



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street, Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: June 3, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Winterbourne Inc, Special Permit**
Record Number: PLN-2021-16968
Assessor's Parcel Number: 107-103-008
Honeydew area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	6
Maps	
Topo Map	10
Zoning Map	11
Aerial Map	12
Site Plans	13
Attachments	
Attachment 1: Recommended Conditions of Approval	17
Attachment 2: CEQA Addendum	23
Attachment 3: Applicants Evidence in Support of the Required Findings	27
Attachment 4: Referral Agency Comments and Recommendations	38

Please contact Anna Colegrove-Powell, Planner I, at 707-268-3737 or by email at acolegrove-powell@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date June 3, 2021	Subject Special Permit	Contact Anna Colegrove-Powell
-------------------------------------	----------------------------------	---

Project: A Special Permit for 23,560 square feet (sf) of new outdoor cannabis cultivation with ancillary drying facilities and propagation. The applicant anticipates two (2) harvest cycles annually. The cultivation will occur in one (1) outdoor cultivation area that is segmented into 24 rows. The outdoor cultivation will occur adjacent to 20,000 sf of permitted outdoor cultivation (PLN-11814-SP), bringing the total cultivation at the project site to 43,560 sf. Water for irrigation will be sourced from an existing 1,000,000-gallon rainwater catchment pond. The applicant estimates to use 800,000 gallons of water annually (18.3gal/sf) for the existing and proposed cultivation needs. Processing such as drying, and curing will occur on-site within an existing and permitted 21,000 sf drying facility. The applicant proposes to develop an additional 21,000 sf drying facility to support project needs. Further processing will occur off-site at a licensed third-party facility. Power for the project will be sourced from an existing solar array. During peak operations, a maximum of four (4) employees will be hired to conduct cultivation operations.

Project Location: The project site is located in Humboldt County in the Honeydew area, on the south side of Lindley Road, approximately 1.2 miles from the intersection of Mattole Road and Lindley Road, on the property known to be in Section 2 of Township 03 South, Range 01 West, Humboldt Base and Meridian.

Present Plan Land Use Designations: Agricultural Grazing (AG), Humboldt County General Plan (GP), Density: 20 to 160 acres per dwelling unit, Slope Stability: Low Instability (1).

Present Zoning: Unclassified (U)

Record Number: PLN-2021-16968

Assessor's Parcel Number: 107-103-008

Applicant

Winterbourne Farms
R. Scott Davies
2242 Fickle Hill Rd
Arcata, CA 95521

Owner

Davies, Robert S. &
Stemborg, Christina M.
2242 Fickle Hill Rd.
Arcata Ca. 95521

Agent

Green Road Consulting
Kaylie Saxon
1650 Central Ave., Suite C
McKinleyville Ca. 95519

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

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

Major Issues: None.

Recommended Zoning Administrator Action:

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

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

Executive Summary: The applicant seeks a Special Permit to allow for 23,560 square feet of new outdoor cannabis cultivation with ancillary drying and propagation facilities. The cultivation will be located adjacent to 20,000 sf of existing outdoor cultivation approved under (PLN-11814-SP), bringing the total cultivation of the project site to 43,560sf. The new 23,560 sf of outdoor cultivation will occur in one location. The cultivation area will be segmented into 24 rows. Water for the project will be sourced from an existing 1,000,000-gallon rainwater catchment pond. Processing such as drying, and curing will occur on-site within an existing 21,000 sf drying structures associated with the approved project (PLN-11814-SP). The applicant proposes to construct an additional 2,100 sf drying facility to support project needs. Further processing will occur offsite at a licensed third-party processing facility. Power is provided by an existing solar array and one generator is housed on-site to provide energy use in an emergency. The applicant intends to hire up to four (4) employees during peak operations. In the future, the applicant proposes to develop an employee residence. Prior to the development of the employee residence, the applicant will obtain all necessary permits from the Planning and Building Department. The project will be conditioned as such.

Water Resources

Water for the project will be sourced from an existing 1,000,000-gallon rainwater catchment pond. Water will be pumped from the pond to twenty (20) hard-side water storage tanks. Water is then transferred to the cannabis plants via a drip irrigation system. Water storage capacity on-site consists of twenty (20) hard-side tanks totaling 69,000-gallons of water storage and a 1,000,000-gallon rainwater catchment pond. The applicant estimates 800,000-gallons will be used annually for the proposed and existing 43,560sf of cultivation (18.3gal/sf).

Energy Resources

Power for the project site is sourced from seventy-eight (78) solar panels located on the roof top of the existing drying facility. A generator is housed on-site for use in the case of an emergency. The applicant has applied for commercial service through PG&E to supplement power to the project site. Once connected the applicant will be required to enroll in the renewable energy program.

Biological Resources

A Preliminary Biological Resource Assessment for APN 107-103-008, Winterbourne Farms, prepared by TransTerra Consulting was submitted to the Planning and Building Dept. on January 19, 2021. The report documents the findings of the preliminary investigation, including California Natural Diversity Data Base (CNDDB) queries. According to the report, there are no mapped rare and endangered species located on the parcel and there is unlikely to be any suitable habitat for sensitive or listed species. While the botanical assessment was not completed during the blooming period, the area proposed for cultivation is a disturbed field that has traditionally been disced and cultivated for row crops. The report details the findings of an on-site investigation and assessment of habitat suitability for species of concern. The report

concludes that proposed project site does not contain suitable habitat for rare or endangered plant or animal species. In addition, the report findings conclude that the activities proposed by cannabis cultivation at the project site will not result in the take or harm of any rare or sensitive species.

Geologic Suitability

A review of the Humboldt County WebGIS shows the entire subject parcel as having slopes less than 15 percent and being classified as having low instability. The Humboldt County Building Inspections conducted a Site Visit to the subject parcel on April 28, 2021. The Site Inspector noted that the project site is located on near level ground.

Timber Conversion

A review of WebGIS has determined that Timber conversion has not occurred on this project parcel. No timberlands are proposed to be converted in association with the Cannabis cultivation operation.

Tribal Cultural Resource Coordination

The project is located within the Bear River Band and Sinkyone Aboriginal Territories. The original project was referred to the Northwest Information Center, Bear River Tribal Historic Preservation Officer and Intertribal Sinkyone Wilderness Council. The applicant submitted a *Cultural Resources Investigation Report for a Commercial Cultivation Permit* prepared by James Roscoe and Associates dated May 2017. The investigation concluded there were no significant archaeological or historic-period cultural resources, which would be considered an historical resource for the purpose of CEQA (15064.5(a)), existing within the 600-foot buffer of the project area. The *Cultural Resources Investigation Report for a Commercial Cultivation Permit* was referred to the Tribal Historic Preservation Officer (THPO) of the Bear River Band. The Bear River Band THPO reviewed the report and recommended the inclusion of inadvertent discovery language. The project will be conditioned as such.

Security and Safety

Access to the project site is restricted by locked gates on the parcel, and four (4) cameras for security purposes. All accessory buildings will remain locked when not in use. An on-site manager always remains on-site.

The subject parcel is located within the Honeydew Firewise Community and the State Fire Responsibility Area, where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. A review of the Humboldt County WebGIS showed the subject parcel as being located in an area deemed to have a high fire hazard severity. The project was referred to CALFIRE in February of 2021, the agency recommended project approval.

Access

The project site is located in Humboldt County in the Honeydew area, on the south side of Lindley Road, approximately 1.2 miles from the intersection of Mattole Road and Lindley Road, on the property known to be in Section 2 of Township 03 South, Range 01 West, Humboldt Base and Meridian. The applicant has completed a Road Evaluation Report for the approximately 1.2-mile section of Lindley Road leading up to the subject parcel, with accompanying photo documentation certifying that the entirety of Lindley Road is equivalent to a Road Category 4 standard. The road evaluation report was referred to the Department of Public Works who recommended conditional approval, requiring the applicant to improve visibility where the private road meets the County maintained road. In addition, Public Works has also recommended the private road be paved or graveled where it intersects with the County maintained road. The project has been conditioned such.

