



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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

Hearing Date: April 7, 2022

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Lost Coast Nursery, LLC, Special Permit**  
Record Number: PLN-2020-16719  
Assessor's Parcel Number: (APN) 077-331-029  
3551 Redwood Drive, Redway area

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Please contact Megan Marruffo, Assigned Planner, at 707-443-5054 or by email at [marruffom@lacoassociates.com](mailto:marruffom@lacoassociates.com), if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> April 7, 2022	<b>Subject</b> Special Permit	<b>Contact</b> Megan Marruffo
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**Project Description:** A Special Permit for a new 5,900 square-foot enclosed commercial cannabis nursery within three (3) existing buildings. There will be no storefront retail purchases. All clones will be delivered directly to cannabis farms. Water and wastewater service for the project will be provided by the Redway Community Services District. The applicant anticipates approximately 200 gallons of water will be required daily for the operation. Hours of operation will be 8:00AM to 5:00PM, seven (7) days a week. The project will have a maximum of six (6) people onsite during peak operations. There are seven (7) existing parking spaces, including one (1) ADA-compliant space. Power for the project will be provided by Pacific Gas and Electric Company (PG&E).

**Project Location:** The project is located in the Redway area, on the east side of Redwood Drive, at the intersection of Redwood Drive and Willow Avenue, on the property known as 3551 Redwood Drive.

**Present Plan Land Use Designations:** Commercial Services (CS) Density: N/A, Slope Stability: Moderate Instability (2).

**Present Zoning:** Highway Service Commercial (CH)

**Record Number:** PLN-2020-16719

**Assessor's Parcel Number:** 077-331-029

**Applicant**

Lost Coast Nursery, LLC  
C/O Matthew Schwarz  
P.O. Box 2081  
Redway, CA 95560

**Owner**

John Schwarz  
P.O. Box 711  
Redway, CA 95560

**Agent**

Clearwater Ag Services  
Diana Totten  
446 Maple Lane  
Garberville, CA 95542

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

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

**Major Issues:** None.

**Lost Coast Nursery, LLC**  
Record Number: PLN-2020-16719  
Assessor's Parcel Number: 077-331-029

**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 adopted Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report, and adopt the Resolution approving the proposed Lost Coast Nursery, LLC, project subject to the recommended conditions.*

**Executive Summary:** Lost Coast Nursery, LLC, seeks a Special Permit to allow for a new 5,900-square-foot enclosed commercial cannabis nursery in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Cannabis Land Use Ordinance (CCLUO). As defined by the CCLUO, a commercial cannabis nursery is facility that produces only clones, immature plants, and seeds for wholesale to licensed cultivators to be used specifically for the planting, propagation, and cultivation of cannabis, or to licensed distributors. The site is designated as Commercial Services (CS) in the Humboldt County 2017 General Plan Update and zoned Highway Service Commercial (CH). Pursuant to the CCLUO, enclosed cannabis nurseries are allowed with a Special Permit in the CH zoning district.

The subject parcel is 0.85 acres in size. Per the Operations Plan (Attachment 3), the proposed nursery will utilize three (3) existing metal commercial buildings located off Redwood Drive, with seven (7) existing parking spaces, including one (1) ADA-compliant space. An ADA-compliant restroom and office space will be added to Building A (northernmost building). As provided on the Site Plan, the existing structures have a gross floor area of 5,900 square feet (SF), including the following:

- Building A: 1,500 SF (25'x60')
- Building B: 1,000 SF (25'x40')
- Building C: 2,400 SF (30'x80')

Construction of new facilities is not proposed. The interior changes or additions to facilities will not prevent future re-occupancy by new uses which are compatible with the base zoning district or consistent with historic prior operations.

There will be no storefront retail purchases. All clones will be delivered directly to cannabis farms. Hours of operation will be 8:00AM to 5:00PM, seven (7) days a week. The project will have a maximum of six (6) people onsite during peak operations. The applicant anticipates up to 3 deliveries per day. The project and facility will be equipped with a security system and video surveillance. Proper storage of trash in trash cans with containment will be utilized and will be transported weekly to the appropriate facility, including the Redway Transfer Station in Redway or the Humboldt Waste Management Facility in Eureka.

The property is accessed directly off Redwood Drive. The applicant submitted a Site Map which identifies seven (7) existing parking spaces including one (1) ADA-compliant space. Humboldt County Code Section (HCC §) 314-109 *Off-Street Parking* requires manufacturing business to have 1 parking space per 1,500 square feet of gross floor space with an enclosed structure or 1 parking space per employee at peak shift, whichever is greater. Planning staff determined the use type of manufacturing was appropriate to calculate the parking based on the description of Industrial Use Types found in HCC § 314-175 *Industrial Use Types*. A wholesale cannabis nursery with no on-site retail sales is consistent with the definition of HCC § 314-175.3 *Research/Light Industrial* where industrial activities which do not create objectionable levels of noise, vibration, air pollution, odor, humidity, heat, cold or

glare on nearby residential or commercial uses.

As previously stated, there are 6 employees at peak operations, therefore, a minimum of 6 parking spaces are required. Humboldt County Code §314-109 *Off Street Parking* also requires a minimum of one loading space per 20,000 SF or portion thereof. As shown on the plot plan, there is a 34' x 25' receiving areas where loading and unloading of deliveries will occur. This area exceeds the minimum area requirements required by HCC § 314-109 *Off-Street Parking*. Therefore, the existing parking on the subject parcel is sufficient to accommodate the parking demand associated with the proposed project. The Department of Public Works recommended conditional approval for the project. Conditions of approval require the applicant to ensure fences and gates are located outside of the County Right-Of-Way (ROW), demonstrate or install an oil-water separator filtration system prior to discharge into any County-maintained facility and maintain intersection visibility from the driveway as required by County standards.

