DRAWINGS PROVIDED BY:

DATE:
5/11/2022

SCALE:

SHEET:
P-1

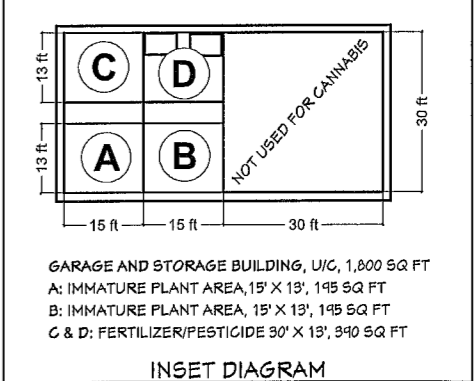


SCALE: 1" = 85' ON 22 X 34 ARCH D PAPER

OUTDOOR CANOPY
 AGGREGATE SQUARE FOOTAGE: 16,144 SQ FT

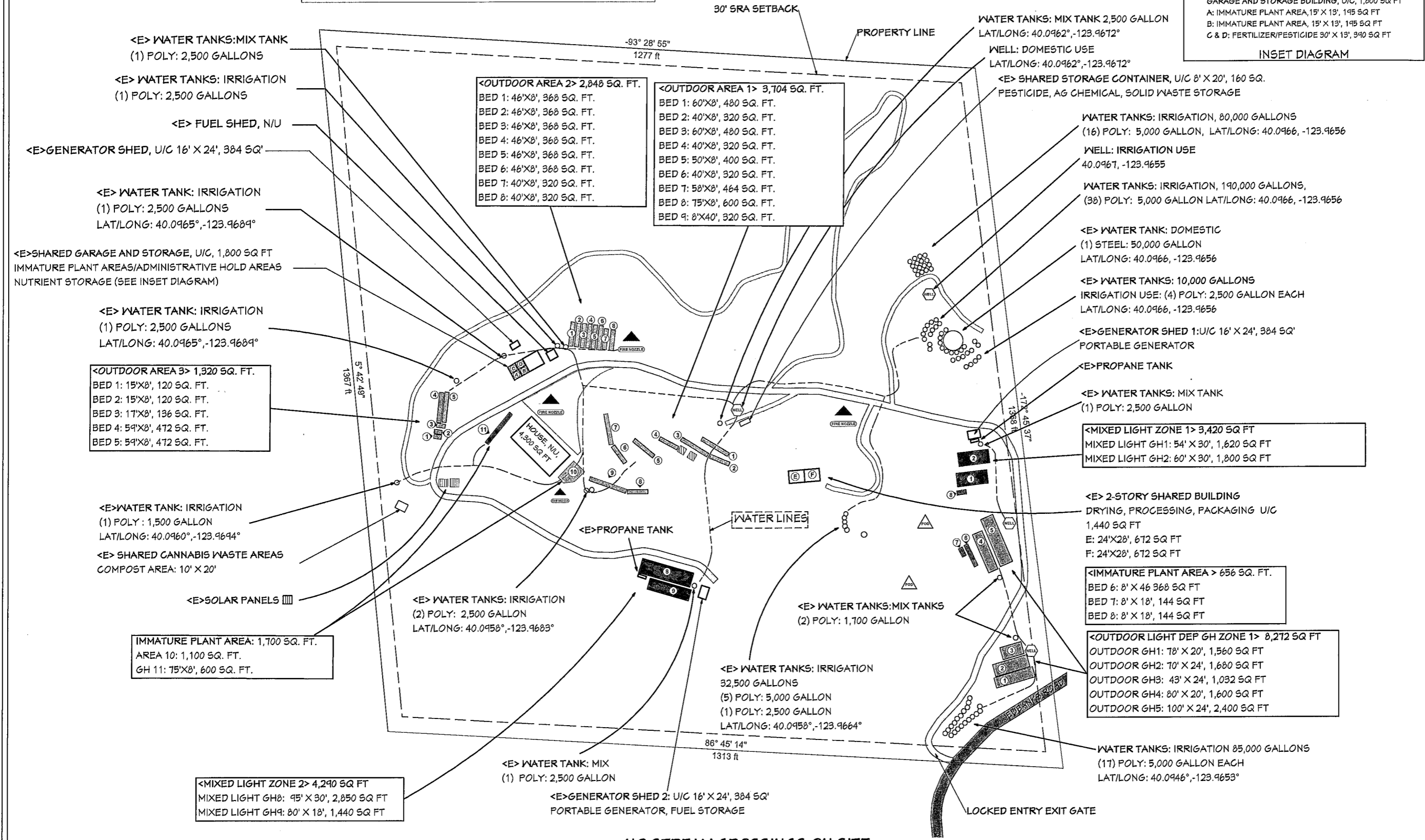
MIXED LIGHT CANOPY:
 AGGREGATE SQUARE FOOTAGE: 7,710 SQ FT

IMMATURE PLANT AREAS:
 AGGREGATE SQUARE FOOTAGE: 2,746 SQ FT



GARAGE AND STORAGE BUILDING, UIC, 1,800 SQ FT
 A: IMMATURE PLANT AREA, 15' X 13', 195 SQ FT
 B: IMMATURE PLANT AREA, 15' X 13', 195 SQ FT
 C & D: FERTILIZER/PESTICIDE 30' X 13', 390 SQ FT

INSET DIAGRAM



REVISION TABLE	NUMBER	DATE	REVISION BY	DESCRIPTION

LOST COAST ELIXIRS, LLC
 THOMAS HARWOOD
 PO BOX 196, REDWAY CA, 95560

PROPERTY DIAGRAM

DRAWINGS PROVIDED BY:

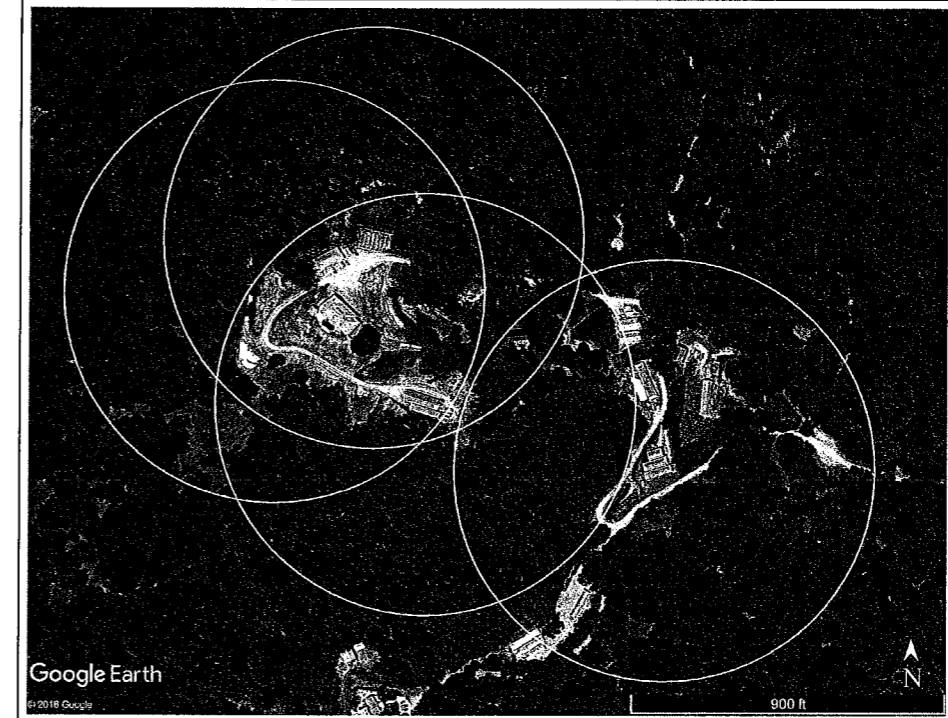
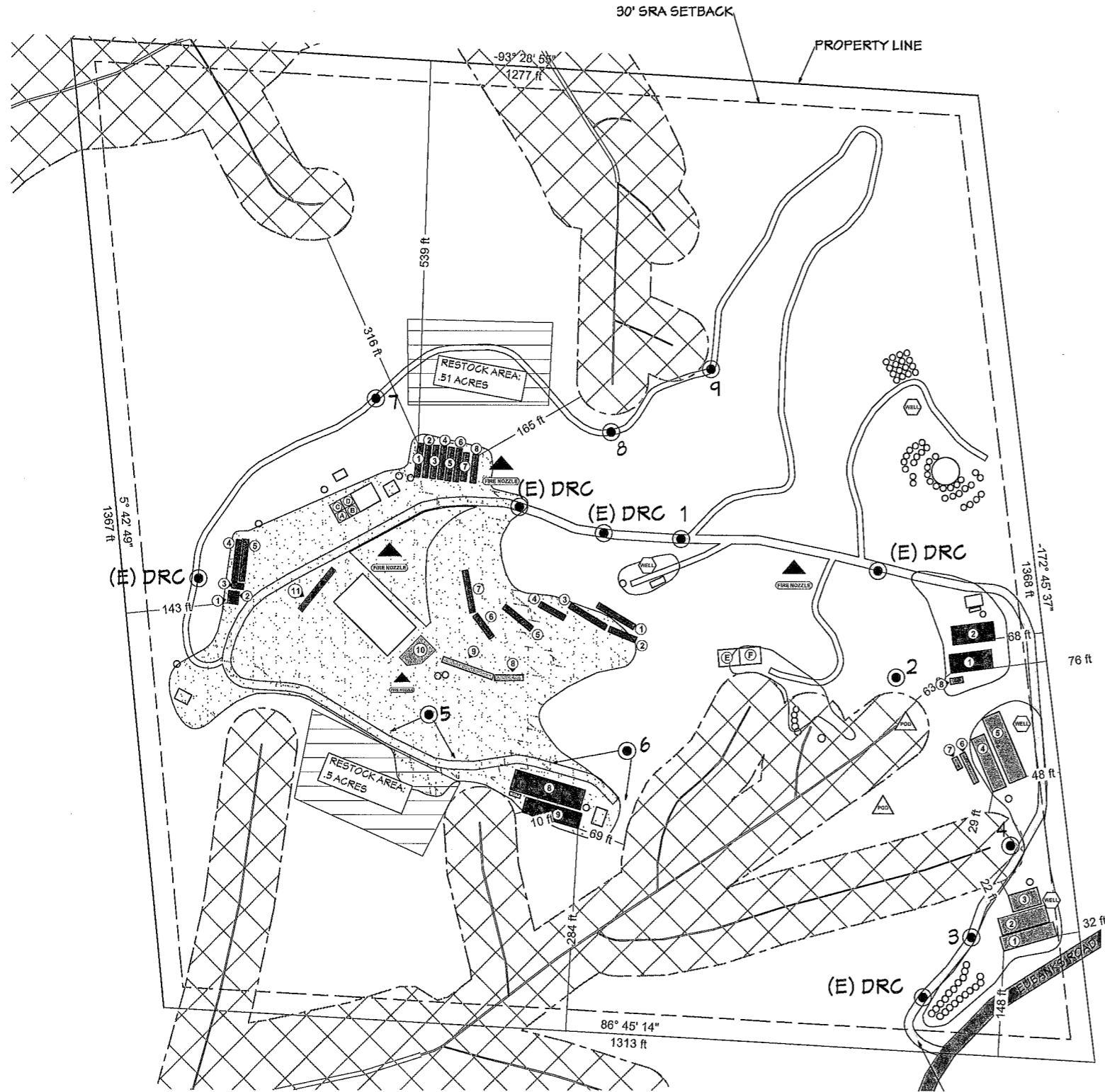
DATE:

5/11/2022

SCALE:

SHEET:

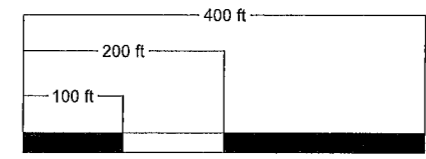
P-2



600 FT OFFSET CIRCLES AROUND CULTIVATION AREAS:
 THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FT OF THE CULTIVATION AREA, AND NO RESIDENCES ON ADJACENT PARCELS WITHIN 300 FT OF THE CULTIVATION AREA THAT ARE NOT CULTIVATING.