Findings

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

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

- c) A *Preliminary Biological Assessment* prepared by TransTerra was submitted on January 19, 2021. The report assessed the project parcel for rare and endangered plant and animal species, as well as the potential impacts from commercial cannabis cultivation. The report concluded that the project parcel does not contain sensitive species of concern and has very low suitability for habitat for any sensitive species. The site proposed for cultivation is a disturbed field that has traditionally been utilized for row crops. Furthermore, the operation of commercial cannabis cultivation on the project parcel will not cause harm or take to any rare or endangered species.
- d) A *Cultural Resource Investigation Report* was prepared by James Roscoe & Associates, dated May 2017. The report concluded that there are no Cultural, Tribal, or Historic resources within the project site. The report was referred to the Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria, who recommend the inclusion of inadvertent discovery protocol. The project is condition as such.

FINDINGS FOR SPECIAL PERMIT

3. FINDING

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

EVIDENCE

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

4. FINDING

The proposed development is consistent with the purposes of the existing U zone in which the site is located.

EVIDENCE

Humboldt County Code section 314-55.4.6-6.5 allows cultivation of up to 43,560 sq. ft. of Cultivation Area with a Special Permit on a parcel over 5 acres. As set forth in the following subsections, Pre-Existing Cultivation Sites that meet all other Eligibility and Siting Criteria and Performance Standards, may be permitted within AE, AG, RA, FR, FP, TPZ, and U zoning districts, where accompanied by a Resource Production, General Plan land use designation or Residential land use designation requiring parcel sizes on more than 5 acres. The application is for 23,560 square feet of outdoor cultivation on a 24-acre parcel.

5. FINDING

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

EVIDENCE

- a) The applicant's primary energy is solar power. The applicant has applied for commercial service through PG&E to supplement power to the site. The applicant will be required to enroll in the renewable energy program with PG&E. A generator is housed on-site for emergency purposes. Generator use will be limited to emergency purposes only, as required within the CCLUO.
- b)

The subject parcel has been determined to be one legal parcel as is has been created by deed 1048-410, Jul 6, 1970.

- c) The project will obtain irrigation water from an existing permitted rainwater catchment pond.
- d) Access to the site is via Lindley Road, approximately 1.2 miles from the intersection of Mattole Road and Lindley Road, on the property known to be in Section 2 of Township 03 South, Range 01 West, Humboldt Base and Meridian. The applicant has completed a Road Evaluation Report certifying that the entirety of Lindley Road is equivalent to a Road Category 4 standard. The road evaluation report was referred to the Department of Public Works who recommended conditional approval.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4. (a.-f.). It is more than 30 feet from any property line, more than 300 feet from any off-site residence, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

EVIDENCE Cultivation of 23,560 square feet of outdoor cannabis 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 20 acres. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this 24-acre site will not change the character of the area due to the large parcel sizes in the area.
- b) Irrigation water will be sourced from an existing rainwater catchment pond.

7. FINDING

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

EVIDENCE

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

DECISION

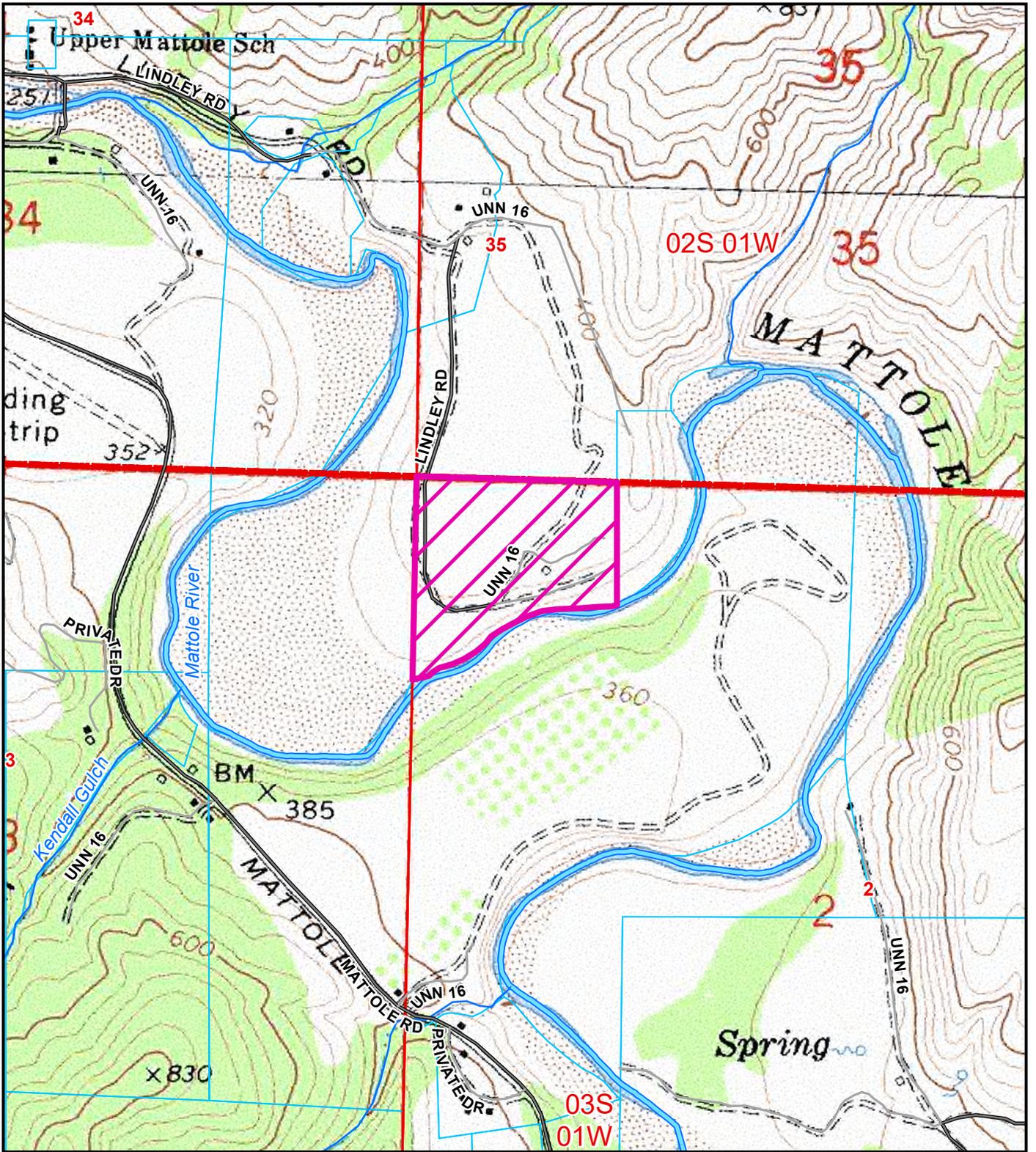
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