Water for the project will be provided by the Redway Community Services District (CSD). The applicant anticipates approximately 200 gallons of water will be required daily. Watering will be performed by hand. The applicant submitted a will serve letter from the Redway CSD, dated February 22, 2021 (Attachment 3), indicating the CSD has sufficient capacity to provide water and sewer service for the project. Power for the project will be provided by Pacific Gas and Electric Company (PG&E). Conditions of approval require the applicant to purchase 100% renewable energy from PGE through the RePower+ or similar program prior to commencing operations.

Review of the California Natural Diversity Database (CNDDDB) in September 2021 indicates the site and surrounding area serve as potential habitat for two special status species, including the North American porcupine (*Erethizon dorsatum*) and the western bumble bee (*Bombus occidentalis*); however, the project will occupy existing commercial buildings and no additional ground disturbance will occur. The nearest Northern Spotted Owl (NSO) activity center is located approximately 1.50 miles from the project area and the nearest NSO observation is mapped approximately 1.36 miles away. The nearest Streamside Management Area (SMA; South Fork Eel River) is located approximately 0.17 miles north of the subject parcel. All project activities will occur within enclosed structures; therefore, it is unlikely the project will have an impact on special status species or sensitive habitat areas.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information).

Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

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

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number: 22-  
Record Number: PLN-2020-16719  
Assessor's Parcel Number: 077-331-029**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Lost Coast Nursery, LLC, Special Permit request.**

**WHEREAS, Lost Coast Nursery, LLC,** submitted an application and evidence in support of approving a Special Permit for a new 5,900-square-foot enclosed commercial cannabis nursery within three (3) existing buildings. There will be no storefront retail purchases. All clones will be delivered directly to cannabis farms. Water and wastewater service for the project will be provided by the Redway Community Services District. The applicant anticipates approximately 200 gallons of water will be required daily for the operation. Hours of operation will be 8:00AM to 5:00PM, seven (7) days a week. The project will have a maximum of six (6) people onsite during peak operations. There will be up to 3 deliveries per day. There are seven (7) existing parking spaces, including one (1) ADA-compliant space. Power for the project will be provided by Pacific Gas and Electric Company (PG&E); and

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

**WHEREAS,** the Humboldt County Zoning Administrator held a duly-noticed public hearing on April 7, 2022, and reviewed, considered, and discussed the application for the Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Special Permit for a new 5,900-square-foot enclosed commercial cannabis nursery within three (3) existing buildings. There will be no storefront retail purchases. All clones will be delivered directly to cannabis farms. Water and wastewater service for the project will be provided by the Redway Community Services District. The applicant anticipates approximately 200 gallons of water will be required daily for the operation. Hours of operation will be 8:00AM to 5:00PM, seven (7) days a week. There will be up to 3 deliveries per day. The project will have a maximum of six (6) people onsite during peak operations. There are seven (7) existing parking spaces, including one (1) ADA-compliant space. Power for the project will be provided by Pacific Gas and Electric Company (PG&E).

**EVIDENCE:** a) Project File: PLN-2020-16719

- 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 Final Environmental Impact Report (FEIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

- EVIDENCE:**
- a) Addendum prepared for the proposed project.
  - b) The proposed project does not present substantial changes that would require major revisions to the previous FEIR. 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) Review of the California Natural Diversity Database (CNDDDB) in September 2021 indicates the site and surrounding area serve as potential habitat for two special status species, including the North American porcupine (*Erethizon dorsatum*) and the western bumble bee (*Bombus occidentalis*); however, the project will occupy existing commercial buildings and no additional ground disturbance will occur. The nearest Northern Spotted Owl (NSO) activity center is located approximately 1.50 miles from the project area and the nearest NSO observation is mapped approximately 1.36 miles away. The nearest Streamside Management Area (SMA; South Fork Eel River) is located approximately 0.17 miles north of the subject parcel. All project activities will occur within enclosed structures; therefore, it is unlikely the project will have an impact on special status species or sensitive habitat areas.
  - d) The Cultural Resources referral process carried out by staff concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
  - e) The project will be accessed directly from Redwood Drive, a Category 4 roadway. As such, the access road is expected to have adequate capacity to support anticipated traffic volumes and provide fire safe road access. The Department of Public Works recommended conditional approval for the project. Conditions of approval require the applicant to ensure fences and gates are located outside of the County Right-Of-Way (ROW), demonstrate or install an oil-water separator filtration system prior to discharge into any County-maintained facility and maintain intersection visibility from the driveway as required by County standards.

**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**

- a) An enclosed commercial cannabis nursery is a use type permitted in the Commercial Services (CS) land use designation. The proposed nursery of commercial cannabis, an agricultural product, is within land planned and zoned for commercial purposes. Under the project, there will be no storefront retail purchases; all clones will be delivered directly to cannabis farms. The cannabis clones from the nursery will be grown elsewhere on sites permitted for such activity, consistent with the use of Open Space land for managed production of resources. 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 Highway Service Commercial (CH) zone in which the site is located.

**EVIDENCE**

- a) The Highway Service Commercial or CH zone is intended to provide necessary services and conveniences for the traveling public along main roads and highway frontages at proper intervals and locations in developments designed for safety, convenience, and suitable appearance.
- b) Cannabis Support Facilities, including enclosed nurseries, are use types

permitted in the CH zone with issuance of a Special Permit.