LEGEND:

- WATER TANKS
○
- WELL LOCATION
⊕
- POD
△
- (E) DRC = EXISTING DITCH RELIEF CULVERT
●
- LABELS 1-4 = WRPP MAP POINTS
●
- STREAMSIDE MANAGEMENT AREA:
100' OFFSET FROM CLASS 1 & 2
50' OFFSET FROM CLASS 3
- DISTURBED AREAS PER WRPP
▨
- FIRE NOZZLE
▲



SCALE: 1" = 85' ON 22 X 34 ARCH D PAPER

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

LOST COAST ELIXIRS, LLC
 THOMAS HARMWOOD
 PO BOX 196, REDWAY CA, 95560

ROADS, STREAMS,
 WRPP, OFFSETS

DRAWINGS PROVIDED BY:

DATE:

5/11/2022

SCALE:

SHEET:

P-3

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. The applicant shall provide an updated Site Plan to the Planning Division within 30 days of approval to designate a minimum of 2,500 gallons of water storage for fire suppression only, to show new water lines separating all commercial irrigation water sources and storage from domestic sources and storage, and to show the new location for water tanks within the streamside management area to be located outside of the streamside management areas.
6. A Site Inspection shall be conducted by the Planning Division within 30 days of permit approval, in order to verify compliance with the following: separated water lines for domestic uses from commercial irrigation uses, no leaking water tanks, no stringed lights within the outdoor hoop houses and light-deprivation greenhouses, proper storage of fuel and solid waste within secondary containment, and contained perlite and soil pile.
7. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #8 through #23. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

8. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to: twenty-seven (27) full-sun outdoor hoop houses, five (5) light-deprivation outdoor greenhouses, four (4) mixed-light greenhouses, one (1) 30' x 60' Garage and Storage Building (used for propagation areas to cut clones, and nutrient storage), one (1) 8' x 20' Storage Container to house hazardous materials, one (1) 2-Story Building used for drying and packaging, and three (3) Generator Sheds. Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
9. The applicant shall submit a grading, erosion and sediment control plan for any previous grading done in excess of 50 cubic yards. The plan shall identify the cubic yards of all grading that has been completed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
10. The applicant shall permit the on-site solar system with the Building Division.
11. The applicant is conditioned to transition to 100% renewable energy source supplied for the project by the 2026 cultivation season, and after transition shall only be allowed to keep one (1) generator on-site for emergency backup purposes only
12. The applicant shall provide an Energy Plan to the Planning Division to show how all power required by the project will be sourced by 100% renewable energy sources by 2026, and shall submit an updated Site Plan to show one (1) emergency backup generator on-site
13. The applicant has identified four (4) existing Fire Nozzles on the Site Plan, and the applicant shall obtain written confirmation from the Telegraph Ridge Fire Protection District stating that this satisfies their recommendation for a Fire standpipe, or shall update the Site Plan to show a proposed Fire standpipe location in and shall install in coordination with the TRFPD.
14. Per the Humboldt County Fire Safe Regulations the applicant is required and conditioned to have a maintenance and open space easement recorded with the adjoining lot (APN: 220-081-015).
15. The applicant shall adhere to the following recommendations in the Timber Conversion Report: the removal dead, dying, and diseased tanoak trees infested with Sudden Oak Death in the areas shown on the attached photographs, and to treat material per the attachment titled A Homeowners Guide to Sudden Oak Death.
16. The applicant is conditioned to restock the 1.01 acres of post-2016 timberland converted, shall obtain a Restocking Plan prepared by an RPF and submit to the Planning Division, and shall adhere to the recommendations within the Restocking Plan.
17. The applicant shall meter water diverted and stored for domestic purposes separately from irrigation.
18. The applicant shall not have shared water lines used for cannabis irrigation and domestic uses, and shall have water lines separated for domestic purposes from cannabis purposes.
19. The Water Resource Protection Plan listed Identified Sites Requiring Remediation in a table on page 3. The table lists corrective actions, and the applicant shall adhere to the corrective actions recommended in the WRPP.
20. The applicant shall obtain a Site Management Plan for the project site, submit the SMP to the Planning Division, and shall adhere to the remedial actions recommendations within the report.

21. The applicant shall submit the Water Management Plan and the Major Amendment to the Streambed Alteration Agreement to the Planning Division to show compliance with items 7 and 9 of the Notice of Violation letter received by CDFW. The applicant shall also complete the work as described in the amended SAA, and shall adhere to the conditions outlined in the amended SAA.
22. The applicant shall correct the following violations observed on-site: an untreated slash pile, exposed electrical, removal of solid waste scattered around the property, and water tanks existing within the streamside management area. The applicant shall correct these violations within two years of approval, and water tanks within the streamside management area shall be located outside of the streamside management areas.
23. The applicant shall complete the following recommended conditions of approval by Public Works: all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance), and 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.
24. 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.
25. 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.