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

Adopted after review and consideration of all the evidence on June 3, 2021

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

John H. Ford
Zoning Administrator, Planning and Building Department

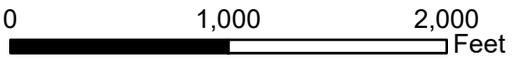


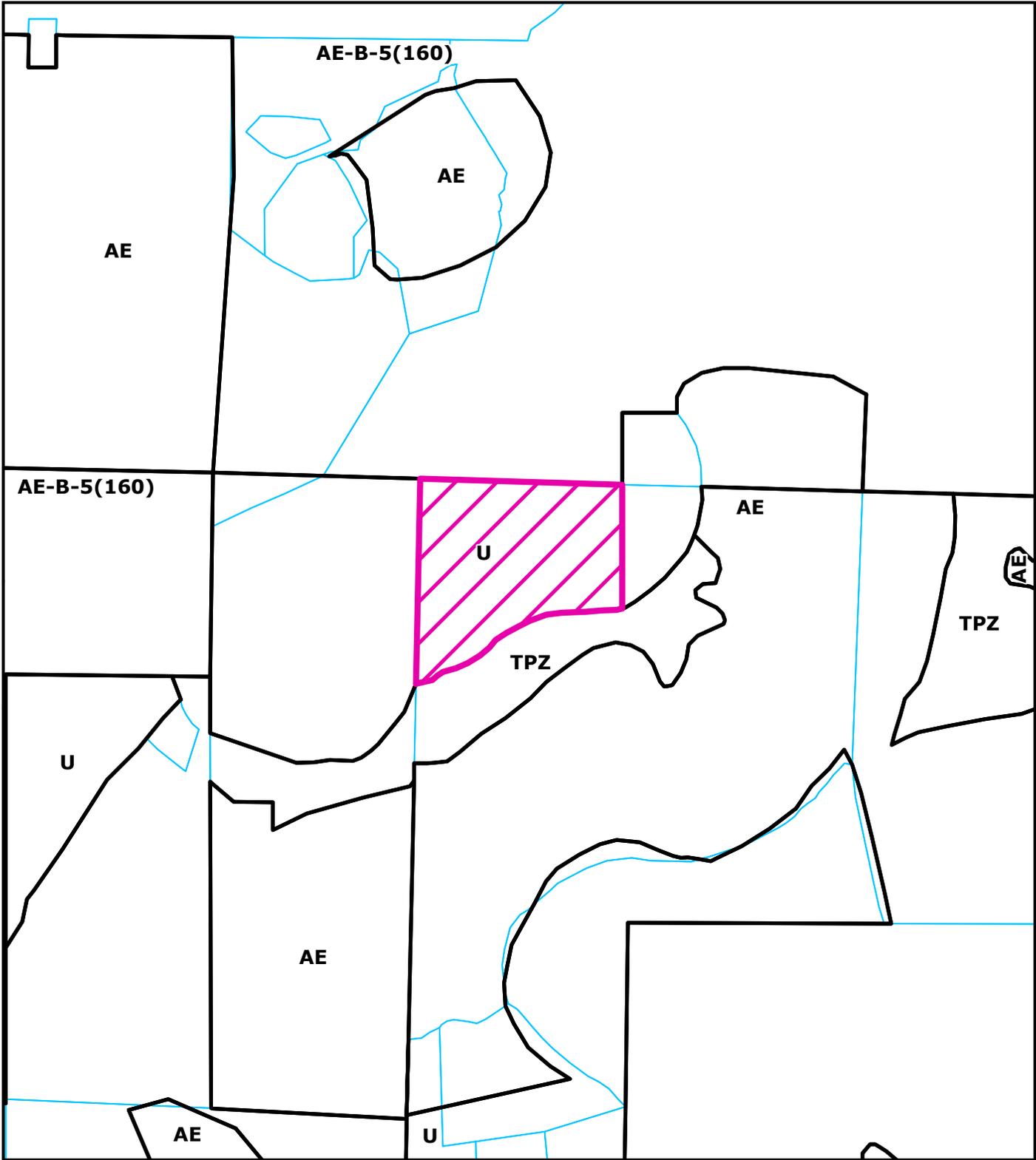
TOPO MAP
PROPOSED WINTERBOURNE, INC
HONEYDEW AREA
PLN-2020-16968
APN: 107-103-008
T03S R01W S2 HB&M (SHUBRICK PEAK)

Project Area =



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



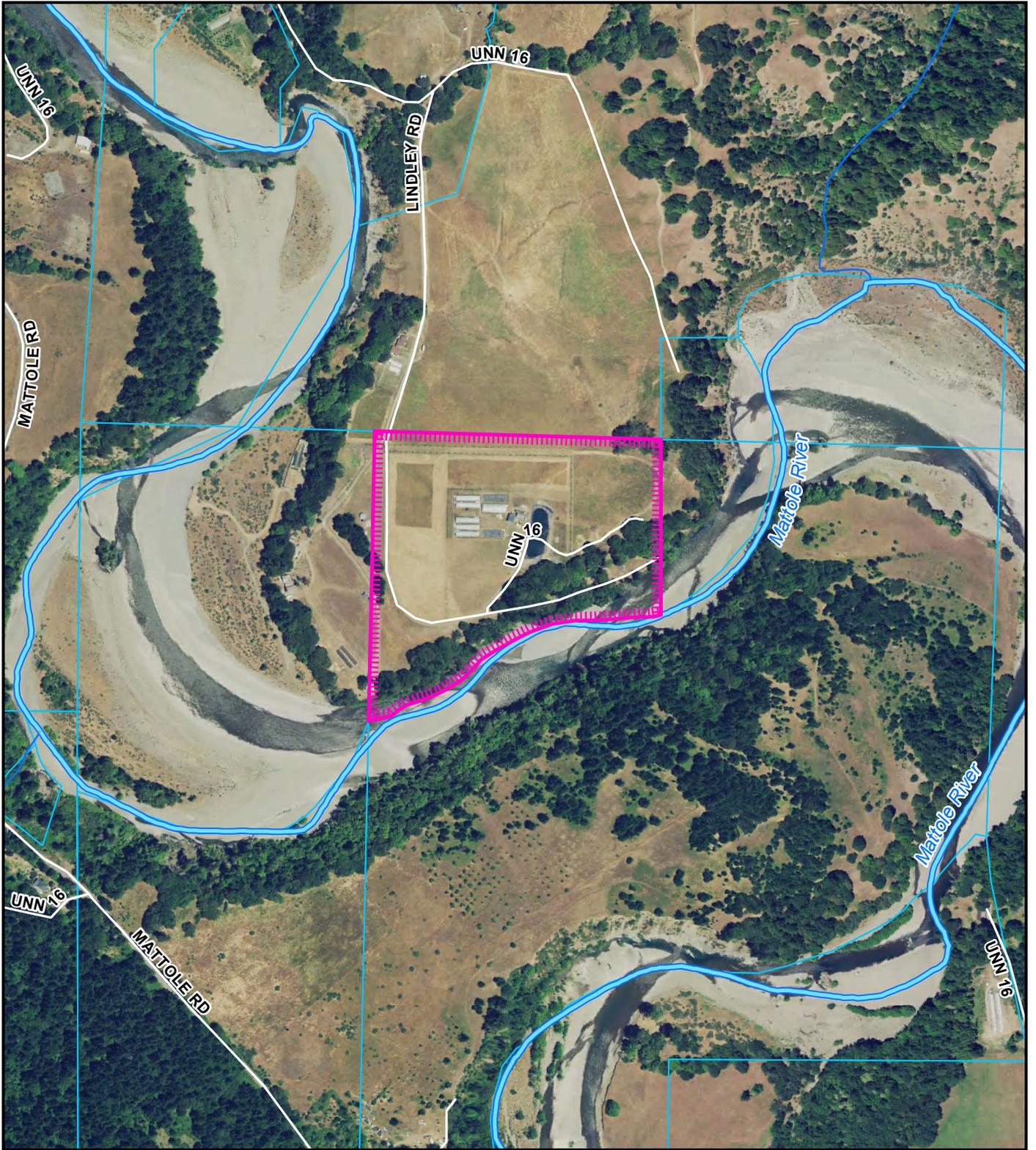


ZONING MAP
PROPOSED WINTERBOURNE, INC
HONEYDEW AREA
PLN-2020-16968
APN: 107-103-008
T03S R01W S2 HB&M (SHUBRICK PEAK)

Project Area = 


 0 1,000 2,000
 Feet

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



**AERIAL MAP
 PROPOSED WINTERBOURNE, INC
 HONEYDEW AREA
 PLN-2020-16968
 APN: 107-103-008
 T03S R01W S2 HB&M (SHUBRICK PEAK)**

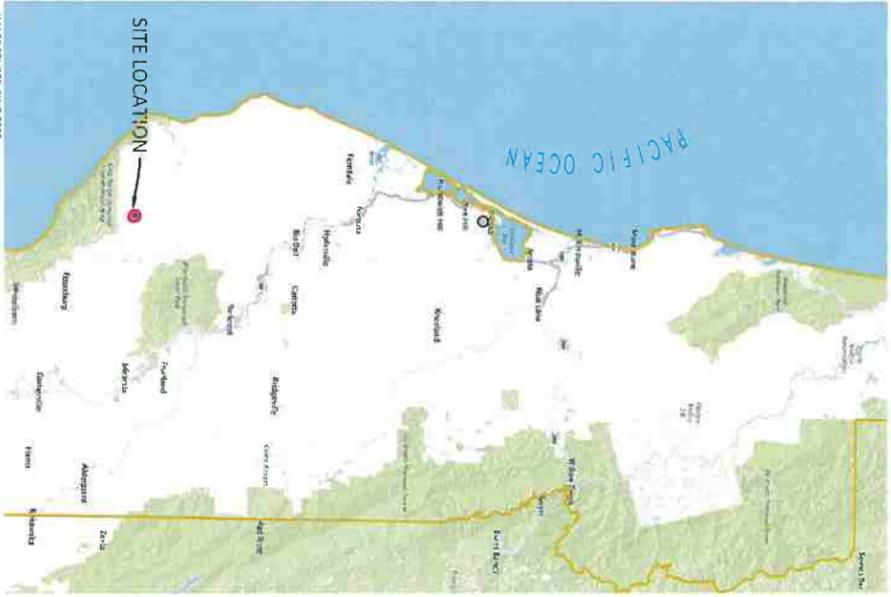
Project Area = 


 0 750 1,500
 Feet

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.