- c) Humboldt County Code section 314-55.4.7.1 allows for Cannabis Support Facilities, including enclosed nurseries, on a parcel zoned as CH. The application is for a Special Permit to allow for an enclosed nursery facility on a 0.85-acre parcel zoned as CH within existing buildings located on the subject property.
- d) The property is accessed directly off Redwood Drive. The applicant submitted a Site Map which identifies seven (7) existing parking spaces including one (1) ADA-compliant space. Humboldt County Code Section (HCC §) 314-109 *Off-Street Parking* requires manufacturing businesses to have 1 parking space per 1,500 square feet of gross floor space within all enclosed building areas or 1 parking space per employee at peak shift, whichever is greater. Planning staff determined the use type of manufacturing was appropriate to calculate the parking based on the description of Industrial Use Types found in HCC § 314-175 *Industrial Use Types*. A wholesale cannabis nursery with no on-site retail sales is consistent with the definition of HCC § 314-175.3 *Research/Light Industrial* where industrial activities which do not create objectionable levels of noise, vibration, air pollution, odor, humidity, heat, cold or glare on nearby residential or commercial uses. There are 6 employees at peak operations, therefore, a minimum of 6 parking spaces are required. Humboldt County Code §314-109 *Off Street Parking* also requires a minimum of one loading space per 20,000 SF or portion thereof. As shown on the plot plan, there is a 34' x 25' receiving areas where loading and unloading of deliveries will occur. This area exceeds the minimum area requirements required by HCC § 314-109 *Off-Street Parking*. Therefore, the existing parking on the subject parcel is sufficient to accommodate the parking demand associated with the proposed project.

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

- EVIDENCE**
- a) The CCLUO allows new Cannabis Support Facilities, including enclosed nurseries, to be permitted in areas zoned CH with issuance of a Special Permit (HCC 314-55.4.7.1).
  - b) The Assessor's Parcel Number (APN) 077-133-019 is one separate legal parcel that was created in compliance with all applicable state and local subdivision regulations in its current configuration as recorded by Parcel Map 1807, Book 15 on Page 147.
  - c) The project will obtain water from the Redway Community Services District (CSD). A will serve letter from the Redway CSD, dated February 2021, confirms the Redway CSD has sufficient capacity to provide water and sewer service for the project (see Attachment 3).
  - d) The project will take access directly from Redwood Drive, a County-maintained roadway developed to Category 4 road standards. As such, Planning staff has determined the roadway is functionally appropriate for the expected traffic. The project was referred to the Department of Public works that stated there were structures and parking spaces in the County Right-Of-Way (ROW). Planning staff contacted DPW on March 21, 2022, and provided a revised site plan showing no parking or structure in the County ROW. The Department of Public Works recommended conditional approval for the project. Conditions of approval require the applicant to ensure fences and gates are located outside

of the County Right-Of-Way (ROW), demonstrate or install an oil-water separator filtration system prior to discharge into any County-maintained facility and maintain intersection visibility from the driveway as required by County standards. Therefore, as conditioned, the proposed project conforms to the CCLUO performance standards for *Road Systems*.

- e) The proposed nursery will occur within three (3) existing structures, totaling 5,900 square feet (SF), on the subject parcel. The structures comply with the eligibility and siting criteria required in Sections 314-55.4.6.3.1-2 and 314-55.4.6.4.1-.3.
- f) The proposed project would be located within existing industrial structures. No new structures or expansion is proposed. The interior changes or additions to facilities will not prevent future re-occupancy by new uses which are compatible with the base zoning district or consistent with historic prior operations. Therefore, the project conforms to CCLUO performance standards for *Adaptive Reuse of Developed Industrial Site(s)*.
- g) The project will be located within a non-forested area that was in existence prior to January 1, 2016. As previously noted, the project will occur within three (3) existing buildings located on the subject property.
- h) Power for the proposed project will be provided by Pacific Gas and Electric Company (PG&E). Conditions of approval require the applicant to submit proof, such as receipts, prior to commencing operations and at the time of annual inspection of enrollment into a renewable energy program, such as the REPower+, to demonstrate energy used for the proposed project is 100% renewable as required by the CCLUO. As conditioned, the project conforms to CCLUO standards for *Energy Use*.
- i) The location of the proposed nursery is more than 600-feet from a Public Park, Tribal Cultural Resource, or School Bus Stop currently in use. The location of the proposed nursery is more than 100 feet from the nearest off-site residence. Therefore, the project conforms to the CCLUO setbacks for a commercial nursery.

**6. FINDING**

The nursery and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is located on road that has been identified as developed to Category 4 road standards and will safely accommodate the amount of traffic generated by the proposed retail nursery.
- b) The site is located near the edge of the community of Redway, where parcel sizes are less than half an acre. Immediately and further to the north, parcel sizes become much larger (2 to 200+ acres) and forested. The subject parcel is within land planned and zoned for commercial uses and the proposed project is a use type allowed within the land use and zoning designations with issuance of a Special Permit.
- c) Water for the project will be provided by the Redway Community Services District (Redway CSD). A will serve letter from Redway CSD, dated February 2021, confirms the District has sufficient capacity to provide water and sewer service for the project.

**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 housing units with issuance of a Special Permit or Use Permit. The approval of a retail nursery on this parcel will not conflict with the ability for any housing units to be constructed on this parcel in the future.