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

1. No processing can be approved until an acceptable site suitability report can establish potential for onsite wastewater treatment system, and the applicant shall provide an invoice or equivalent documentation to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of an annual permit.
2. The applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility to be furnished during an annual inspection.
3. As part of employee orientation, all employees shall undergo fire safe training, and the applicant shall provide proof of employee safe trainings upon request during an annual inspection.
4. The applicant shall monitor the amount of water collected from rain catchment per year, and shall keep logs on-site to be furnished during an annual inspection.
5. The applicant shall adhere to the recommendation of pumping the well at 6 gallons per minute and shall not go over this rate for the life of the project.
6. The applicant shall keep daily logs of water pumped from the well (Permit #20/21-0663) to storage, and the logs shall be available to be furnished during an annual inspection.
7. The applicant shall not utilize the three (3) wells designated for domestic uses (Permit #16/17-0228, #16/17-0327, & #16/17-0329) or the domestic spring diversion, for cannabis irrigation.
8. The Water Resource Protection Plan lists ongoing monitoring recommended for the site, and the applicant shall adhere to the recommended ongoing monitoring of the WRPP.

9. The applicant shall obtain a Site Management Plan for the project site, and shall adhere to the ongoing monitoring recommendations within the report.
10. The applicant shall complete the work as described in the amended Streambed Alteration Agreement, and shall adhere to the conditions outlined in the amended SAA.
11. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
12. All artificial lighting shall be fully contained within mixed-light and propagation structures such that no light escapes (e.g., through blackout tarps). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
13. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
14. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
15. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
16. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
17. The use of anticoagulant rodenticide is prohibited.
18. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
19. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation & Operations Plan, 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.

20. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
21. 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.
22. 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.
23. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
24. 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).
25. Maintain enrollment in Tier 1, or 2 certification with State Water Resource Control Board (SWRCB) Order No. 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.
26. Comply with the terms and conditions of any applicable Lake and Stream Alteration Permit (SAA 1600-2019-0559-R1 and all subsequent agreements) obtained from the California Department of Fish and Wildlife (CDFW).
27. The applicant shall keep documentation from a licensed off-site processing service, to be furnished during annual inspections.
28. 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.
29. 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).
30. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
31. Pay all applicable application, review for conformance with conditions and annual inspection fees.

32. 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.
33. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
34. 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

35. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
36. 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).
37. 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.
38. 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.
39. 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
 40. Term of Commercial Cannabis Activity Conditional Use Permit & Special Permits. Any Commercial Cannabis Cultivation CUP or SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
 41. 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 Conditional Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
 42. 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.
 43. 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.
 44. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #8 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant shall not have water trucked to the site for cannabis irrigation, unless approval has been received from the Planning Director for an "emergency" situation, and is on file prior to hauled water being supplied to the site.

ATTACHMENT 2

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

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

**APN's 220-081-016;
Briceland Area
County of Humboldt**

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

June 2022

Background

Modified Project Description and Project History –

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

Project Description: The modified project involves a Conditional Use Permit for an existing operation with 16,144 sf of outdoor and 7,710 sf of mixed-light cannabis cultivation with 2,746 sf of ancillary propagation. Water for irrigation is sourced from a permitted well (Permit #20/21-0663) and the applicant has obtained a well assessment supporting the continued use of the well for irrigation. The applicant plans to add rain catchment features to collect up to 20,000 gallons per year. Anticipated annual water usage is 383,472 gallons (14.4 gal/sf/yr). There is a total of 411,500 gallons of existing hard tank water storage on-site designated for irrigation. Power is currently sourced by two (2) diesel generators housed within secondary containment, and the project will be conditioned to transition to 100% renewable energy source by 2026.

The applicant will have between three (3) and ten (10) employees on-site for cultivation activities. The site is equipped with two (2) permitted septic systems, and additional portable toilets and hand washing stations will be provided. The project was referred to the Department of Environmental Health (DEH) on September 5, 2017, and comments were received on December 14, 2017. DEH commented that no processing can be approved until an acceptable site suitability report can establish potential for onsite wastewater treatment system, the applicant shall provide an invoice or equivalent documentation to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of an annual permit, and Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs. Drying, curing and packaging will occur on-site and trimming will occur off-site at a licensed processing facility. The applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility to be furnished during an annual inspection.

Lost Coast Elixirs received an Interim Permit for 22,514 sf of pre-existing outdoor and 5,551 sf of pre-existing mixed-light cannabis cultivation, a total of 28,065 sf of cultivation area. The applicant requested that some of the pre-existing outdoor square footage be allowed to transition to mixed-light cultivation. The application for 16,144 sf of outdoor, 7,710 sf of mixed-light, and 2,746 sf of ancillary propagation (a total of 26,600 sf) is overall less cultivation than what was found to be pre-existing. It was determined that if the applicant could show that no increase in water or power resources will result in the transition of pre-existing outdoor cultivation to mixed-light cultivation, that the transition would be supported. The project will consist of 16,144 sf of outdoor cultivation within twenty-seven (27) full-sun hoop houses and five (5) light-deprivation greenhouses without the use of supplemental lights, 7,710 sf of mixed-light cultivation within four (4) mixed-light greenhouses, and 2,746 sq. ft. of ancillary propagation will exist in a 1,100 sf full-sun outdoor area three (3) hoop houses and two (2) 198 sf rooms within the Garage and Storage Building. Mixed-light cultivation activities will occur year-round with three (3) to four (4) harvests anticipated per year, and outdoor cultivation will have one to two harvest per year.

Other buildings with a nexus to cannabis include one (1) 30' x 60' Garage and Storage Building (used for propagation areas to cut clones, and nutrient storage), one (1) 8' x 20' Storage Container to house hazardous materials, one (1) 2-Story Building used for drying and packaging, and three (3) Generator Sheds. The project was referred to the Building Division on September 5, 2017, and a Site Inspection was conducted on March 19, 2018. Comments from the Building inspector recommended conditional approval of the project based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained. The applicant shall permit all structures with a nexus to cannabis, as well as all historic grading that occurred for cannabis cultivation. Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams.

Energy

The project currently utilizes two (2) 220 kW diesel generators, which are housed within secondary containment structures. Additional small portable generators are kept on-site for emergency backup purposes. The site also hosts four (4) solar panels, which will provide additional power to the project, and the applicant shall permit the on-site solar system with the Building Division. The applicant is conditioned to transition to 100% renewable energy source supplied for the project by the 2026 cultivation season, and after transition shall only be allowed to keep one (1) generator on-site for emergency backup purposes only. The applicant shall provide an Energy Plan to the Planning Division to show how all power required by the project will be sourced by 100% renewable energy sources, and shall submit an updated Site Plan to show one (1) emergency backup generator on-site.

The applicant has provided energy calculations to show the change in energy usage with the transition of pre-existing outdoor cultivation to mixed-light. The energy usage calculations submitted by the applicant show that the pre-existing cultivation used 138,775 Watts (138,775 Watts/208V = 667amps), which has a load capacity of 62% for the generators. The proposed transition to mixed-light cultivation would use 192,750 Watts (192,750W/208V = 926 amps), which has a load capacity of 89% for the generators. The recommended load capacity for the highest efficiency of the MQ 220 generators is 80%. The applicant has stated that the change in power used would result in a more efficient use of the generators.

The energy calculations show that the applicant used 25 Watts per sf for pre-existing mixed-light cultivation and plans to continue to use 25 Watts per sf with the increase of mixed-light cultivation on-site. This overall shows an increase in the amount of power used for the project. The applicant states that timers have been installed on the generators within the last year, which allows for a more efficient use of the generators to power lights within the mixed-light greenhouses, and reduces the amount of fuel required to power the generators by 40%. The increase in mixed-light area is 39% more than what was pre-existing, and with the added timers to the generators, the project will not result in an increase of fuel consumption.

Fire Safety & Timber Conversion

The project is in an area known to have a High Fire Hazard Severity, and is within the Telegraph Ridge Fire Protection District (TRFPD) for fire response. The project was referred to the TRFPD on September 5, 2017, and comments were received by the agency on September 18, 2017. Comments from the agency recommended conditional approval for the project on the conditions that employee fire safe training be held, and installation of a Fire standpipe. As part of employee orientation, all employees shall undergo fire safe training, and the applicant shall provide proof of employee safe trainings upon request during an annual inspection. The applicant has identified four (4) existing Fire Nozzles on the Site Plan, and the applicant shall obtain written confirmation from the TRFPD stating that this satisfies their recommendation for a Fire standpipe, or shall update the Site Plan to show a proposed Fire standpipe location in and shall install in coordination with the TRFPD. The project is also in the State Responsibility Area for CalFire. The site shows ample room for a firetruck turnaround, and the applicant shall submit an updated Site Plan to the Planning Division to designate a minimum of 2,500 gallons of water storage for fire suppression only.

There are several greenhouses located in the southeast corner of the parcel that appear to be very close to the property line from Humboldt County Web GIS. The Site Plan shows a 30-foot setback for the greenhouses from the property line, but after reviewing the Record of Survey for the parcel a 20-foot setback (in line with zoning regulations) is more likely the case. There is an existing property survey on record, and a request was made by the Planning Division that the applicant find the survey marker with a GPS tracker and confirm the southeast corner of the property, but as the survey marker is located on a very steep hillside, this was not possible to obtain. As there are also existing greenhouses located very close to the shared property line on the adjacent property to the east (APN: 220-081-015), per the Humboldt County Fire Safe Regulations the applicant is required and conditioned to have a maintenance and open space easement recorded with the adjoining lot (APN: 220-081-015) (**Condition A.14**).

The project was referred to CalFire on December 28, 2021, and comments were received on January 12, 2021. Comments from CalFire stated that it appears that trees were removed between 2015 and 2018, a CalFire document should have been obtained prior to removing the trees, and that a Registered Professional Forester (RPF) may be required to advise the landowner of necessary permits from CalFire. The applicant did obtain a Timber Conversion Report (TCR) prepared by RPF Chris Carroll with Timberland Resource Consultants, dated January 24, 2022. The TCR was sent to CalFire for review on April 15, 2021, and the agency replied on April 19, 2022, stating that they had no comments at that time. The TCR states that a total of 1.94 acres of timberland was converted on-site, and approximately 1.01 acres was removed post-2016. The TCR recommended the removal dead, dying, and diseased tanoak trees infested with Sudden Oak Death in the areas shown on the attached photographs, and to treat material per the attachment titled A Homeowners Guide to Sudden Oak Death. As well, the applicant is conditioned to restock the 1.01 acres of post-2016 timberland converted, shall obtain a Restocking Plan prepared by an RPF and submit to the Planning Division, and shall adhere to the recommendations within the Restocking Plan.

Water Resources

The project site has four (4) existing wells, one of which is listed as a point of diversion under a Streambed Alteration Agreement with California Department of Fish & Wildlife (CDFW), and there is one (1) additional point of diversion from a spring box on-site. Three (3) of the four (4) wells, and the spring diversion are used for domestic purposes only. Water for cannabis irrigation will be provided by one permitted well (Permit #20/21-0663), and a well assessment has been obtained supporting the continued use of the well for the project. The applicant also plans to add rain catchment features this year to collect up to 20,000 gallons of rain water per year for the project, which will be used in priority of the well water (Permit #20/21-0663). The applicant shall monitor the amount of water collected from rain catchment per year, and shall keep logs on-site to be furnished during an annual inspection.

The Well Assessment Report (WAR) for well Permit #20/21-0663 was prepared by licensed Geologist David Lindberg with Lindberg Geologic Consulting, dated April 12, 2022. The WAR states that based on a four-hour air lift pump test, the total drawdown of the well was reported to be zero (0) feet. The WAR mentions that the Well Completion Report for the well (Permit #20/21-0663) estimates a yield of 12 gallons per minute (gpm), but that this is not representative of the well's long-term yield and the driller recommended that the well be pumped at six gallons per minute (6 gpm). The applicant shall adhere to the recommendation of pumping the well at 6 gallons per minute and shall not go over this rate for the life of the project. The applicant shall keep daily logs of water pumped from the well (Permit #20/21-0663) to storage, and the logs shall be available to be furnished during an annual inspection. The WAR also states that the deeper "Rock" zone is the water-producing unit, and is considered hydrologically isolated from and not connected to any other aquifer in the surrounding, approximates that 6.4 million gallons of water per year may be expected to recharge the local aquifer, and concludes that based on professional experience, observations, and research, the well has a negligible likelihood of being hydrologically connected to nearby surface waters or wells in any manner that might affect adjacent wetlands and or surface waters in the vicinity of the project.

The applicant shall meter water diverted and stored for domestic purposes separately from irrigation, and shall not utilize the three (3) wells designated for domestic uses (Permit #16/17-0228, #16/17-0327, & #16/17-0329) or the domestic spring diversion, for cannabis irrigation. In the event that the applicant seeks the approval of an additional water source on-site, the applicant shall submit to the Planning Division an application for Modification of the approved project. The Site Plan currently shows water lines that are connected to all existing wells, water tanks and cultivation areas. The applicant shall not have shared water lines used for cannabis irrigation and domestic uses, shall have water lines separated for domestic purposes from cannabis purposes, and shall submit an updated Site Plan to the Planning Division to show the new water lines separated on-site. There is a total of 411,500 gallons of hard tank storage designated for irrigation, 13,400 gallons of hard tank storage designated for nutrient mixing, and there is one (1) 50,000-gallon water tank for domestic uses only. Annual water usage is estimated at 383,472 gallons (14.4 gal/sf/yr). As the applicant has enough water storage on-site to meet a forbearance period, the Planning Commission may decide to add a condition to the project that the well adhere to a forbearance period.

An anonymous complaint was received in the form of a phone call on October 4, 2021. The complainant made accusations that the applicant was having water trucked to the site for their cannabis operation. Per section 55.4.11 (m) of the Humboldt County Code, water is to be sourced locally (on-site) and trucked water shall not be allowed, except for emergencies, and an "emergency" is defined as: "a sudden, unexpected occurrence demanding immediate action". The applicant has added additional water storage on-site since the complaint was made, and with the WAR and a total of 411,500 gallons of storage designated for irrigation, it is anticipated that the applicant will not require any trucked water for the project. The applicant shall not have water trucked to the site for cannabis irrigation, unless approval has been received from the Planning Director for an "emergency" situation, and is on file prior to hauled water being supplied to the site.

The site was historically enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R-1-2015-0023, under WDID 1B16459CHUM. The applicant obtained a Water Resource Protection Plan (WRPP) for the site, prepared by Timberland Resource Consultants, dated September 28, 2016. The WRPP outlines corrective actions required for the project to meet the NCRWQCB's Order for Waiver of Waste Discharge. The WRPP shows that the site did not conform with six out of eleven standard conditions required by the Order, and listed Identified Sites Requiring Remediation in a table on page 3 of the WRPP. The table lists corrective actions along with ongoing monitoring, and the applicant shall adhere to the corrective actions and the recommended ongoing monitoring in the WRPP.

The site has also been enrolled in the State Water Board's General Order 2019-0001-DWQ under WDID 1_12CC435453, as a Tier 2 Low Risk site. The applicant has a Notice of Applicability letter from the Water Board dated July 20, 2021, as proof of enrollment in the General Order, and shows that a Site Management Plan (SMP) is required for the project. The applicant shall obtain an SMP for the project site, submit the SMP to the Planning Division, and shall adhere to the remedial actions and ongoing monitoring recommendations within the report.

The project is located within the Headwaters Mattole River HUC-12 subwatershed, within the Cape Mendocino Planning Watershed, which is considered impacted and designated as a refuge subwatershed. The applicant requested that some of the pre-existing outdoor cultivation area that was verified by the County be allowed to transition to mixed-light. It was determined that if the applicant could show that water usage for the transition of pre-existing outdoor to mixed-light would not result in the increase of overall water used for the project, that we could support the transition. The applicant provided calculations of the change in annual water used for the project, and with overall less cultivation area on-site from transition, it is anticipated that a reduction of approximately 44,436 gallons of water used annually for the project would result.

Biological Resources

The project site does contain habitat for red bellied newt in the northeast corner of the property, according to the California Natural Diversity Database (CNDDDB) Resource Map, and the nearest

Northern Spotted Owl (NSO) activity center is located approximately 1.73 miles from the nearest cultivation site. As the site is for pre-existing activities, the cultivation site is located outside of the mapped habitat area for red bellied newt, and no new development is proposed, no Biological Assessment was required for the project. The project was referred to CDFW on September 5, 2017, and no comments were received.

The applicant obtained a Streambed Alteration Agreement (SAA 1600-2016-0436-R1) with CDFW, signed by the applicant on June 23, 2017. The SAA included four (4) encroachments for the instream work required for two (2) diversions for domestic uses, and two (2) remediation sites. A Stormwater Management Plan was prepared by Timberland Resource Consultants, dated July 14, 2017, and was received by the applicant showing compliance with item 2.14 and 2.15 in SAA 1600-2016-0436-R1. A Notice of Violation letter was sent to the applicant by CDFW, dated May 18, 2018, which listed several violations that were occurring on the site during a site inspection conducted by CDFW on April 24, 2018. Violations included water diversions existing from unnamed tributaries to Eubank Creek, unpermitted stream crossing, water pollution from (1) deposition of sediment, potting soil, and cannabis stems existing where it can pass into waters of the state, and deposition of cut logs into waters of the state.

Actions needed to correct the violations included (1) installing a flow meter on each water diversion to comply with Measure 2.6 of the SAA, (2) installing a float valve and repair or replace water tank to comply with measure 2.12 of the SAA, (3) installing a screen to comply with Measure 2.9 of the SAA, (4) removing POD3 and all trash in the stream or with the potential to enter the stream, (5) recording and reporting the quantity of water used from each diversion, (6) submitting a water management plan to comply with Measure 2.7 of the SAA, (7) submitting a project inspection report to comply with Measure 2.20 of the SAA, (8) remove potting soil from current location and install adequate road drainage structure to comply with measures 2.16-2.18 of the SAA, (9) submitting major amendment to the SAA Agreement and pay the applicable fee, and (10) remove firewood rounds abandoned in the stream.