VICINITY MAP

1:10,000



PROJECT DIRECTIONS

- FROM: EUREKA, CA
- TAKE US-101 SOUTH (14 MI)
 - TAKE EXIT 692 TOWARD FERRDALE/FERNBRIDGE
 - TURN RIGHT ONTO SINGLEY ROAD (.5 MI)
 - TURN RIGHT ONTO FERNBRIDGE DR.
 - TURN RIGHT ONTO CA-211 S (5 MI)
 - TURN RIGHT ONTO BLUFF ST/OCEAN AVE
 - TURN ONTO WILDCAT AVE
 - KEEP RIGHT TO CONTINUE ON MATTOLE ROAD (28 MI)
 - CONTINUE ONTO FRONT ST. (.5 MI)
 - TURN RIGHT ONTO MATTOLE RD. (12 MI)
 - SLIGHT LEFT

TRAVEL TIME
APPROXIMATELY: 61 MILES (2 HOURS)
FROM EUREKA

- SHEET INDEX
- CP-COVER PAGE
 - C1-PARCEL OVERVIEW
 - C2-CA1
 - C3-IRRIGATION PLAN

PROJECT INFORMATION

LAT/LONG: 40.2434, -124.1559
 APN: 107-103-08
 APPLICANT: WINTERBOURNE FARMS
 PARCEL SIZE: 424 ACRES
 ZONING: U
 APPLICATION TYPE:
 TYPE 2 SPECIAL PERMIT

COASTAL ZONE: NO
 100 YEAR FLOOD: YES

AGENT:
 KAYLIE SAXON
 GREEN ROAD CONSULTING INC
 1650 CENTRAL AVE. SUITE C
 MCKINLEVILLE, CA 95519
 707-630-5041

WINTERBOURNE FARMS APN:107-103-008

AERIAL MAP



PROJECT INFORMATION

PROPERTY OWNER	ROBERT DAVIES
ADDRESS	107-103-008
SHEET INFO	COVER PAGE

REVISIONS

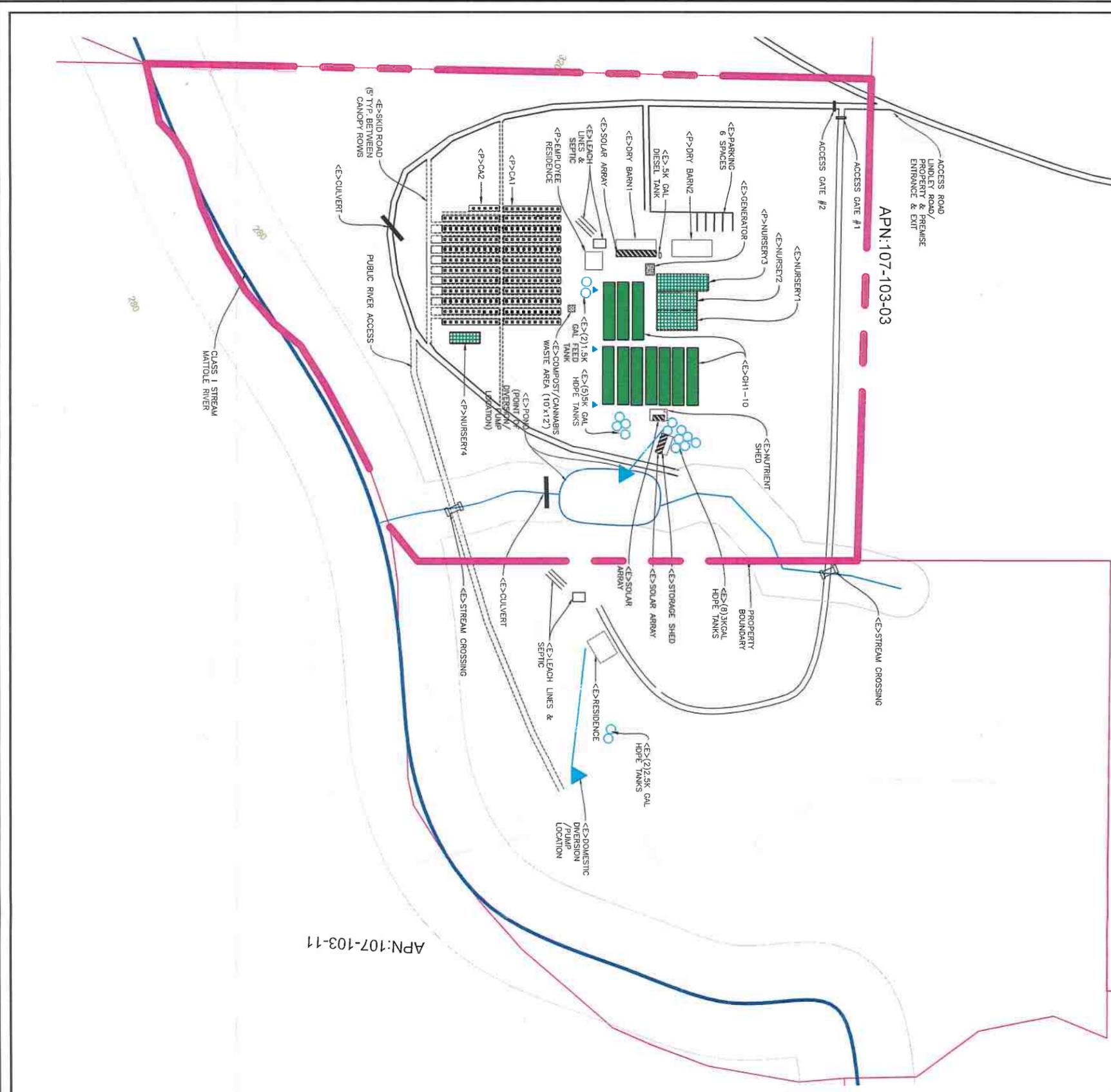
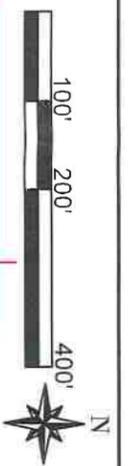
NO	NOTES	DATE
1	NOTS-INITIALS	00/00/00
2	NOTS-INITIALS	00/00/00
3	NOTS-INITIALS	00/00/00
4	NOTS-INITIALS	00/00/00
5	NOTS-INITIALS	00/00/00

DATE: 1/14/21
 DRAFTER: XX
 SCALE: AS SHOWN

SHEET
CP

PARCEL OVERVIEW

APN: 107-103-008



CULTIVATION INFORMATION

EXISTING MIXED LIGHT CULTIVATION AREA				IMMATURE PAINT AREA			
GH	LENGTH	WIDTH	SQ FT	LENGTH	WIDTH	SQ FT	
1	100	X	2,000	NURSERY1	70	X	34.0
2	100	X	2,000	NURSERY2	70	X	34.0
3	100	X	2,000	NURSERY3	96	X	2,980.00
4	100	X	2,000	NURSERY4 (PROPOSED)	53	X	1,080.00
5	100	X	2,000				
6	100	X	2,000				
7	100	X	2,000				
8	100	X	2,000				
9	100	X	2,000				
10	100	X	2,000				
TOTAL MIXED LIGHT CULTIVATION AREA =			20,000 SQ FT	TOTAL AREA =			8,700 SQ FT