### **DECISION**

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

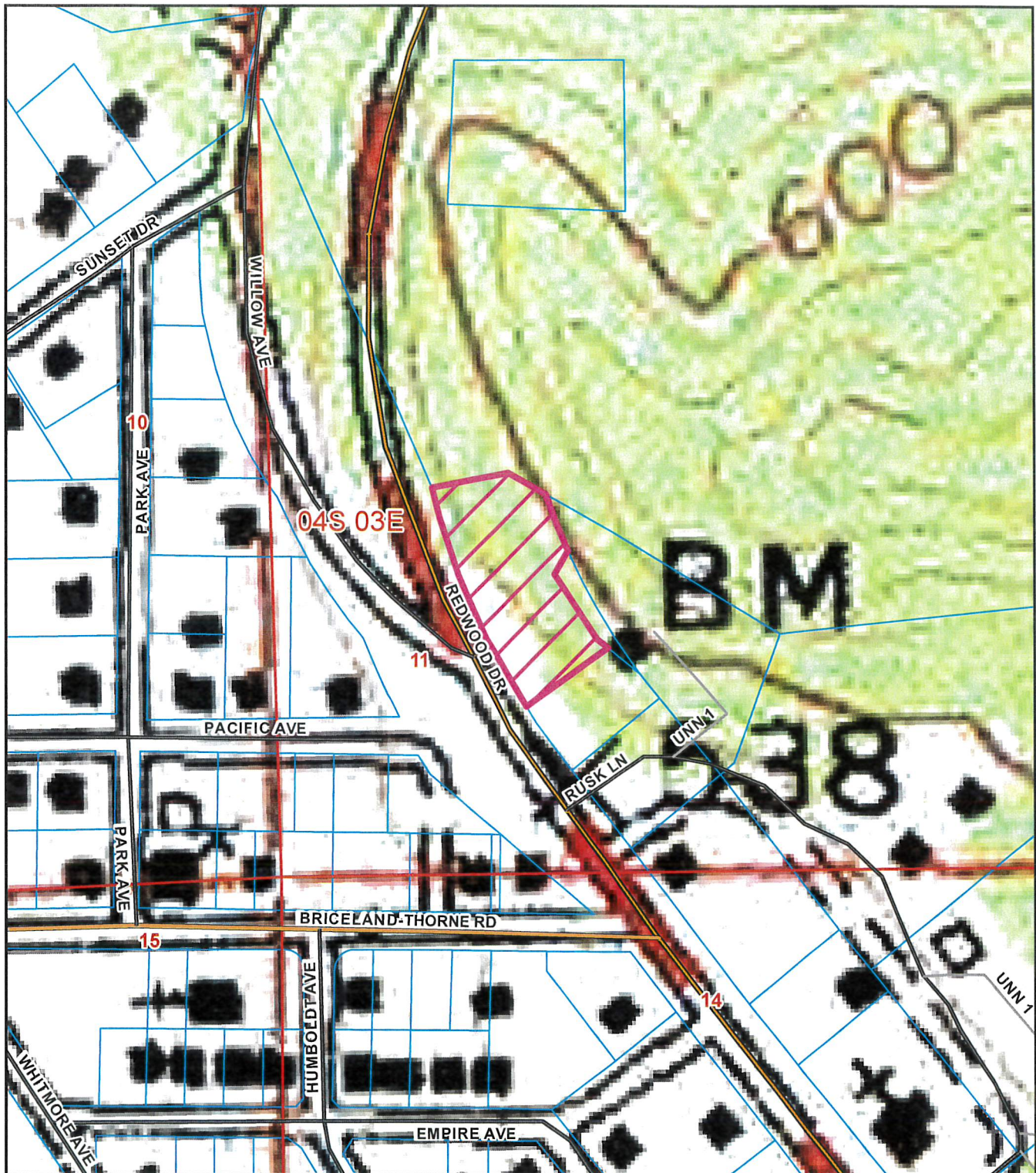
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Lost Coast Nursery, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **April 7, 2022.**

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

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

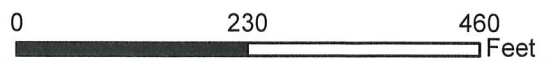


**TOPO MAP  
 PROPOSED LOST COAST NURSERY LLC  
 REDWAY AREA  
 PLN-2020-16719  
 APN: 077-331-029  
 T04S R03E S11 HB&M (GARBERVILLE)**

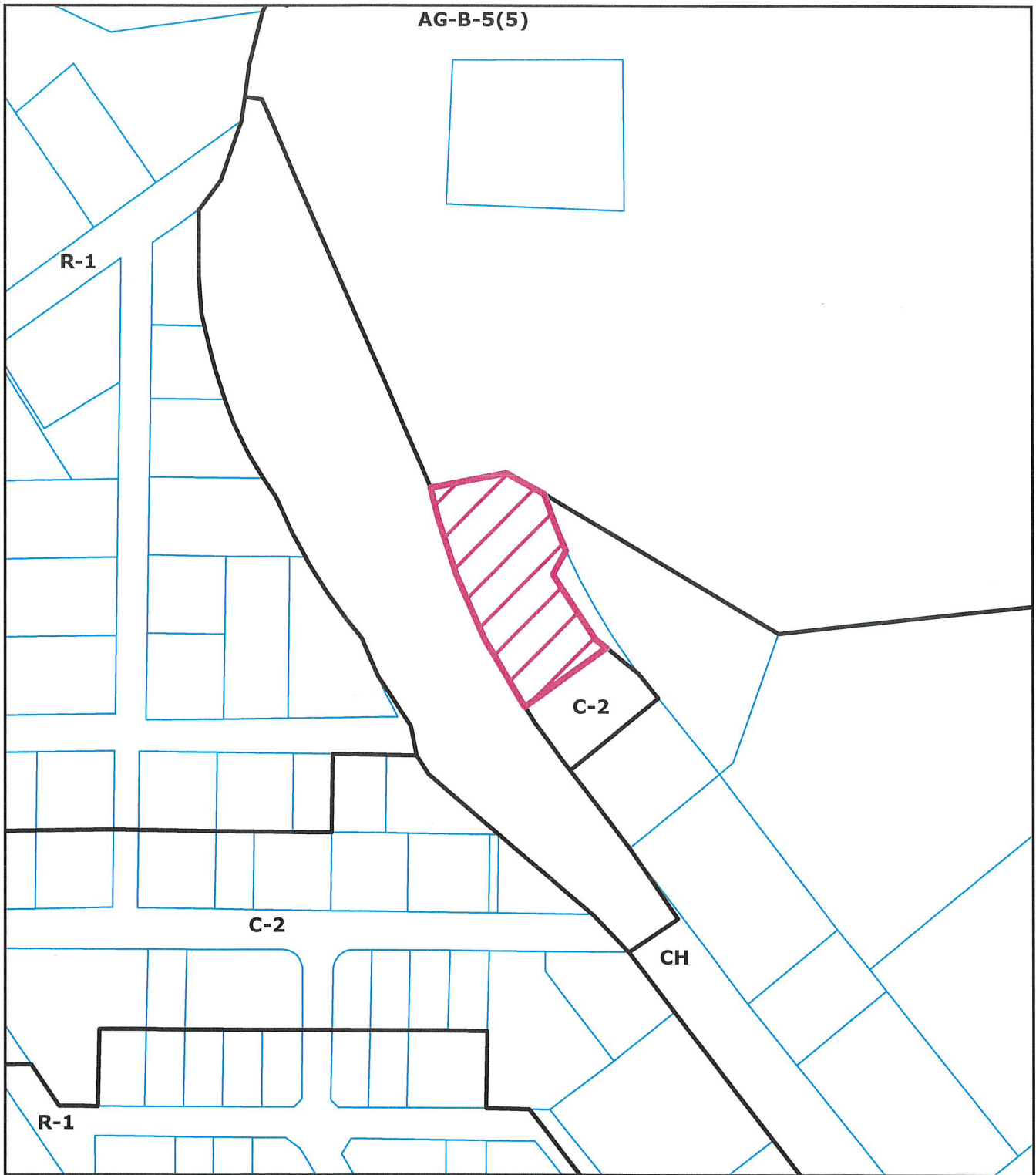
Project Area = 




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 LOST COAST NURSERY LLC**  
**REDWAY AREA**  
**PLN-2020-16719**  
**APN: 077-331-029**  
**T04S R03E S11 HB&M (GARBERVILLE)**

**Project Area =** 

N  



0                      230                      460  
 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.

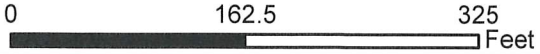





**AERIAL MAP**  
**PROPOSED LOST COAST NURSERY LLC**  
**REDWAY AREA**  
**PLN-2020-16719**  
**APN: 077-331-029**  
**T04S R03E S11 HB&M (GARBERVILLE)**

Project Area = 

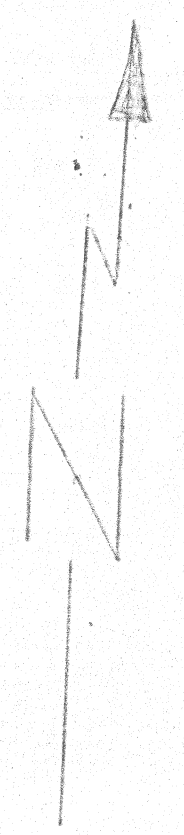
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Feet

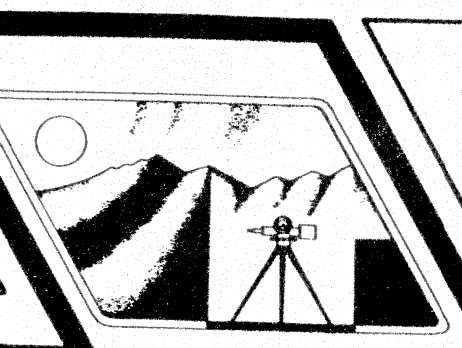






JOB NO.  
SHEET  
001

LOST COAST NURSERY  
3551 REDWOOD DR  
REDWAY CALIF 95560



**A.M. BAIRD**  
Engineering & Surveying  
1101 Main St., P.O. Box 396, Fortuna, CA 95540, (707) 725-5182

DATE	12-13-2020
DSGN	PLOT PLAN
DRAWN	CARL JEWRIES
CHKD	BY MATT
SCALE	NOT TO SCALE

NO.	DATE	BY	REVISION

PLANS TO SHOW RIGHT OF WAY;  
DISTANCE FROM FENCES BETWEEN  
BUILDINGS, AND FROM EDGE OF  
RIGHT OF WAY TO BUILDINGS





## 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 SUPPORT FACILITY PERMIT CAN BE FINALIZED.**

##### **A. Development Restrictions**

1. The project shall be developed and operated in accordance with the Operations Plan, prepared by Clearwater Ag Services, received October 14, 2020, and project site development plans.
2. The project shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
3. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.
4. The applicant shall obtain from the Building Inspection Division any Building or other required permits prior to commencing construction activities or the approved use. A sign-off from the Building Department will satisfy this condition.
5. Pursuant to the recommended conditions of approval from the Department of Public Works in their comments dated March 22, 2022, the applicant shall adhere to the following:
  - a. 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.
  - b. Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County-maintained facility.
  - c. All driveways and private road intersections onto the County Road shall be maintained in accordance with the County Code Section 341-1 (Sight Visibility Ordinance).

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

6. Prior to initiating commercial cannabis cultivation or associated activities 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.
7. The approved building plans shall address odor management by incorporating a ventilation/air filtration system that limits potential adverse odor emission impacts to employees and/or properties located in the vicinity. The system shall be designed by a qualified professional for review and approval by the Building Official. A sign-off from the Building Department will satisfy this condition.
8. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before release of the Building Permit and initiation of operations. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

9. Prior to initiating operations, the applicant shall meet all of the requirements and obtain all necessary permits from the Division of Environmental Health. The applicant shall submit written verification from that agency verifying this requirement has been met.
10. All signage shall comply with Section 314-87.2 of the Humboldt County Code and shall be subject to review and approval by the Planning Director. Signage shall be compatible with surrounding uses and not distract from visitor serving uses in the area.
11. The applicant shall submit proof, such as receipts, prior to cultivation and at the time of annual inspection, to the Planning Department, of enrollment into a renewable energy program, such as the REPower+, to demonstrate energy used for the proposed project is 100% renewable as required by the CCLUO. A sign-off from the Planning Department will satisfy this condition.

## **B. 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.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. 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.
3. 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.
4. Confinement of the area of cannabis 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 County Code Section 55.4.11(d).

5. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
6. 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).
7. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
8. Pay all applicable application, review for conformance with conditions and annual inspection fees.
9. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
10. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
11. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
12. The burning of excess plant material associated with the cultivation and processing of commercial cannabis is prohibited.
13. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
14. Any outdoor construction activity and use of heavy equipment outdoors shall take place between 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday and Sunday.
15. Participate in and bear costs for permittee's participation in the State sanctioned tracking program (METRC).

#### Performance Standards for Cultivation and Processing Operations

16. 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."
17. 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).

18. 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.
  
19. 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.
  
20. 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
  
21. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Permit 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.
  
22. 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.

23. 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.
24. 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.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
  - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
  - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
25. 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.
  26. 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 #6 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 Conditions of Approval #26 and 27 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 077-331-029; 3551 Redwood Drive, Redway  
County of Humboldt**

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

**March 2022**

## Background

### **Modified Project Description and Project History –**

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

The modified project involves a Special Permit for a new 5,900 square foot (SF) enclosed commercial cannabis nursery within three (3) existing buildings. Water and wastewater service for the project will be provided by the Redway Community Services District. The hours of operation will be Monday-Friday from 8:00AM to 5:00PM. The project will have a maximum of six (6) people onsite during peak operations. There are seven (7) existing parking spaces, including one (1) ADA-compliant space. Power for the project will be provided by Pacific Gas and Electric Company (PG&E).

Review of the California Natural Diversity Database (CNDDDB) in September 2021 indicates the site and surrounding area serve as potential habitat for two special status species, including the North American porcupine (*Erethizon dorsatum*) and the western bumble bee (*Bombus occidentalis*); however, the project will occupy existing commercial buildings and no additional ground disturbance will occur. The nearest Northern Spotted Owl (NSO) activity center is located approximately 1.50 miles from the project area and the nearest NSO observation is mapped approximately 1.36 miles away. The nearest Streamside Management Area (SMA; South Fork Eel River) is located approximately 0.17 miles north of the subject parcel. All project activities will occur within enclosed structures; therefore, it is unlikely the project will have an impact on special status species or sensitive habitat areas. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Bear River Band of the Rohnerville Rancheria.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of new cannabis operations. These include complying with County Fire Safe regulations, noise and light attenuation measures to limit disturbance to wildlife, supplying irrigation water from a non-diversionary source, and electricity from PG&E.

**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 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 new 5,900-square-foot enclosed commercial cannabis nursery within three (3) existing buildings 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 A.M. Baird Engineering and Surveying, received 12/16/2020.
- Operations Plan prepared by Clearwater Ag Services, received 10/14/20.
- Intent to Service Letter from the Redway Community Services District, dated 2/22/2021.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

## **FINDINGS**

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

## **CONCLUSION**

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



## ATTACHMENT 3

### Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (**Attached** - Site Plan prepared by A.M. Baird Engineering and Surveying, received 12/16/2020)
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** - Operations Plan prepared by Clearwater Ag Services, received 10/14/20)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Operations Plan (item 4. above))
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Not Applicable).
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Not Applicable)
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. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
16. Intent to Service Letter from the Redway Community Services District, dated 2/22/2021. (**Attached**)

# Cultivation/Operation Plan



**Lost Coast Nursery LLC**  
**APN 077-331-029**

## **Lost Coast Nursery, LLC**

### **Project Description**

Lost Coast Nursery, LLC is seeking a Special Permit under the Humboldt County CMMLUO for a 5,000 sq ft enclosed commercial cannabis Nursery. This parcel is located at 3551 Redwood Drive, Redway Ca. The parcel is .8 acres with zoning of CH.

There are no Sensitive Receptors within setback requirements of the proposed Nursery. This includes being at least 600 ft. from a School Bus Stop, School, Place of Worship or Cultural Resources or Public Parks. There are residences within 300 feet of this proposed Nursery therefore this application is for a Special Permit.

This proposed Nursery will utilize existing commercial buildings which are located on the paved county maintained Redwood Drive. Existing parking areas are paved.

The existing municipal water system will supply the water for this project.

PGE supplies the electrical power needs for this project.

### **Operation Plan**

Lost Coast Nursery, LLC will be using the existing commercial buildings for the nursery operations. As shown on the site plans, one building will provide space for the mother plants. The other smaller buildings will be for the cuttings and

## **Materials Management Plan**

Lost Coast Nursery, LLC will not use any Hazardous Materials as part of the cannabis nursery project. Any plastics such as waterlines, plastic pots or propagation trays or any unusable materials will be disposed of appropriately at a licensed disposal site such as the Redway Transfer Station in Redway or the Humboldt Waste Management Facility in Eureka.

Proper storage of trash in trash cans with containment will be utilized for other trash including household type trash. This also will be transported weekly to the appropriate Facility.

No fuel or storage of any hazardous material in reportable quantities will be on site.

## **Parking and Roads**

This cultivation site is located off the County maintained, paved Redwood Drive. The parking lots are existing pavement with parking area for up to 10 vehicles. There will be no significant increase in traffic for this project. The nursery products will be delivered to the farms with nursery owned vehicle to meet cannabis transportation guidelines.

## **Light Pollution Control**

Lost Coast Nursery, LLC will utilize several types of lighting for their nursery operations. This lighting is completely enclosed in the existing buildings with no light escaping the buildings. Exterior lighting will be compliant with outdoor commercial lighting guidelines.

## **Irrigation Plan**

Nursery irrigation will consist of maintaining mother plants by watering each day, which are in soil and 5-gallon garden pots. Additionally, clones in trays will be watered once a day. Watering will be by hand and estimated water usage is approximately 200 gallons per day.

## **Sewage Disposal**

Lost Coast Nursery, LLC will use the facilities at the existing permitted commercial buildings. Municipal sewer service provides sewer service to this parcel.

## **Noise Source and Mitigation**

This nursery site produces minimal noise from project activities. No noise level over 50db will be generated by the operations of this nursery. The electrical power source is grid power from PGE.

## **Adaptive Reuse of Developed Industrial Sites**

Lost Coast Nursery will be utilizing 3 existing metal framed and sided commercial buildings for their proposed nursery operations. The existing buildings will remain intact as well as the existing infrastructure on the parcel. The adaptive use of the buildings will not alter the buildings in a way that future commercial or industrial industries will be able to utilize the buildings when the commercial nursery operations have ceased or been terminated.

The existing buildings will be remodeled in the interior with partitions and temporary walls to facilitate the nursery operations. An ADA restroom facility will be added to one of the buildings to bring the building up to County Building Codes.



Redway Community Services District  
P.O. Box 40  
Redway, CA 95560  
(707) 923-3101



**February 22 2021**

**Intent to Serve Letter**

**To project proponent:**

Redway Community Services District (the "District") hereby provides this notification to the Applicant for water and sewer services located at 3551, Redwood Dr. that the District is willing to provide water and wastewater services to such location subject to the availability of water at the time of Applicant's request for connection to such systems, and subject to the District having sufficient capacity to accept new connections to its water and sewer systems at the time that the building permit for Applicant's project is approved by the County subject to the following conditions:

1. That the project proponent, (Lost Coast Nursery LLC) receive written permission from the owner of the property to implement the project, which written permission shall constitute a part of the Application filed by the Applicant.
  - a. Said Agreement shall require that the Applicant shall provide a deposit to ensure that the District is reimbursed for all of its incurred costs in reviewing the application, plans and specifications for the improvements, including all administrative, engineering, design and associated legal costs; inspection of the construction, all required environmental documentation for the improvements; and any security, bonding, or warranty provisions required for improvements which will be dedicated to the District for acceptance.
  - b. Said Agreement shall provide that the application fee is a nonrefundable fee to initiate District analysis of the feasibility of providing water and sewer service to Applicant's project.
  - c. Said Agreement shall provide that the Applicant secure a building permit from the County of Humboldt to construct the project within 60 days after approval of the Agreement by District.
  - d. Said Agreement shall require that such deposits are refundable to the extent that the District does not incur costs which exceed the amount of the deposit. However, said Agreement shall require Applicant to pay a non--refundable deposit to initiate the Application review process.
2. Maximum of 2 bathrooms with sinks and no kitchen facilities. Additional bathrooms, additional buildings or 3 or more residential or commercial units will invalidate this intent to serve letter.



3. That the Applicant commit to observing the District's Water Ordinance and Sewer Ordinance as well as the District's Water Shortage Contingency Plan regarding water shortages when such conditions are in effect.

4. That District's commitment to provide fire flow services to Applicant's project is limited to the storage and pressure conditions existing in the District distribution system. Current conditions allow delivery of 120 minutes fire flow of 740 gallons per minute. At full buildout available fire flows for the Meadows Business Park may be reduced to 625 gallons per minute for 120 minutes. That Applicant's project secure approval for fire flow requirements from the local public agency having jurisdiction over fire protection standards in the region.


5. That the Applicant pay a water connection fee for connection to the District's water system and a sewer connection fee for connection to the District's sewer system in the amounts in effect when all plans submitted by Applicant have been approved by District, all project approvals have been received from County, and Applicant is ready to physically connect to the water and sewer systems of District.

Failure to meet the above conditions will invalidate this intent-to-serve letter. Failure to maintain the conditions specified in this letter after water and sewer services commence will result in termination of service pursuant to the District's Water Ordinance and Sewer Ordinances.

Best regards,

Cody Cox

R.C.S.D. General Manager

X 

## 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.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Approval	<b>Attached</b>
Division Environmental Health	✓	Approved	On file with Planning (Accela)
Public Works, Land Use Division	✓	Conditional approval	<b>Attached</b>
CAL FIRE	✓	No Comments	<b>Attached</b>
Redway FPD		No Response	
California Department of Fish & Wildlife		No Response	
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Intertribal Sinkiyone Wilderness Council		No Response	
Redway CSD		No Response	See Will Serve Letter in Attachment 3
Southern Humboldt Joint Unified School District		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



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



11/17/2020

**Project Referred To The Following Agencies:**

AG Commissioner, District Attorney, Environmental Health, PW Land Use, **Building Inspections**, CSD: Redway, FPD: Redway, RWQCB, NCUAQMD, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

**Applicant Name** Lost Coast Nursery, LLC **Key Parcel Number** 077-331-029-000

**Application (APPS#)** PLN-2020-16719 **Assigned Planner** Meghan Ryan 707-441-2622

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: 12/2/2020**

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

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

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

Other Comments: \_\_\_\_\_

DATE: 12-22-2020 PRINT NAME: Ross Esker



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Accela Record No: PLN 16719 APN: 077-331-029

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

- Site plan appears to be accurate.
- Site plan is not accurate, submit revised site plan showing the following items:
  - All grading including ponds and roads,
  - Location of any water course including springs,
  - All structures including size and use and all setbacks from each other, above stated items, and property lines.
  - \_\_\_\_\_
  - \_\_\_\_\_
- Existing operation appears to have expanded as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Proposed new operation has already started.
- Development is near a wet area. If yes, distance from development: \_\_\_\_\_
- Development is near a Steam side Management Area (SMA). If yes, distance from development: \_\_\_\_\_
- Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemptions are obtained.
- Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: Ross Eskra

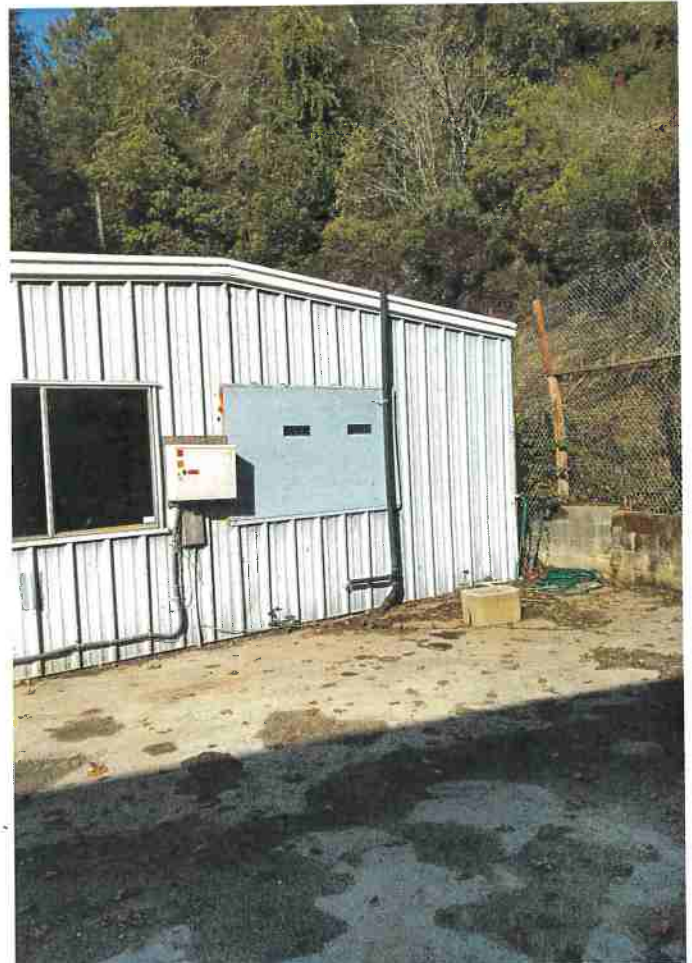
Date: 12-22-2020

Note: Please take photographs and save them to the Planning Accela record number.





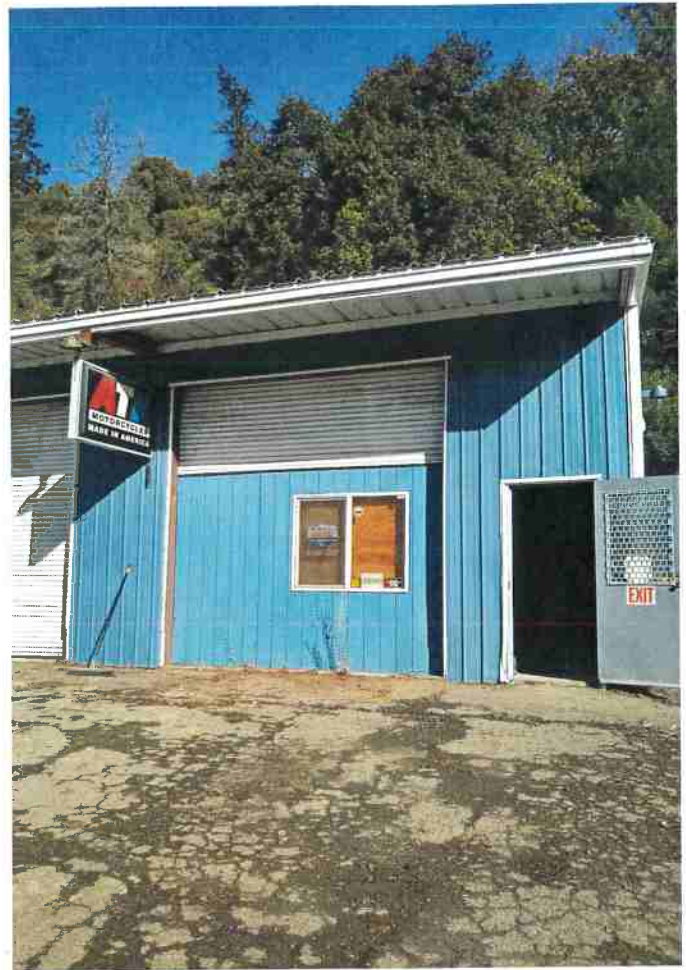














**Paul, Gayle**

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**From:** Auto\_Sender@Accela.com  
**Sent:** Monday, November 30, 2020 12:03 PM  
**To:** Planning Clerk  
**Subject:** Application PLN-2020-16719 - Revisions required

Application PLN-2020-16719 has been returned for revisions. Login to Accela for more information.

Comment: Provide site plan that shows the County road right of way, easements, edge of pavement, fencing, bldgs, all required parking, loading zones, etc.. There appears to be fencing and structures within the County road right of way.

# Cal-Fire

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:**