Correspondence with CDFW, dated June 4, 2018, was received from the applicant, showing actions taken (with photos) to correct violations 1-4, 8 and 10 above, and requested an extension for items 5-7, and 9. The State Water Board Division of Water Resources website was searched, and showed that the applicant has been submitting annual monitoring and reporting for the domestic diversions on-site and has corrected item 5 above. The applicant shall submit the Water Management Plan and the Major Amendment to the SAA to the Planning Division to show compliance with items 7 and 9 above. The applicant shall also complete the work as described in the amended SAA, and shall adhere to the conditions outlined in the amended SAA.

The project does include the use of two (2) diesel generators on-site, and the applicant is conditioned to transition to 100% renewable energy source by 2026. The applicant is also conditioned to ensure that all generators shall not exceed 50 decibels at 100 feet or the nearest canopy, whichever is closer. Additionally, the project is conditioned to adhere to International Dark Sky Standards, and any supplemental lighting used within propagation nursery greenhouses shall not escape between the hours of dusk and dawn.

Site Inspection

Due to several complaints that were received by the Planning Division in regards to noise and light pollution, as well as alleged water being trucked to the cultivation site, a Site Inspection was conducted on November 30, 2021, by Planning Staff. During the Site Inspection, the following violations were observed: leaking water tanks, an untreated slash pile, exposed electrical, solid waste scattered around the property and not within secondary containment, exposed fuel not within secondary containment, stringed lights within outdoor hoop houses and greenhouses, uncontained soil and perlite near soil pile, and water tanks existing within the streamside management area. The applicant shall correct these violations within two years of approval, and water tanks within the streamside management area shall be located outside of the streamside management areas and an updated Site Plan shall be submitted to the Planning Division to show new location for water tanks.

As well, a Site Inspection shall be conducted by the Planning Division within 30 days of permit approval, in order to verify compliance with the following: water lines separated for domestic uses from commercial irrigation uses, no leaking water tanks, no stringed lights within the outdoor hoop houses and light-deprivation greenhouses, proper storage of fuel and solid waste within secondary containment, and contained perlite and soil pile.

Tribal Cultural Resource Coordination

The project is located within the Bear River Band and Sinkyone tribal aboriginal territories. The project was referred to the Bear River Band THPO, the Sinkyone tribe, and the Northwest Information Center (NWIC) on September 5, 2017. The NWIC responded on November 22, 2017, with a recommendation that the lead agency contact the local Native American tribe(s) regarding tradition, cultural, and religious heritage values. A response was received from the Bear River Band THPO on June 18, 2019, requesting the applicant adhere to Inadvertent Discovery Protocols as a condition of approval.

Access

The project site is accessed from non-county maintained Eubanks Road, from county maintained Ethersburg Honeydew Road, from county maintained Briceland-Thorne Road. The applicant submitted a Road Evaluation Report (RER) form (with a route map & photos), dated November 22, 2019. The RER submitted by the applicant for the 2 miles of Eubanks Road to the project site, self-certified that the road is developed to the equivalent of a Category 4 road standard. The application was referred to the Department of Public Works on March 2, 2018, and comments were received by the agency on March 2, 2018. Comments from Public Works included the following recommended conditions of approval for the project: all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance), and 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.

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 217 cultivation permits and the total approved acres would be 77.59 acres of cultivation.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include the preparation of a Site Management Plan, ensuring project related noise does not harass nearby wildlife, adhering to International Dark Sky Standards, transitioning to 100% renewable energy source by 2026, and relocating water tanks outside of streamside management areas.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant

environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the project is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan received May 11, 2022.
- Cultivation & Operations Plan received May 20, 2022.
- Water Usage and Energy Calculations received May 20, 2022.
- Notice of Applicability letter dated July 20, 2021, showing enrollment in the State Water Board Order WQ 2019-0001-DWQ, under WDID 1_12CC435453.
- Water Resource Protection Plan prepared by Timberland Resource Consultants, dated September 28, 2016.
- Streambed Alteration Agreement with Fish & Wildlife (1600-2016-0436-R1) signed June 23, 2017.
- Stormwater Management Plan prepared by Timberland Resource Consultants, dated July 14, 2017.
- Timber Conversion Report prepared by Registered Professional Forester Chris Carroll, with Timberland Resource Consultants, dated January 24, 2022.
- Well Assessment Report prepared by licensed geologist David Lindberg with Lindberg Geologic Consulting, dated April 12, 2022.
- Road Evaluation Report for the access roads, received November 22, 2019.
- Record of Survey for Ball & Courtemanche.
- Notice of Violation letter from CalFire, dated May 18, 2018.
- Response to Notice of Violation with CalFire, dated June 4, 2018.
- Planning Division Site Inspection on November 30, 2021, notes and photos.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See [Purpose](#) statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 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 Plans – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation & Operations Plan & Water Usage & Energy Calculations - **Attached**)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. Above), and in Water Conservation Methods - **Attached**)
6. Copy of Notice of Applicability filed with the State Water Resource Control Board Order No. WQ 2019-0001-DWQ, under WDID: 1_12CC435453. (**Attached**)
7. If the source of water is a well, a copy of the County well permit, if available. (**Attached** with Well Assessment Report)
8. Water Resource Protection Plan prepared by Timberland Resource Consultants, dated September 28, 2016. (**Attached**, and Site Management Plan as a condition of approval)
9. 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. (Streambed Alteration Agreement No. 1600-2016-0436-R1– **Attached**)
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. (Timber Conversation Report prepared by Chris Carroll with Timberland Resource Consultants – **Attached**, Restocking Plan is a condition of approval)

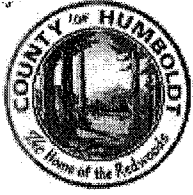
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, identify the source of electrical power and 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. Stormwater Management Plan prepared by Timberland Resource Consultants, dated July 14, 2017. (**Attached**).
16. Well Assessment Report prepared by licensed geologist David Lindberg with Lindberg Geologic Consulting, dated April 12, 2022. (**Attached**).
17. Road Evaluation Report form for Bear Creek Road and Oak Road signed November 22, 2019. (**Attached**)
18. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
19. Record of Survey for Ball & Courtemanche. (**Attached**).
20. Notice of Violation letter from CalFire, dated May 18, 2018. (**Attached**)
21. Response to Notice of Violation with CalFire, dated June 4, 2018. (**Attached**)
22. Monitoring & Reporting with the State Division of Water Resources. (On-file)
23. Planning Division Site Inspection November 30, 2021, notes and photos, and corrective actions (**Attached**).

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
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Comments	Attached
Northwest Information Center	✓	Comments	On file and confidential
Bear River Band THPO	✓	Conditional Approval	On file and confidential
CalFIRE	✓	Comments	Attached
Telegraph Ridge Fire Protection District	✓	Conditional Approval	
InterTribal Sinkyone Wilderness Council		No response	
California Department of Fish & Wildlife		No response	
Southern-Trinity Joint Unified School District		No response	
Humboldt County Sheriff		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
Division of Water Resources		No response	
North Coast Regional Water Quality Control Board		No response	



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

3/16

9/5/2017

PROJECT REFERRAL TO: Public Works Land Use Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sinkyone, Humboldt County Sheriff, Telegraph Ridge Fire Protection District, Southern Humboldt Joint Unified School District

220-081-016

Applicant Name Lost Coast Elixers, LLC **Key Parcel Number** 220-081-016-000

Application (APPS#) 11247 **Assigned Planner** () - **Case Number(s)** CUP16-197

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 9/20/2017

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

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

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

DATE: 3/19/18

PRINT NAME: Rudy Marengi



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 46161/11247
Parcel No.: 220-081-016
Case No.: CUP16-197

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

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

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

Other Comments: Revise plot plan to show all water tanks, all fertilizer tanks, all graded flats, (20) 4350 gallon rain catchment tanks on flat SW of GH 6, Connex storage NW of 2-story ag building, setbacks from watercourse to 2-story ag building, the propane tank on west side of GH A, the 1800 sqft garage as processing, GH 7 and 8 not there, CA on south side of residence, and the correct sett for each CA and GH.

Name: Rudy Marenghi

Date: 3/19/18

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



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



*DEH received
9-5-17*

17/18-0564

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sinkyone, Humboldt County Sheriff, Telegraph Ridge Fire Protection District, Southern Humboldt Joint Unified School District

Applicant Name Lost Coast Elixers, LLC **Key Parcel Number** 220-081-016-000

Application (APPS#) 11247 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-197

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

- (1) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite wastewater treatment system.
- (2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

Response Date: 12/14/2017 **Recommendation By:** Benjamin Dolf

PLN-11247-CUP- Lost Coast Elixirs

June 18, 2022

DISTRIBUTED

12-18-17 Page 44



2746



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 287-5540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

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

DATE: 03-02-2018

RE:

Applicant Name	Lost Coast Elixirs, LLC
APN	220-081-016
APPS#	11247 CUP16-197

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11247

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION:

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //

Exhibit "D"

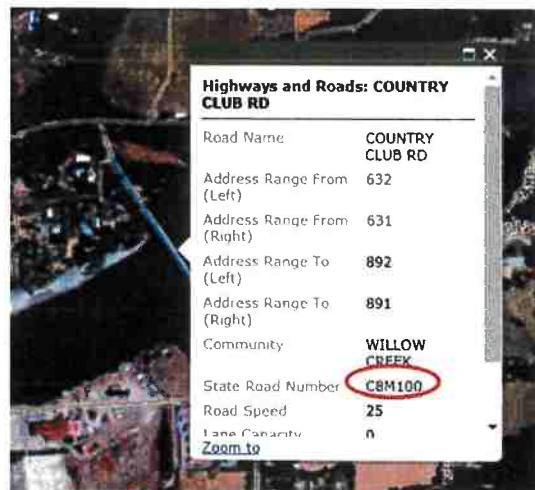
Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** **Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project.** The particular roads that require a *Road Evaluation Report* is to be determined by following the guidance shown below.

The Department has developed a *Road Evaluation Report* form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a *Road Evaluation Report* form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate *Road Evaluation Report* form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The *Road Evaluation Report* form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in **RED**.

A County maintained road will have a 5 or 6 character identifier. The general format is **ABCDDD** where:

- A** is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B** is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C** is a grid identifier letter for the Y-axis for the grid.
- DDD** is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

ABCDDD
A 3 M 0 2 0 Murray Road
F 6 B 1 6 5 Alderpoint Road
6 C 0 4 0 Thomas Road

Application Number

Key APN

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.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

Application Number

Key APN

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.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



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

RECEIVED
 OCT 10 2017
 Humboldt County
 Planning Division

9/5/2017

PROJECT REFERRAL TO: Telegraph Ridge Fire Protection District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sinkyone, Humboldt County Sheriff, Telegraph Ridge Fire Protection District, Southern Humboldt Joint Unified School District

Applicant Name: Lost Coast Elixirs, LLC Key Parcel Number: 220-081-016-000

Application (APPS#): 11247 Assigned Planner: () Case Number(s): CUP16-197

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 9/20/2017

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

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

Recommend Approval. The Department has no comment at this time.

Recommend Conditional Approval. Suggested Conditions Attached.

Applicant needs to submit additional information. List of items attached.

Recommend Denial. Attach reasons for recommended denial.

Other Comments: Employee Fire safety training recommended
Fire standpipe.

DATE: 9/18/17

PRINT NAME: MOSES DANZER