PROPOSED OUTDOOR CULTIVATION AREA

CA	SQ FT	
1	12,000	
2	11,530	
TOTAL OUTDOOR CULTIVATION AREA =		23,530 SQ FT

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
DRY BARN 1	HARVEST STORAGE/PROCESS	30'x70'	2017
DRY BARN 2(PROPOSED)	HARVEST STORAGE/PROCESS	30'x70'	TBD
NUTRIENT SHED	CHEMICAL AG STORAGE/ADMIN HOLD AREA	20'x30'	2014
STORAGE SHED	TOOL & CHEMICAL AG STORAGE	15'x20'	2013
EMPLOYEE RESIDENCE (PROPOSED)	EMPLOYEE HOUSING	TBD	TBD

DOMESTIC BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
RESIDENCE	SEASONAL DWELLING	45'x45'	2009

WATER STORAGE AND USE

TYPE	LAT/LONG	QUANTITY	GALLONS	TOTAL GALLONS
HOPE TANK	40.2438, -124.1557	8	3,000	24,000
HOPE TANK	40.2438, -124.1538	2	2,500	5,000
HOPE TANK	40.2438, -124.1557	5	5,000	25,000
FEED TANKS	40.2438, -124.1557	2	1,500	3,000
POND	40.2434, -124.1552	1	1,000,000	1,000,000
TOTAL AMOUNT OF WATER STORAGE=			1,057,000 GALLONS	

WATER SOURCE

TYPE	LAT/LONG
POND (RAIN CATCHMENT)	40.4247/-124.1553
STREAM DIVERSION	40.2429, -124.1559

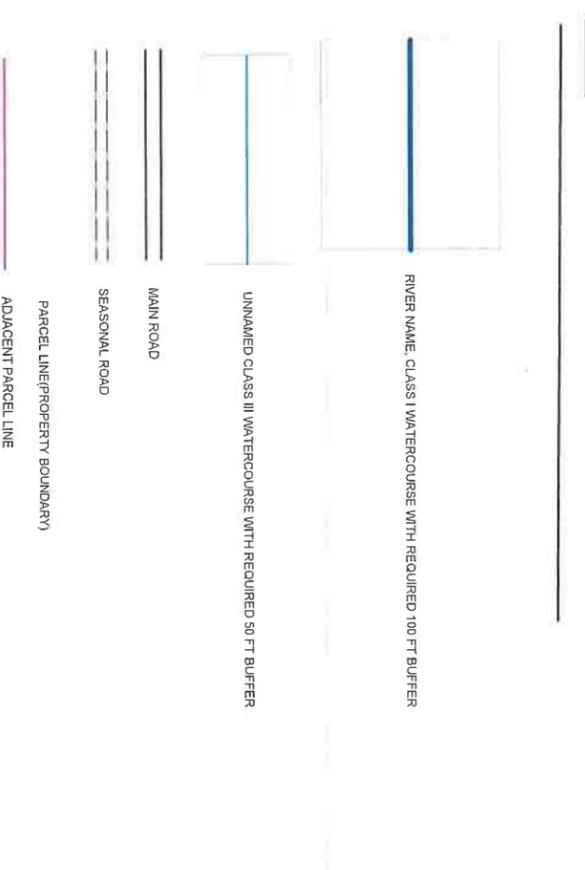
POWER SOURCE

20KW GENERATOR
SOLAR ARRAY (78 PANELS)
PQAE

SURROUNDING BUILDINGS

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 800 FEET OF THE CULTIVATION SITE.
THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.

LEGEND



PROJECT INFORMATION

PROPERTY OWNER	ROBERT DAVIES
ADDRESS	107-103-008
SHEET INFO	PARCEL OVERVIEW



REVISIONS

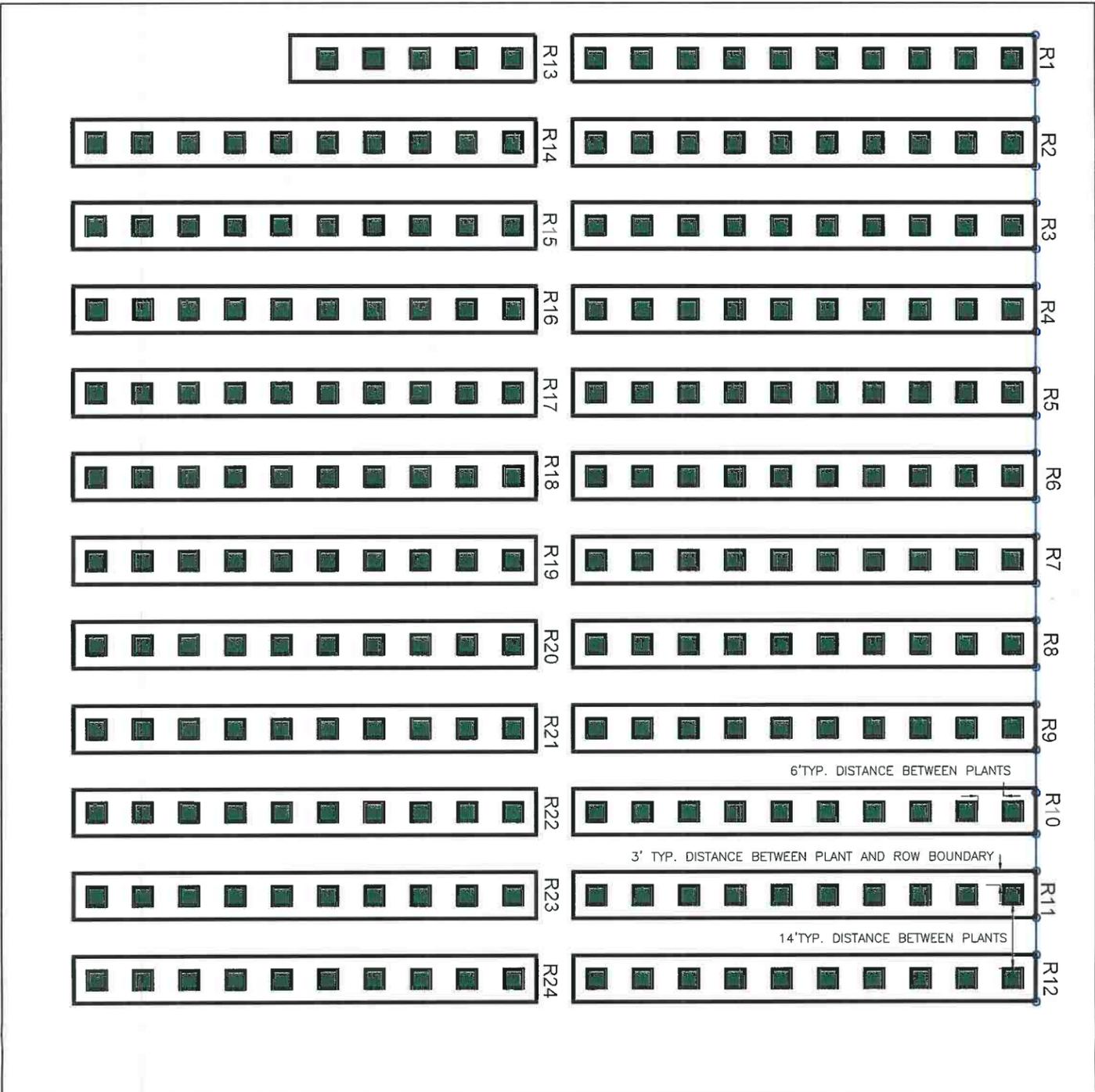
NO	NOTES	DATE
1	NOTS-INITIALS	02-02-20
2	NOTS-INITIALS	02-02-20
3	NOTS-INITIALS	02-02-20
4	NOTS-INITIALS	02-02-20
5	NOTS-INITIALS	02-02-20

DATE	1/14/21
DRAFTER	AS SHOWN
SCALE	AS SHOWN

SHEET C1

CA1/CA2

APN: 107-103-008



OUTDOOR CULTIVATION AREA 1(CA1)

ROW#	LENGTH	WIDTH	SQ FT
1	100	X	1,000
2	100	X	1,000
3	100	X	1,000
4	100	X	1,000
5	100	X	1,000
6	100	X	1,000
7	100	X	1,000
8	100	X	1,000
9	100	X	1,000
10	100	X	1,000
11	100	X	1,000
12	100	X	1,000

TOTAL OUTDOOR CULTIVATION AREA = 12,000 SQ FT

OUTDOOR CULTIVATION AREA 2(CA2)

ROW#	LENGTH	WIDTH	SQ FT
13	53	X	530
14	100	X	1,000
15	100	X	1,000
16	100	X	1,000
17	100	X	1,000
18	100	X	1,000
19	100	X	1,000
20	100	X	1,000
21	100	X	1,000
22	100	X	1,000
23	100	X	1,000
24	100	X	1,000

TOTAL OUTDOOR CULTIVATION AREA = 11,530 SQ FT

LEGEND

- CANNABIS PLANT(4x4)
- 8' SPACE BETWEEN EACH ROW
- ROW CORNERS

PROJECT INFORMATION

PROPERTY OWNER: ROBERT DAVIES
 ADDRESS: 107-103-008
 SHEET INFO: CA1



GREEN ROAD CONSULTING

REVISIONS

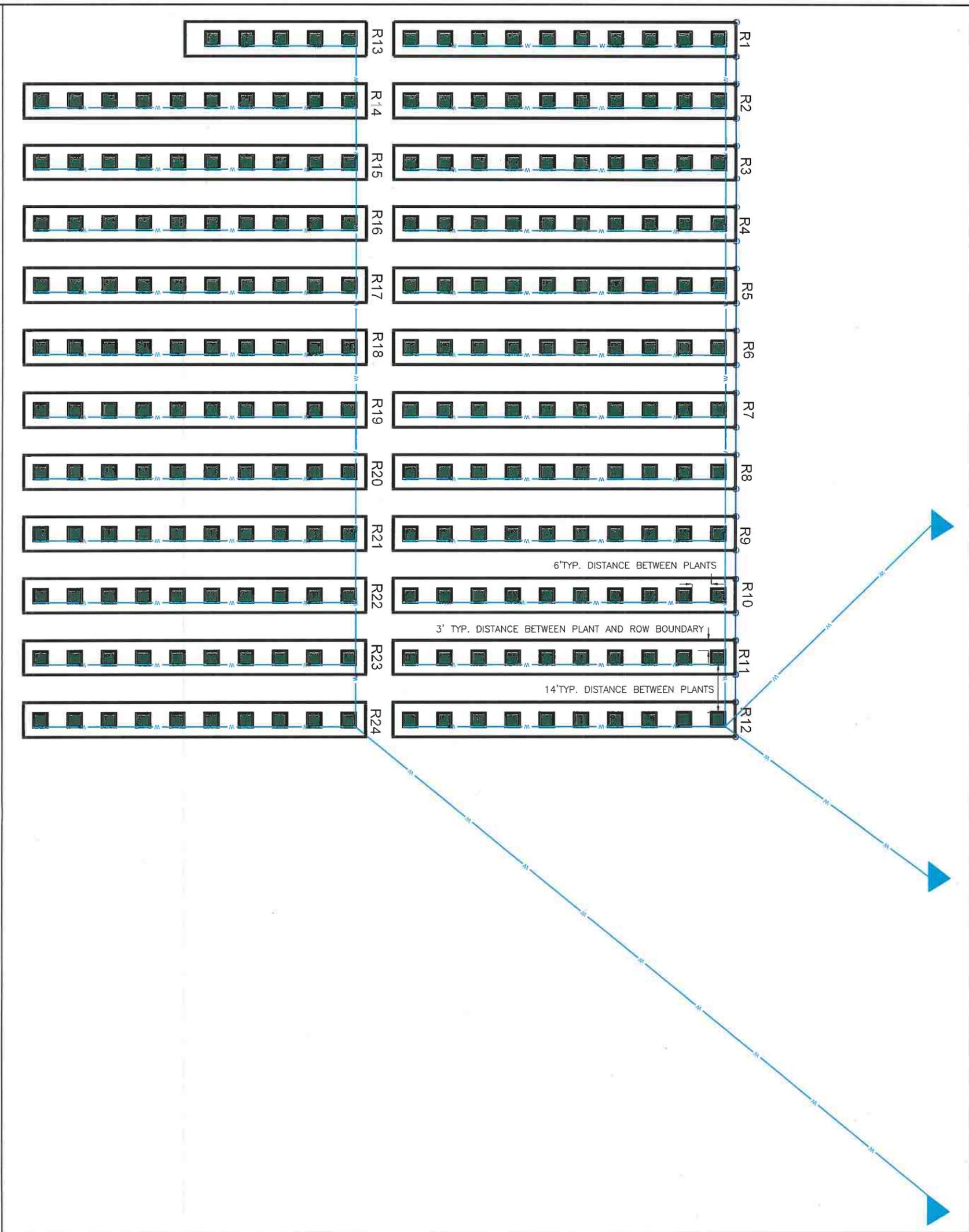
NO	NOTES	DATE
1	NOTES-REVISED	08/08/20
2	NOTES-REVISED	09/09/20
3	NOTES-REVISED	09/09/20
4	NOTES-REVISED	09/09/20
5	NOTES-REVISED	09/09/20

DATE: 1/14/21
 DRAFTER: XX
 SCALE: AS SHOWN

SHEET C2

IRRIGATION PLAN

APN: 107-103-008



LEGEND

- CANNABIS PLANT(4x4)
- 8' SPACE BETWEEN EACH ROW
- ROW CORNERS
- IRRIGATION LINE



PROJECT INFORMATION

PROPERTY OWNER	ROBERT DAVIES
ADDRESS	107-103-008
SHEET INFO	IRRIGATION PLAN



REVISIONS	
NO.	NOTES / DATE
1	NOTES/REVIEWS 00:00:00
2	NOTES/REVIEWS 00:00:00
3	NOTES/REVIEWS 00:00:00
4	NOTES/REVIEWS 00:00:00
5	NOTES/REVIEWS 00:00:00

DATE	1/14/21
DRAFTER	XX
SCALE	AS SHOWN

C3

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

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 secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, proposed drying facilities and employee residence, or any construction activity with a nexus to cannabis. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan.
6. Portable restroom facilities are to be provided for employees and family members performing cultivation activities. The applicant will provide proof of portable toilet accommodation by the submission of servicing receipts, or an annual servicing agreement to the Department of Health (DEH). A letter or similar communication from the DEH verifying that this has been completed will satisfy this condition.
7. The applicant shall submit a revised Site Plan and Operations manual to reflect the following:

Propagation size will be 4,560 square feet. (10 percent of the proposed cultivation area)

The submission of a revised Site Plan and addendum of the Operations manual to reflect the change in propagation size to the Department of Planning and Building will satisfy this condition.

8. The applicant shall adhere to the recommendations made by Public Works which will require the applicant to improve visibility where the private road meets the County maintained road to comply with Humboldt County Code 341-1. In addition, the intersection of the County Maintained road and the private access road will be graveled for a minimum width of 20 feet and a length of 50 feet. An encroachment permit shall be secured before any work is initiated within the County right-of-way.
9. The applicant shall conduct an Ambient Noise Assessment adhering to the standards of the Commercial Cannabis Land Use Ordinance (CCLUO) prior to commencing cultivation activities. The submission of an Ambient Noise Assessment meeting the criteria of the CCLUO (Section 55.4.12.6) will satisfy this condition.
10. 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.
11. 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.
12. Upon connection to PG&E the applicant shall be required to provide evidence of enrollment with the renewable energy program of PG&E.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CCLUO 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. The applicant is to limit the use of heavy equipment during nesting season February 1st through August 15th.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics>.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. The use of generators cannot exceed 20 percent of total energy use required for the project.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all workers about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife, if applicable.

18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;

- (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
- b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.

34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Cannabis.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CCLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

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

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

APN 107-103-008, Honeydew area, County of Humboldt

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

May 2021

Background

Modified Project Description and Project History –

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

The project parcel is located within the Mattole River watershed, on a terrace above the flood plain at an elevation of 300 feet above sea level. The project parcel has slopes less than 15 percent and has been classified as having low instability. A review of WebGIS determined that the project parcel does not contain any documented rare or endangered species. The closest record of a rare or endangered species is Summer-run Steelhead occurring .1 miles away in the Mattole River. The project is located within the setbacks of the Humboldt County Streamside Management Ordinance and will not pose risk to Summer-run steelhead.

A Special Permit for 23,560 square feet of new outdoor Cannabis cultivation located adjacent to 20,000sf of approved cultivation (PLN-11814-SP), bringing the total cultivation at the project site to 43,560 sf. The new outdoor cultivation will occur within one area, segmented into 24 rows. The outdoor cultivation will utilize the existing rainwater catchment pond to source irrigation. The applicant anticipates using 800,000 gallons of water annually (18.3 gal/sf) for the existing and proposed cultivation. Processing, such as drying, and curing will occur on-site in the existing 21,000 sf drying facility. The applicant proposes to develop an additional 21,000 sf drying facility to support the project operations. Further processing will occur off-site at a licensed third-party facility. Power for the project is sourced from an existing solar array located on top of the existing drying facility. The applicant has applied for commercial service through PG&E to provide supplemental power to the project parcel in the future. A generator is housed on-site to provide power in emergency situations. The project will comply with provision of the CCLUO intended to eliminate impacts to sensitive species from noise and from light and noise. Compliance with these and other measures of the CCLUO ensure consistency with the EIR.

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

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

Summary of Significant Project Effects and Mitigation Recommended

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

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

- *Site Plan* prepared by Green Road Consulting dated April 30, 2021.
- *Cultivations and Operations Plan* prepared by Green Roads Consulting submitted January 19, 2021.
- *Roadway Evaluation Report* prepared by applicant submitted May 3, 2021.
- *Cultural Resource Investigation Report* was prepared by James Roscoe & Associates, dated May 2017.
- *Preliminary Biological Resource Assessment* prepared by TransTerra Consulting LLC, submitted January 19, 2021.
- *Water Resource Protection Plan* prepared by Pacific Watershed Associated Inc. dated April 4, 2019.
- *Lake and Streambed Alteration Agreement* prepared by California Department of Fish and Wildlife dated February 21, 2018.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached in Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (On file)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. *Preliminary Biological Resource Assessment* prepared by TransTerra Consulting LLC, submitted January 19, 2021.
16. *Cultural Resource Investigation Report* was prepared by James Roscoe & Associates, dated May 2017. (On file and confidential)
17. Road Association Agreement signed by Dylan Mattole and Scott Davies dated October 31, 2020.



GREEN ROAD CONSULTING

Site Plan Overview and Cultivation and Operations Plan

Applicant

Winterbourne Farms, Inc.
600 "F" Street, Suite 3 #919
Arcata, CA 95521
Parcel: 107-103-008

Agent

Kaylie Saxon
Green Road Consulting
1650 Central Avenue, Suite C
McKinleyville, CA 95519

Table of Contents

I. Site Plan Overview

1.0 – Project Information.....3

2.0 – Project Location.....3

 2.1 – Zoning Classification.....4

 2.2 – Site Topography.....4

3.0 – Easements.....4

4.0 – Natural Waterways.....4

5.0 – Location and Area of Existing Cultivation.....5

6.0 – Setbacks of Cultivation Area.....6

7.0 – Access Roads.....6

8.0 – Graded Flats.....7

9.0 – Existing and Proposed Buildings.....7

10.0 – Water Source, Storage, Irrigation Plan and Projected Water Usage.....7

 10.1 – Water Source.....7

 10.2 – Water Storage.....7

 10.3 – Irrigation Plan7

 10.4 – Projected Water Usage.....7

11.0 - Site Drainage, Runoff, Erosion Control Measures and Watershed Protection.....7

12.0 – Distances from Significant Landmarks.....8

II. Cultivation and Operations Plan.....8

1.0 – Materials Storage.....8

2.0 – Cultivation Activities.....9

3.0 – Processing Practices.....9

4.0 – Security Measures.....9

I. Site Plan Overview

1.0 Project Information

The Applicant is proposing to add two outdoor cultivation areas equaling 23,560 ft² in canopy area to a preexisting and permitted 20,000 ft² mixed light cultivation. Drying and processing is proposed to occur in the existing Dry Barn #1 onsite and in a proposed Dry Barn #2 with immature plant storage proposed to occur in four (4) nurseries totaling in 8,700 ft².

The Applicant is sourcing water for cultivation from an existing 1,000,000-gallon rainwater catchment pond. There are five (5) 5,000 gallon HDPE water tanks, eight (8) 3,000 gallon HDPE water tanks one (1) 2,500 gallon HDPE water tank, and two (2) 1,500 gallon FEED water tanks that total 57,000 gallons of hard tank water storage that is filled from the pond. The new section of the grow will add four(4) 3000 gallon feeding tanks. The total water storage for the Parcel is 1,069,000 gallons. Irrigation will be completed by a timed, metered drip irrigation system. The Applicant estimates their annual water usage to be 800,000 gallons.

There are three (3) existing buildings on site and two (2) proposed structures that are used for cultivation related activities and may require permitting with the Humboldt County Building Department. The Dry Barn is a 30'x70' permitted structure constructed in 2017 that is currently used for the drying, curing, and processing of harvested cannabis. The Nutrients Shed is a 20'x30' structure that was constructed in 2014. It is used to store nutrients. The Storage Shed is a 15'x20' structure that was constructed in 2013. It is used for general tool and minor fuel storage. The Applicant is proposing to construct a building for employee housing and an additional 30'x70' Dry Barn.

The permitted mixed-light cultivation occurs in a total of ten (10) existing greenhouses and the proposed outdoor cultivation is composed of two (2) cultivation areas segmented into twenty-four (24) rows. All cultivation is supplied by four (4) Nurseries totaling 8,700ft². The Applicant has a total of seventy-eight (78) solar panels supplying power to the Parcel.

The Applicant is currently anticipating two (2) harvests from their mixed-light cultivation area and one (1) harvest for outdoor cultivation area. The Applicant anticipates the need for six (6) employees for daily tasks.

This application is submitted through their agent, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Cannabis Land Use Ordinance ("CMMLUO").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Honeydew, CA. The Parcel is comprised of 24-acres and is identified by Assessor's Parcel Number ("APN") 107-103-008.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is U with a Current General Plan of AG (FRWK).

2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

The following information is taken from Exhibit "A" of the recorded Grant Deed, a copy of which is included in the Evidence of Ownership and Authorization section of this Application.

"THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE

That portion of the Northwest quarter of Section 2, Township 3 South, Range 1 West, thereon from the Northeast corner of the Northwest quarter of the Northwest quarter; thence South, at right angles to said North line, to the center of the Mattole River; thence Southwesterly, along the center of said Mattole River, to the West line of said Section 2; thence North, along said West line to the Northwest corner of said Section 2; and thence East along the North line of said Section 2 to the point of beginning.

EXCEPTING FROM, that portion of Parcel One lying within the Northwest quarter of the Northwest quarter all petroleum, oil, gas and other oil and mineral products, as conveyed by George C. Lindley and wife to Joseph Bagley, by deed recorded January 22, 1924 in Book 165 of Deeds, Page 489.

RESERVING THEREFROM, for the benefit of the remaining lands of the grantor, a non-exclusive easement for ingress and egress over and across the north 40 feet of Parcel One above.

PARCEL TWO

A non-exclusive easement for ingress and egress and public utility purposes over a strip of land, 60 feet wide, the West line of which begins at the Northwest corner of Parcel One above described; and runs thence North, along the West line of the Southwest quarter of Section 35, Township 2 South, Range 1 West, Humboldt Meridian to the centerline of the County Road, as conveyed to Richard N. Mauer et al, by deed recorded July 6, 1970 in Book 1048 of Official Records, Page 410.

PARCEL THREE

A non-exclusive easement for pedestrian ingress and egress, for access to the river for recreational purposes, across the existing road strip and trail which begins near the southeast corner of Parcel One above and runs thence in a general easterly and southerly direction to the Mattole River.

PARCEL FOUR

The right to install, maintain and use a water system consisting of two water tanks, an electric pump, solar panel, electric line and buried water pipe, together with all rights incidental thereto, the approximate location of which is shown on the Map attached hereto as Exhibit B. Together with the right to take the overflow waters from the top of the grantors tank designated with a "B" on said Exhibit B Map."

4.0 Natural Waterways

There is one (1) Class III drainage that crosses through the Parcel. The Mattole River, a Class I Watercourse, is also to the South of the Parcel.

5.0 Location and Area of Existing Cultivation

The permitted 20,000 square feet of mixed-light cultivation occurs in one (1) location within ten (10) 20'x100' greenhouses. The proposed 23,530 square feet of Outdoor cultivation will occur in one (1) location composed of two (2) cultivation areas segmented into twenty-four (24) rows. The Cultivation Area is located near the center of the Parcel to the west of the existing Pond. The four (4) Nurseries are located in the center of the Parcel. The Nurseries is used for the propagation of cannabis clones.

6.0 Setbacks of Cultivation Area

The proposed Cultivation Area will be set back from all parcel lines by at least 30 feet. The portion of the cultivation area that is closest to the nearest watercourse is over 50 feet away.

7.0 Access Roads

The Parcel is located off Lindley Road, which is in good condition. The Applicant has enrolled into a Road Association Agreement to maintain and repair Lindley Road.

8.0 Graded Flats

There are no graded flats on the Parcel. The entire Parcel is sloped less than 15%.

9.0 Existing and Proposed Buildings

Dry Barn

The Dry Barn is located to the west of the cultivation area. It is a 30'x70' structure that was constructed in 2017. It is used for the drying and curing of harvested cannabis. There is also a Solar Array on the roof of the building that supplies power to the Parcel.

Nutrients Shed

The Nutrients Shed is located to the east of the cultivation area. It is a 20'x30' structure that was constructed in 2014. It is used for storing nutrients for the cultivation. There is also a second solar array located next to the nutrients shed that supplies power to the Parcel.

Storage Shed

The Storage Shed is located to the west of the Nutrients Shed. It is a 15'x20' structure that was constructed in 2013. It is used for general tool storage and minimal fuel storage.

Employee Residence: (Proposed)

The Applicant is proposing to construct a building for employee housing. The size and construction date has yet to be determined.

Dry Barn 2: (Proposed)

The Applicant is proposing to construct an additional Dry Barn for Harvest Storage and processing. The size and construction date has yet to be determined.

10.0 Water Source, Storage, Irrigation Plan and Projected Water Usage

10.1 Water Source

All water used for cultivation is sourced from the rainwater catchment pond on the Parcel.

10.2 Water Storage

There are five (5) 5,000 gallon HDPE water tanks, eight (8) 3,000 gallon HDPE water tanks two (2) 2,500 gallon HDPE water tank, and two (2) 1,500 gallon FEED water tanks that total 57,000 gallons of hard tank water storage that is filled from the pond. A total of four (4) 3,000 gallon water tanks will be installed as feed tanks for the new outdoor cultivation area. The total water storage for the Parcel is 1,069,000 gallons. Irrigation will be completed by a timed, metered drip irrigation system. The Applicant estimates their annual water usage to be 800,000 gallons.

10.3 Irrigation Plan

All irrigation of cannabis is completed by a timed, metered, drip irrigation system preventing any over watering or runoff.

10.4 Projected Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months.

The Applicant estimates their annual water use to be 800,000 gallons.

11.0 Site Drainage, Runoff, Erosion Control Measures and Watershed Protection

There is one (1) Class III drainage that crosses through the Parcel. The Mattole River, a Class I Watercourse, is also to the South of the Parcel.

The included Water Resource Protection Plan outlines the following regarding Site Drainage, Runoff, Erosion Control Measures and Watershed Protection.

Site Drainage, Runoff, Erosion Control Measures

In general, the site is well maintained and located on a fluvial terrace that is very flat and grassy. The roads are low use and well maintained. There are no sediment delivery points associated with the road besides some very short road approaches at the crossings of very ephemeral streams. There are two (2) stream crossings that will require new culvert installation and a 1602 Stream and Lakebed Alteration Agreement with CDFW.

Watershed Protection

For this Parcel, all cultivation areas are greater than 200 feet from any surface water. Pacific Watershed and Associates did not observe any impacts to riparian areas as part of cultivation or related activities on this Parcel.

12.0 Distances from Significant Landmarks

There are no schools, school bus stops, state parks, places of worship or Tribal Cultural Resources within 600 feet of the cultivation site.

II. Cultivation and Operations Plan

1.0 Materials Storage

The Applicant will be using items that were accepted under Legal Pest Management Practices for Marijuana Growers in California.

All fertilizers and amendments are located in the Nutrients Shed on the Parcel. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. All labels are kept and directions are followed when nutrients are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. The Applicant will be using items that were accepted under Legal Pest Management Practices for Marijuana Growers in California.

The Applicant has a 20kw backup generator on site along with a 500-gallon diesel tank with appropriate catchment. The Applicant keeps five (5) gallon gas cans for basic tool use. Composting of plant waste will happen on site within a secured area. In conformance with California State and Humboldt County regulations, the composted waste will be rendered unusable by chipping and mixing with a suitable amount of soil. The Applicant does not have any other spoils piles on the Parcel.

Trash is stored in watertight containers in the Storage Shed and is hauled to the HMWA in Eureka weekly.

The Applicant will be reamending their soil for reuse, if the soil is unamendable applicant will be taking soil to Wes Green in Arcata.

2.0 Cultivation Activities

Cultivation Activities may vary based on climate, strain and the Applicant's personal schedule.

Cultivation activities typically begin sometime during May when cannabis plants are transplanted from the Nurseries to the ten (10) cultivation greenhouses and two (2) outdoor cultivation areas on site. The Nurseries will be tarped with blackout tarps during sunset hours in order to abide by the International Dark Sky Standards.

The applicant will be pulling tarps over the greenhouses in order to have two (2) harvests of cannabis via light deprivation, sometime in June and sometime in September. Tarps will be pulled by hand and will not have any negative effects to the surrounding area or the cannabis.

Cultivation Standards

- Maintain compliance with all applicable state laws and County ordinances
- Maintain valid licenses issued by the appropriate state licensing authority or authorities for the type of activity being conducted, as soon as such licenses become available.
- Where subject to state licensures, participate in local and state programs for "Track and Trace" once available.
- Maintain a current, valid business license at all times.
- Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
- Pay all applicable application and annual inspection fees.
- Comply with any special conditions applicable to the permit or Premises which may be imposed.

3.0 Processing Practices

Plants will be harvested one at a time using hand shears and taken into the Dry Shed where it will be dried and cured. Processing will occur within the existing Dry Barn #1 and the proposed Dry Barn #2.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, including the state mandated METRC abiding by all appropriate record keeping practices.

- The Applicant engaged in processing shall comply with the following Processing Practices:
 - Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis

- Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
- Employees must wash hands sufficiently when handling cannabis or use gloves.

4.0 Security Measures

The access to the parcel is gated and locked. There is a four (4) camera security system with DVR. There also is an on-site manager at all times.

5.0 Energy Use

The parcel is powered by seventy-eight (78) panel solar array and generators will only be used in case of power failure. The property has also applied for a 600 Amp commercial service through PG&E.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Division Environmental Health	✓	Conditional approval	On file
Public Works, Land Use Division	✓	Conditional approval	On file
Cal FIRE	✓	Approval	Attached
Bear River Band of The Rohnerville Rancheria	✓	Conditional approval	On file and confidential
Sheriff	✓	Approval	On file
Ca Fish & Wildlife	✓	Approval	On file
Building Inspection	✓	Conditional Approval	On file
Honeydew Fire Protection District		No response	
Mattole Union School District		No response	
NCUAQMD		No response	
District Attorney		No response	
Ag Commissioner		No response	
RWCQB		No response	
County Counsel		No response	

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: