

**Attachment D:
Planning Commission Staff Report and Supplemental Information**



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: January 18, 2018

To: Humboldt County Planning Commission

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

Subject: **Quantum Genetics Special Permit**
Application Number 11840
Case Number SP 16-328
Assessor's Parcel Number 203-231-003
210 Triple K Road, Fortuna

Table of Contents

	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	7
Maps	
Aerial Map	8
Topo Map	9
Zoning Map	10
Plot Plans	11
Attachments	
Attachment 1: Recommended Conditions of Approval	12
Attachment 2: Staff Analysis of the Evidence Supporting the Required Findings	23
Attachment 3: Applicant's Evidence in Support of the Required Findings	36
Attachment 4: Initial Study and Draft Mitigated Negative Declaration	38
Attachment 5: Referral Agency Comments and Recommendations	156

Please contact Elanah Adler, Planner, at 445-7541, or by email at eadler@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date January 18, 2018	Subject Special Permit	Contact Elanah Adler
---	----------------------------------	--------------------------------

Project Description: In compliance with the County's Commercial Medical Marijuana Land Use Ordinance (CMMLUO), a Special Permit is requested for a proposed wholesale cannabis nursery operation. The requested approval includes a proposed two-story 20,000 square-foot wholesale nursery. On November 10th 2016, Zoning Clearance Certificate ZCC16-013 was issued for new mixed-light cultivation on the site. The ZCC included 9,792 square feet of mixed-light greenhouses, a processing building, a stand-alone ADA-compliant bathroom facility, 45,000 gallons of water storage capacity in plastic tanks, and a 500,000-gallon pond.

The proposed wholesale nursery would be a 100x100 foot metal building, approximately 24 feet tall, with a two-story interior. The nursery would employ three staff members. Two standard parking spaces and one ADA compliant parking space would be added in support of the nursery. Anticipated water use by the nursery operations is 60,000 gallons per year. The water source for the nursery is an existing permitted well (Permit #15/16-0802) along with 45,000 gallons of water storage.

A 500,000-gallon pond for additional storage was approved as part of the ZCC16-013 permit, but has not yet been constructed. Since the ZCC16-013 project approval, the applicant has been harvesting water from dehumidifiers in the two large mixed light cultivation greenhouses and is storing this water to use for irrigation. As a result, the applicant has sufficient water storage without the proposed pond. Additionally, there is concern that the pond would attract waterfowl and/or creating a visual hazard to aircraft using Rohnerville Airport. Rather than constructing the pond, the applicant proposes to storage water in the existing and installing additional tanks.

Project Location: The project site is located in Humboldt County, in the Rohnerville area approximately 986 feet southwest of the intersection of Rohnerville Road and Triple K Road. The project is on the property known as 210 Triple K Road, Fortuna.

Present Plan Land Use Designation: Agriculture Exclusive (AE) (HCGP); Density: 60 acres per dwelling unit

Present Zoning: (AE) Agriculture Exclusive, Combining Zone B-5(60) as specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements. One (1) acre.

Application Number: 11840

Case Number: SP16-328

Assessor Parcel Number: 203-231-003

Applicant

Quantum Genetics
Attn.: Edward Wilkinson
927 Main Street
Fortuna, CA 95540
(626) 321-2119

Owner

Edward Wilkinson
927 Main Street
Fortuna, CA 95540

Agent

SHN Engineers
Attn.: Stein Coriell
812 W. Wabash Avenue
Eureka, CA 95501
(707) 441-8855

Environmental Review: A Mitigated Negative Declaration has been prepared

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

Major Issue: None

Quantum Genetics Special Permit
Case Number SP 16-328
Assessor's Parcel Number: 203-231-003

Recommended Planning Commission Action

1. Describe the application at a public hearing.
2. Request that staff present the project.
3. Open the public hearing and receive testimony; and,
4. Close the hearing and take the following action:

Move to adopt the Mitigated Negative Declaration, and to make all of the required findings for approval of the Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Quantum Genetics project subject to the recommended conditions.

Executive Summary

Quantum Genetics is applying for a Special Permit for a 20,000-square-foot (100x100 foot) wholesale commercial nursery building, two to ten 5,000-gallon water storage tanks, and parking totaling two standard and one accessible spaces, in accordance with Humboldt County Code Section 314-55.4.8.7 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

On November 2016, Zoning Clearance Certificate ZCC16-013 was issued for new mixed-light cultivation on the site. The ZCC included 9,792 square feet of mixed-light greenhouses, a processing building, a stand-alone ADA-compliant bathroom facility, 45,000 gallons of water storage capacity in plastic tanks, and a 500,000-gallon pond. A separate building permit for a farm dwelling, garage, and storage building has also been issued.

Present on the property today are: two 30x144 foot greenhouses and a 24x48 foot greenhouse; a 20x40 foot processing building; a 10x20 foot stand-alone accessible bathroom and an 80x80 foot septic leach field with 100-percent reserve area; five horticultural storage sheds; a dumpster enclosure; nine 5,000-gallon water storage tanks; a groundwater well; a gravel driveway with 115-foot turnaround and ten parking spaces. Approved under the ZCC but not yet built are: a 30x45 foot dwelling; a 30x20 foot garage; a 500,000-gallon pond; a 12-foot-high chain-link security fence with cameras.

The proposed wholesale commercial nursery building would be an approximately 24-foot-tall metal building on a slab-on-ground foundation with a two-story interior structure and sky lights. The nursery would include a "mother" room, a cloning room, and a vegetative growth ("teen") room. The mother room would be used to maintain plants that serve as sources for cuttings (clones). Cuttings would be taken from mother plants and placed in the clone room for 5-10 days to root. Clones would be transferred to the teen room for vegetative growth prior to delivery to retailers. Cultivation activities in the nursery would take place in a continuous rotation year-round. The building would feature a heating and air conditioning system. The Building Inspection Division recommends approval of the project.

The project site is located within the airport zones associated with the Rohnerville Airport, in Zones A, B1, and D; the proposed nursery building would be in Zone B1. The proposed nursery building would conform to the occupancy density restrictions for Zone B1 specified in the ALUCP, and to the building height restrictions in the Airport Approach Zone. The Department of Public Works noted that the project is consistent with the Airport Land Use Compatibility Zones, and there is an existing aviation easement.

Water Use and Storage

It is estimated that nursery operations would require 60,000 gallons of water per year, and the project includes two-to-ten 5,000-gallon water storage tanks in addition to the existing 45,000-gallons of storage tanks and the previously approved 500,000-gallon pond for existing cultivation operations. The previously permitted pond may be replaced by additional hard water tanks to store water captured by the six dehumidifiers that are currently capturing water in the mixed light greenhouses. The project applicant installed a 240-foot-deep water well on August 2, 2016; according to the drilling report, the estimated flow in this well is 5-10 gallons per minute. The Department of Environmental Health permit number for this well is 15/16-0802. The primary water source for the nursery would be rainwater/fog/dehumidifier harvesting, with the well available as a supplemental source if needed. The California Department of Fish and Wildlife (CDFW) has requested a Lake and Streambed Alteration Agreement (LSAA) for the well. If hydrologically connected to surface water the use of the well for cannabis cultivation would be subject to forbearance as specified in the LSAA or per the CMMLUO. The Plot Plan notes two 5,000 gallon water tanks for a total of 10,000 gallons of water storage.

Employees and Schedule of Operations

Operation of the nursery will involve one manager and two staff members. Quantum Genetics is a wholesale supplier; there is no proposed retail outlet on-site and no customers or other members of the public are expected to be on-site. Orders are delivered from the site by Quantum Genetics employees. Cultivation activities would take place in a continuous, year-round rotation, and deliveries would average approximately one round-trip per day.

Employee Facilities

Nursery employees will use the existing toilet facilities on the site. An existing onsite waste system was installed as part of the approved ZCC16-013. The permitted well will provide water for drinking and handwashing. The applicant has installed a water filtration system.

Access/Parking

The property is accessed from Triple K Road via a 20-foot-wide gravel driveway in a 40-foot-wide road/utility easement. The driveway terminates in a 115-foot-wide vehicle turnaround. Existing parking includes ten standard and two ADA-compliant accessible spaces; the project would provide two additional standard spaces and one additional accessible space (three parking spaces). Triple K Road intersects Rohnerville Road. The Department of Public Works requested a Road Evaluation Report, which was received by the County on June 20, 2017, and which confirms that Triple K Road can accommodate the expected vehicle traffic from the proposed project, and confirms that the private driveway is developed to Category 4 standards. The Fortuna Fire Protection District reviewed and approved the road access in a letter dated June 9, 2017.

Stormwater Management

Development of the proposed commercial wholesale nursery building would create additional impervious surface on the property and result in an increase in stormwater runoff. The project proposes to capture stormwater from the nursery building and store it in existing and proposed water tanks and the previously permitted water tanks.

Watershed Protection

Aquatic resources on the property consist of a seasonal wetland depression and a seasonal drainage swale in the northern one-third of the property. The proposed nursery, water storage tanks, and parking spaces are located a minimum of 200 feet from these features, and downslope from them. This exceeds the 100-foot setback requirements of Section 314-61.1 (Streamside Management Area Ordinance) of the Humboldt County Zoning Regulations for areas outside of

Urban Development and Expansion Areas. The applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger (WDID# 1B16270CHUM) for the existing operations on the site, and a Watershed Resource Protection Plan (WRPP) has been prepared. The applicant will notify the NCRWQCB regarding the additional operations on the site and update the WRPP, as appropriate.

On-site Wastewater System

Employees working in the proposed wholesale commercial nursery building would use the existing bathroom on the property for sanitary needs. Runoff from watering in the nursery would be minimized by hand-watering the plants. Any runoff would be captured and used to irrigate existing landscaping on the property.

Electrical Service

Electricity on the property is supplied by Pacific Gas and Electricity (PG&E). The applicant does not propose to use generators as a primary energy source, but may install generators for back up use.

Security Plan

The materials submitted with the application include a Security and Safety Plan that describes that the site will be secured with an 8-foot-high fence. Security measures include cameras and an alarm system. Guard dogs will be in the operation compound. In addition, operations would involve checking the identification of anyone entering the site.

Proposed Location of Farm Dwelling

The proposed nursery would be located near the center of the site where the approved farm dwelling and storage building were planned to be located under the ZCC. As previously mentioned, the farm dwelling has not yet been constructed. It was previously approved under a separate building permit. Under the current application, the location of the farm dwelling would be moved to approximately 50 feet northwest of its previously proposed location. Here the farm dwelling would be 100 feet from the aquatic habitats on the project site. The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the project evaluates the proposed location of the farm dwelling under the proposed project.

Pond

While the 500,000-gallon pond was approved under the ZCC, the pond has not yet been constructed and the applicant is coordinating with CDFW. In response to this proposed project, CDFW identified potential issues associated with constructing a pond near the airport, the possibility of wildlife entrapment, increases in insect populations, and opportunities for bullfrog infestations. The pond would be covered to avoid attracting waterfowl and/or creating a visual hazard to aircraft using Rohnerville Airport. The IS/MND prepared for the project includes an analysis of the potential environmental issues associated with the proposed water storage methods. Because the pond was previously approved, it is only analyzed for impacts associated with wildlife and hazards.

Setbacks

There are no schools, bus stops, places of worship, public parks, or tribal cultural resources within 600 feet of the proposed nursery.

Staff Recommendation

Responding referral agencies have recommended approval or conditional approval of the project. The Fortuna Elementary School District has recommended denial of the project because schools receive federal funding and marijuana cultivation is still prohibited by Federal Law. The

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 18-**

**Case Number SP16-328
Assessor's Parcel Number: 203-231-003**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Quantum Genetics Special Permit request.

WHEREAS, Quantum Genetics submitted an application and evidence in support of approving the Special Permit to permit a new 20,000 square-foot wholesale nursery building; and

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

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Case Number SP 16-328); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 18, 2018.

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

1. The Planning Commission has considered the Initial Study and Mitigated Negative Declaration and the Mitigation and Monitoring Report in Attachment 4, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment, and that the Mitigated Negative Declaration reflects the County's independent judgement and analysis; and
2. The Planning Commission adopts the Initial Study and Mitigated Negative Declaration in Attachment 4 and the Mitigation Monitoring Report in Attachment 4, as required by Sections 15074(b) and 15074(d) of the CEQA Guidelines; and
3. The findings in Attachment 2 of the Planning Division staff report supports approval of Case Number SP16-328 based on the submitted evidence; and
4. Special Permit Case Numbers SP 16-328 is approved as applied for as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on January 18, 2018.

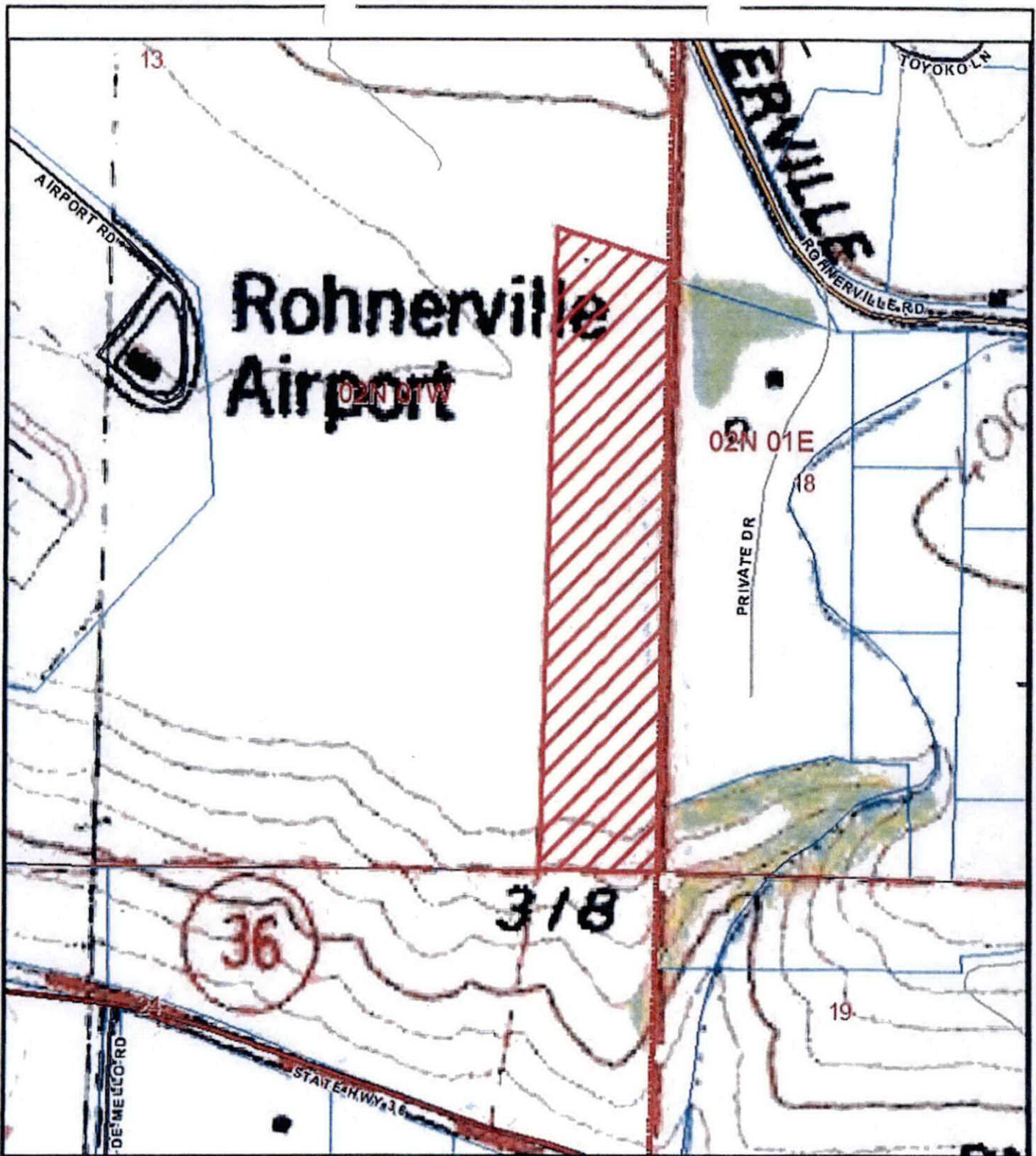
The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____:

AYES: COMMISSIONERS:
DECISION: Motion carries

NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

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

John Ford
Director, Planning and Building Department



**TOPO MAP
 PROPOSED QUANTUM GENETICS
 ROHNERVILLE AREA
 SP-16-328
 APN: 203-231-003
 T02N R01W S13 HB&M (FORTUNA)**

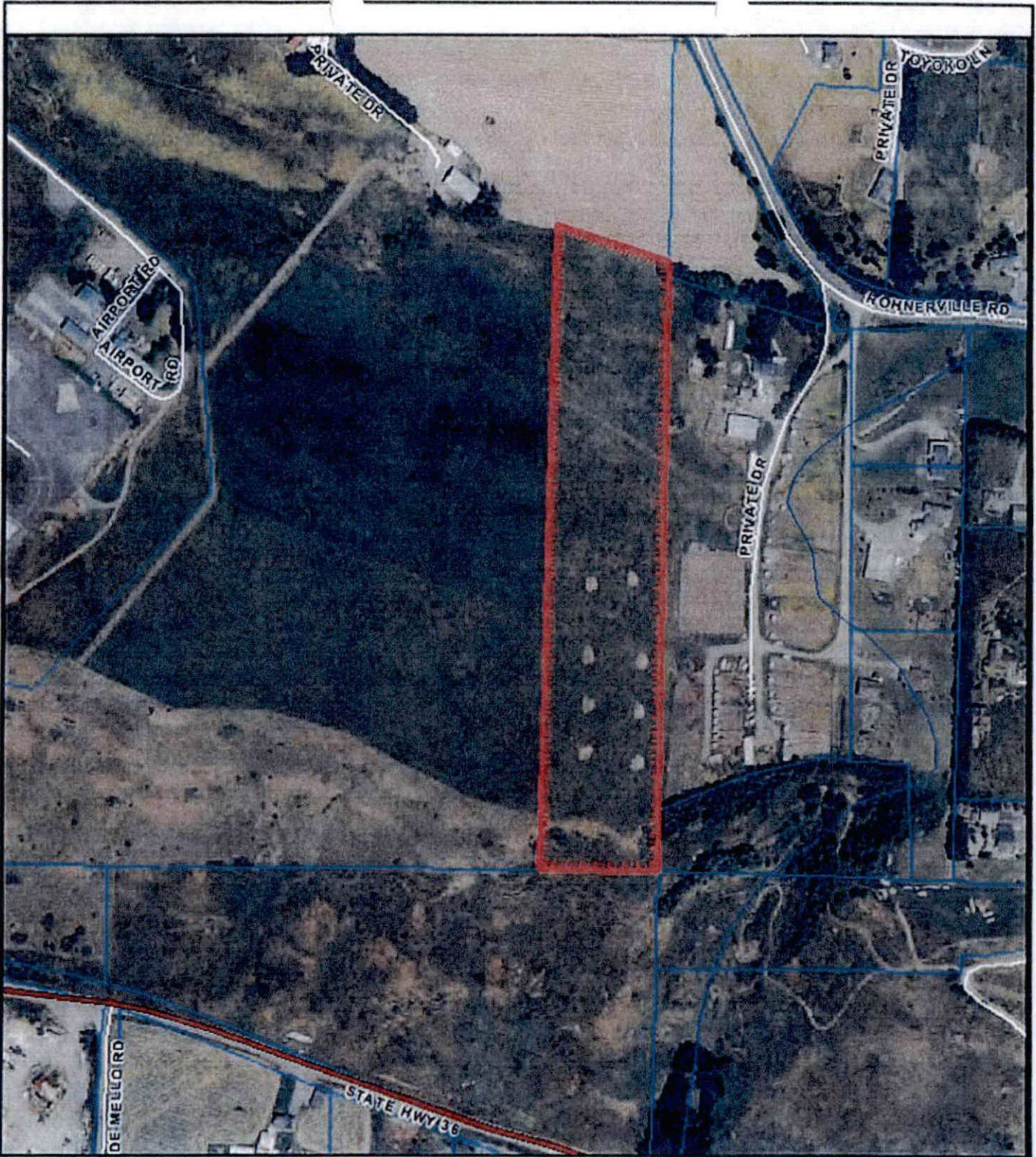
Project Area = 

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.




0 250 Feet





**AERIAL MAP
PROPOSED QUANTUM GENETICS
ROHNERVILLE AREA
SP-16-328
APN: 203-231-003
T02N R01W S13 HB&M (FORTUNA)**

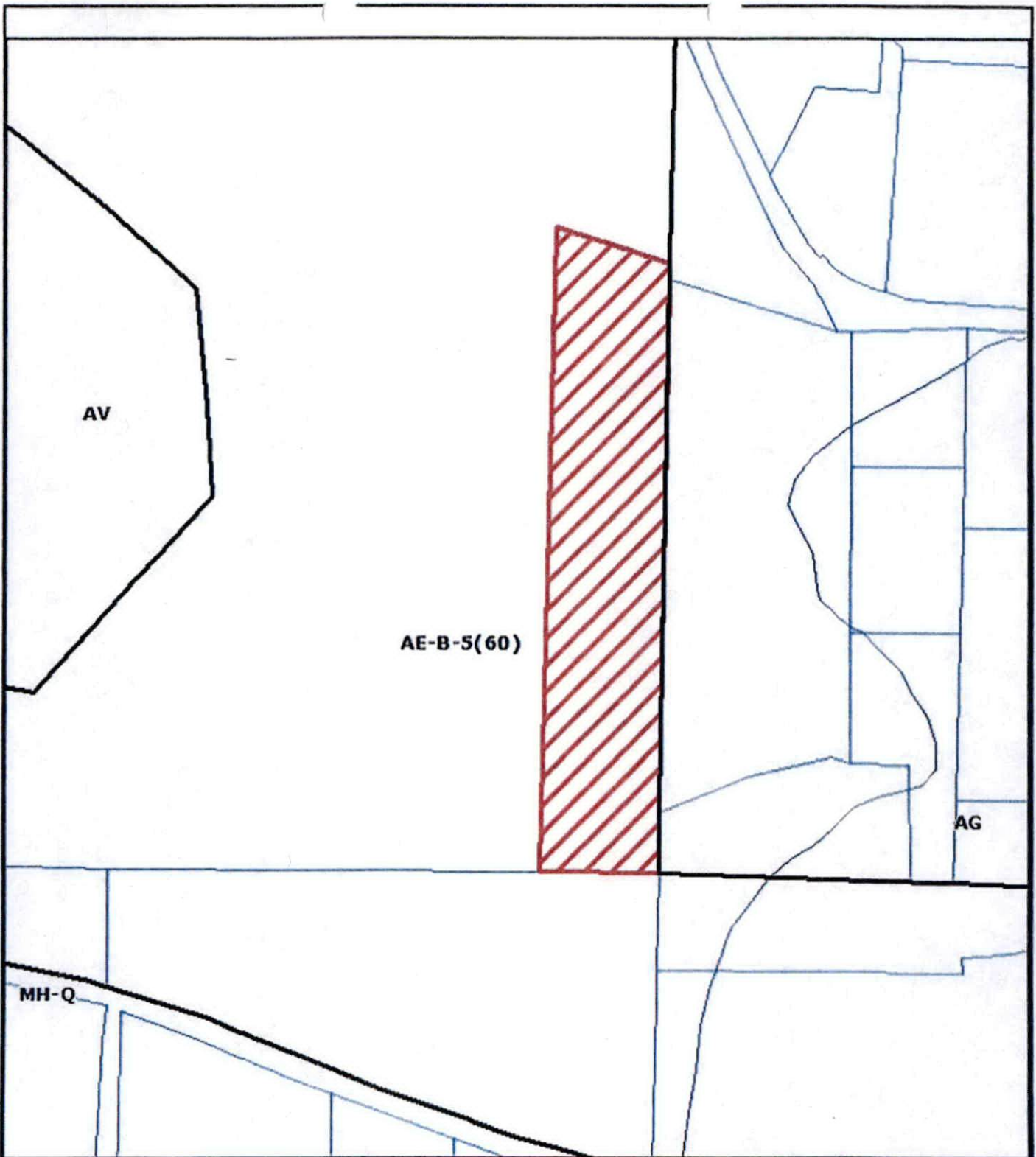
Project Area = 

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.



0 250
Feet





**ZONING MAP
 PROPOSED QUANTUM GENETICS
 ROHNERVILLE AREA
 SP-16-328
 APN: 203-231-003
 T02N R01W S13 HB&M (FORTUNA)**

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.



0 250 Feet



ATTACHMENT 1
Recommended Conditions of Approval

Approval of the Conditional Use Permit is conditioned on the following terms and requirements, which must be satisfied before release of the Building Permit and initiation of operations

1. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures and grading related to the cannabis cultivation and other commercial cannabis activity. The applicant/owner shall submit plans by a California-licensed engineer for the building permit and grading permit. All building and grading plans submitted for approval shall be consistent with those approved by the Planning Commission.
2. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
3. The applicant shall submit one copy of the final Water Resource Protection Plan (WRPP) to the Planning and Building Department. The applicant shall implement all corrective actions detailed within the final WRPP developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program, including those measures determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition.
4. The applicant shall obtain a Streambed Alteration Agreement from CDFW and a Surface Water Diversion Permit from the State Water Resources Control Board, Division of Water Rights for use of the well (see Mitigation Measure BIO-3 in Exhibit A). If deemed to be jurisdictional by CDFW, the well when used for cultivation will be subject to forbearance as specified in the LSAA or per the standard set forth in the CMMLUO.
5. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
6. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
7. The development and operation of the proposed wholesale nursery facility shall comply with mitigation measures set forth in the Mitigation and Monitoring Reporting Program (Exhibit A to Attachment 1).
8. Applicant is to obtain enrollment in PG&E's Solar Choice Plan or other qualified carbon off-set program for any portion of power used for the indoor nursery operation not from renewable sources for the life of the project. Evidence of enrollment and energy use shall be maintained for inspection by County.
9. **Prior to hearing** the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,330.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the \$2,280.75 Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2018, at

such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DF&W by phone at (916) 651-0603 or through the DF&W website at www.dfg.ca.gov for a determination stating the project will have no effect on fish and wildlife. If DF&W concurs, a form will be provided exempting the project from the \$2,280.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.

10. The applicant shall be responsible for ensuring that all exterior lighting be designed and maintained to eliminate any conflicts with the Rohnerville airport.
11. At least one water meter shall be installed on the water line providing irrigation flow to the nursery. The water meter shall have the capacity to measure at least 100,000 gallons of flow before resetting. The water meter shall be used to measure the amount of water provided to the cultivation area during the forbearance period. The meter shall be installed at a point on the water line that provides an accurate measurement of the water used for irrigation. Household water use at the caretaker's residence shall be separately metered if required.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Plot Plan, the Plan of Operations, the Mitigated Negative Declaration 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, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MMRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. 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.
6. 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, Public Park, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).

7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
9. Comply with the terms of any applicable Streambed Alteration (1600) Agreement obtained from the California Department of Fish & Wildlife.
10. 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).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application and annual inspection fees.
13. Where surface water diversion (use of the well) provides any part of the water supply for irrigation of cannabis cultivation, permittee shall either: 1) forebear from any such diversion during the period from May 15th to October 31st of each year and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated, or 2) comply with the approved water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period, if required, based upon local site conditions, or 3) adhere to the RWQCB approved Water Resources Protection Plan or other clearance issued by the agency. If the method of compliance changes during the term of the Conditional Use Permits, permittee shall notify the Planning and Building Department and furnish appropriate documentation of compliance with this standard.
14. The noise produced by a generator used for cannabis drying, curing, and processing shall not be audible by humans at neighboring residences. The decibel level for generators measured at the property line shall be no more than 50 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
15. 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.
16. All signage shall comply with Section 314-87.2 of the Humboldt County Code.
17. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).

18. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

19. Pursuant to the 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."

20. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

21. Cultivators engaged in processing shall comply with the following Processing Practices:

- I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
- II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
- III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
- IV. Employees must wash hands sufficiently when handling cannabis or use gloves.

22. All persons hiring employees to engage in commercial cannabis nursery activities shall comply with the following Employee Safety Practices:

- i. Cultivation 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.
- ii. Cultivation operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
- iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

23. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.
 - iv. Employee Safety Practices.
 - v. Toilet and handwashing facilities.
 - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - vii. Drinking water for employees.
 - viii. Plan to minimize impact from increased road use resulting from processing.
 - ix. On-site housing, if any.
24. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

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 Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, 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 non-compliance. Failure to request reinspection or to cure any items of non-compliance 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 of the CMMLUO.

25. 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 shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code Section 11362.5); and
- (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 California Medical Marijuana Regulation and Safety Act 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

California Medical Marijuana Regulation and Safety Act.

- (4) The above acknowledgements shall also apply to commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use conducted in compliance with the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94) and the Adult Use of Marijuana Act (AUMA) (Proposition 64).

26. 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:

- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
- (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- (3) The specific date on which the transfer is to occur; and
- (4) Acknowledgement of full responsibility for complying with the existing permit; and
- (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.

27. 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. This 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 construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
2. If cultural resources are encountered during ground disturbing activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) (THPOs) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. 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 NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.

3. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. Any future re-use of the proposed 20,000-square-foot structure shall be limited to storage unless a modification to this project is approved to expand cannabis operations.
7. According to Cornell University Department of Animal Science, hemp and marijuana are considered toxic plants to goats. The applicant may consider this as methods to handle waste cannabis product are implemented.

**ATTACHMENT 1
EXHIBIT A**

**HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENT
MITIGATION MONITORING REPORT
For The Quantum Genetics Wholesale Nursery Operation
Special Permit**

Assessor Parcel Number: 203-231-003; Application Number: 11840; Case Number: SP16-328

Mitigation measures were incorporated into conditions of project approval for the above referenced project. The following is a list of these measures and a verification form that can be used to ensure that the conditions have been met. For conditions that require on-going monitoring, attach the Monitoring Form for Continuing Requirements for subsequent verifications.

AES-1 Lighting Plan

The applicant shall provide to the County Planning Division a lighting plan demonstrating that all indoor and outdoor lighting for the proposed project would not deliver or have the potential to deliver light pollution, from sunset to sunrise. The lighting plan shall be approved by the County Planning Division prior to issuance of the building permits.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit, and, during project operations.	Continuous		HCP&BD			

HCP&BD = Humboldt County Planning and Building Department

BIO-1 Water Storage Design, Approvals, and Maintenance Standards for Pond

The applicant shall coordinate with CDFW and the County Public Works Department regarding the water storage and transfer system proposed to be used at the pond site and the design of the system. No water storage and transfer system shall be installed for the pond site without prior approval from CDFW and the County Public Works Department.

Prior to the installation of a pond, the applicant shall submit to CDFW and the Public Works Department for approval the engineer design plans including the proposed cap or other waterfowl deterrent method. The plans shall include specifications for how the design would avoid entrapment of wildlife, and would avoid attracting bird flocks.

Subsequent to the installation of the pond (open water feature) the following measures shall be implemented for the duration of project operations to prevent an increase in insect populations and invasive aquatic species such as bullfrogs. The following measures shall be implemented:

- o Maintain a high quality vegetative buffer around the pond.
- o Stock the pond with fish species such as minnows to control insect larvae.
- o Install aeration equipment in the pond to prevent stagnation of the water and improve water quality.
- o Prevent excess nutrients and pollutants from entering the pond through pre-treatment of stormwater and non-stormwater runoff.

- o Should bull frogs colonize the pond, populations shall be controlled by draining the pond continuously through the summer until no water remains. This shall be repeated for two years to disrupt the life cycle of the species. If dewatering is ineffective in controlling the species, direct removal methods shall be used.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit, during construction activity and, during project operations.	Continuous		HCP&BD, DPW, and CDFW			

CDFW = California Department of Fish and Wildlife, DPW = Department of Public Works, HCP&BD = Humboldt County Planning and Building Department

BIO-2 Avoid Entrapment of Wildlife in Water Pumps

To prevent impacts to wildlife species, including amphibians and reptiles, from entrapment in water pumps, water pumps used for the operation shall contain screens that meet the CDFW fish screening criteria (http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp).

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit, during construction activity, and during project operations.	Once		HCP&BD and CDFW			

CDFW = California Department of Fish and Wildlife, HCP&BD = Humboldt County Planning and Building Department

BIO-3 Obtain Streambed Alteration Agreement and Surface Water Diversion Permits

As a condition of approval of the proposed project, the applicant shall successfully obtain a SAA from CDFW and a permit for diversion of surface water from the State Water Resources Control Board, Division of Water Rights. The applicant shall provide the County Planning Department with the issued permits prior to use of the well.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit.	Once		HCP&BD and CDFW			

CDFW = California Department of Fish and Wildlife, HCP&BD = Humboldt County Planning and Building Department

BIO-4 Avoid Impacts to Streambed Management Areas

Prior to initiation of ground disturbance for the farm dwelling, construction fencing shall be installed to delineate the 100-foot buffer (Streamside Management Area) from the seasonal wetland and wetland swale. No construction equipment, materials, or activities shall be permitted to occur within the protected SMA.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During project construction	Once		HCP&BD and CDFW			

CDFW = California Department of Fish and Wildlife, HCP&BD = Humboldt County Planning and Building Department

CUL-1 Inadvertent Discoveries of Cultural and Paleontological Resources, and Human Remains

If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

Prehistoric materials which could be encountered include: obsidian and chert debitage or formal tools, grinding implements (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic materials which could be encountered include: ceramics/potter, glass, metals, can and bottle dumps, cut bone, barbed wire fences, building pads, structures, trails/roads, etc.

In the event that paleontological resources are discovered, work shall be stopped within 20 meters of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in State CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.

If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction activity and project operations.	Continuous		HCP&BD			

HCP&BD = Humboldt County Planning and Building Department

GEO-1 Foundation, Fill, and Water Tank/Water Storage Areas Design

The applicant shall comply with the recommendations from the Geotechnical Engineering Report (SHN 2016), which includes specifications for building foundations, fill, water tanks/water storage areas, and other considerations. The grading, foundation design, drainage plans and plan specifications shall be reviewed by a registered geologist prior to approval by the County.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to the issuance of building and/or grading permits for the project.	Once		HCP&BD			

HCP&BD = Humboldt County Planning and Building Department

NOI-1 Construction Related Noise

The following shall be implemented during construction activities:

- The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall be limited to between the hours of 8 A.M. and 5 P.M. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
- No heavy equipment related construction activities shall be allowed on Sundays or holidays.
- All stationary and construction equipment shall be maintained in good working order, and fitted with factory approved muffler systems.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction activities.	Ongoing		HCP&BD			

HCP&BD = Humboldt County Planning and Building Department

NOI-2 Generator Noise

Should generators be installed, the locations of the generators shall be provided to the County Planning Department on a site plan, and the projected use shall be provided. The generators shall be sited so that the decibel level for generators measured at the property line shall be no more than 50 decibels.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During project operations.	Ongoing		HCP&BD			

HCP&BD = Humboldt County Planning and Building Department

ATTACHMENT 2

Staff Analysis of the Substantial Evidence Supporting the Required Findings

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making all of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Special Permit:

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

Staff Analysis of the Evidence Supporting the Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making all of the following required findings.

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory.
Land Use Chapter 4 Land Use Designations Section 4.8	Urban land use planning should occur in areas of the County characterized by dense patterns of development.	The subject parcel is in the Fortuna Area Community Plan, and is not identified as within an urban development or urban expansion area.
Land Use Chapter 4 Section 4.8 Land Use Designations Agriculture Exclusive (AE)	This plan designation applies to bottomland farms and lands that can be irrigated; also used in upland areas to retain agricultural character. Typical uses include dairy, row crops, orchards, specialty agriculture, and horticulture. Residential subdivision is not supported. Residential uses must support agricultural operation. Density range is 20-60 acres/unit.	The CMMLUO provides for the cultivation and processing of medical cannabis within the zoning districts where agriculture is a principally permitted use, with limits and in compliance with performance standards that will preserve space for more traditional agricultural activities that supply food and fiber contributing to a diverse economic base. The current parcel size is inconsistent with the minimum parcel size as defined in the General Plan, but has been determined to be a legal parcel and the proposed project does not involve further subdivision. The proposed action would permit a 20,000 sf wholesale medical cannabis nursery on a 9.9-acre parcel zoned AE, B-5(60). The land uses are consistent with the FRWK and FACP land use designation for the site and with the CMMLUO.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas</p>	<p>The Flood Insurance Rate Map in which the project site is located shows the project site is outside of the FEMA mapped areas subject to flooding. There are no other risks associated with flooding.</p>
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards,</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The Geotechnical Study prepared for the project site identified potential risks related to seismic instability. Mitigation measure GEO-1 is incorporated to reduce potentially significant impacts.</p> <p>The steep slopes in the southern portion of the parcel are subject to landslide, but the proposed project would be over 200 feet from the edge of the bluff and would not be affected.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations;</p>	<p>The parcel is in an area designated as low wildfire risk. The analysis in the IS/MND identified fire hazards associated with the project to be less than significant. The subject property is in the Fortuna Fire Protection District, but is in the State Fire Responsibility Area for fire protection. CAL-FIRE provided a standard response comment letter for the project, which includes minimum requirements for development with regards to meeting fire safety standards. The requirements have been incorporated as conditions of approval to the permit. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in "state responsibility" designated areas. The Fortuna Fire Protection District reviewed and approved the road access in a letter dated June 9, 2017. The proposed nursery would be constructed of a metal building with slab-on-ground floors, which are non-flammable materials. There is an existing fire department connection with blue and white fire water reflective posts on the site, near the emergency-accessible turnaround on the site.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures, and does not include the use of generators. However, the applicant may install generators for back up use. The applicant would be required to conform to noise standards, and provide the County with the generator location and projected use information. This is included as Mitigation Measure NOI-2. No long-term noise impacts are anticipated as a result of the project.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Safety Element, Chapter 14 Airport Safety	<p>Regulate and plan land use around airports according to the Airport Land Use Compatibility criteria matrix, and ensure that future development within the community is compatible with the airport and its associated noise and hazard nuisances.</p> <p>The subject parcel is in the Airport Approach Zone of Rohnerville Airport and is subject to restrictions on building height (34 feet), people per acre (60), and agricultural uses that attract bird flocks.</p>	<p>The project has been reviewed by the County Public Works Land Use Division, and has been determined to be consistent with the Airport Land Use Compatibility Zoning, and there is an existing aviation easement (agency comments attached). The proposed nursery building would be approximately 24 feet tall; with all projects on the site completed, the maximum number of people on the 10-acre property would be 1 (1.1 people/acre), which is consistent with the zoning requirements. As analyzed in the IS/MND for the project, excessive light from the nursery could pose a safety hazard. Mitigation Measure AES-1 has been incorporated to reduce the potentially significant impact. The pond permitted under ZCC 16-013 could pose a safety hazard with the airport by attracting birds and/or producing glare. The pond would be covered to discourage birds and prevent glare, or the water would be fully enclosed in water storage tanks. Mitigation Measure BIO-1 has been incorporated to reduce the potentially significant impacts.</p>
Water Resources Element, Chapter 11 Water Resources	<p>Maintain or enhance the quality of the County's water resources and the fish and wildlife habitat utilizing those resources. Maintain a dependable water supply, sufficient to meet existing and future domestic, agricultural, industrial needs and to assure that new development is consistent with the limitations of the local water supply.</p>	<p>CDFW has noted that the well on the property is likely hydrologically connected to a surface stream and has requested that the applicant execute a Streambed Alteration Agreement for the well. The applicant has applied for a Streambed Alteration Agreement (LSAA), and will confirm completion with the County as a condition of approval of this SP. Mitigation Measure BIO-3 requires that the applicant obtain a Streambed Alteration Agreement from CDFW and a Surface Water Diversion Permit from the State Water Resources Control Board. If hydrologically connected, use of the well for cultivation including nursery operations will require forbearance as specified in the LSAA or as provided in Section 314-55.4.11 (i).</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1, Compatible Land Uses, BR-P5, Streamside Management Areas.</p>	<p>The Biological Resource maps of the Framework Plan do not identify any sensitive or critical habitat areas on the project site.</p> <p>CDFW has expressed concern that the cover on the pond permitted under ZCC 16-013 may entrap wildlife, and that the pond may provide habitat for invasive bullfrogs (see agency comments, attached). CDFW has requested review of the design of the pond cover and that the applicant submit a bullfrog management plan. The applicant has not installed the pond, and may substitute water tanks. The IS/MND includes an analysis of the potential impacts associated with installation of the water storage system. Mitigation Measure BIO-1 requires coordination with CDFW and the County Public Works Department regarding the design of the storage structure, and includes maintenance standards to prevent and manage an increase in insect populations and bullfrogs. Mitigation Measure BIO-2 includes measure to avoid entrapment of wildlife in water pumps.</p> <p>There is a small wetland and an unnamed creek in the northern one-third of the property. The proposed nursery is >200 feet from those features, and the proposed location of the farm dwelling is 100 feet from the features. CDFW recommends that a 100-foot setback limit from the wetland/stream be fenced during construction of the dwelling that is contemplated for the property, but is not included in the proposed action. Mitigation Measure BIO-4 requires fencing be installed to prevent impacts to the Streamside Management Area.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2, Native American Tribal Consultation].</p>	<p>The project permitted under ZCC 16-013 was referred to the Northwest Information Center. The current project was not referred, as it is located on the same parcel; however, the County has consulted with the tribes for the proposed project. The findings of a cultural resources study conducted in October 2016 covering 100% of the project site identified no cultural, tribal, or historic resources within the project site. As noted in the IS/MND prepared for the project, potentially significant impacts could occur if previously unknown resources are discovered during construction or operation. The standard inadvertent discovery condition is included as Mitigation Measure CUL-1.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making. C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The subject parcel accesses Rohnerville Road, which is a County-maintained Road, via a private driveway and Triple K Road, which is not a County-maintained road. The applicant has submitted a Road Evaluation Report (received by the County on June 30, 2017) which confirms that Triple K Road can accommodate the expected vehicle traffic from the proposed project, and confirms that the private driveway is developed to Category 4 standards. The Fortuna Fire Protection District reviewed and approved the road access in a letter dated June 9, 2017.</p>

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

Zoning Section	Summary of Applicable Requirement	Evidence
§312-1.1.2	Section 314-107.2 allows for substandard lots to be developed when lawfully created.	The parcel was lawfully created through a Deed recorded on September 7 th 1883, in compliance with all applicable state and local subdivision requirements.
§314-7.1 Agricultural Exclusive (AE)	The Agricultural Exclusive is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.	Wholesale nurseries are an approved use in the AE zone. The proposed action would permit a wholesale nursery consistent with the AE Zone and the CMMLUO.
§314-17.1 Special Building Site Combining Zone (B-5(60)) Minimum Lot Size: 60 acres	The Special Building Site Combining Zoning modifies the building site area of the principal zone. The building site area for the B-5 Zone is as specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements.	The subject parcel is 9.9 acres. Humboldt County Code §314-107.2 allows for substandard lots to be developed when lawfully created, and when they have not been merged with an adjoining property. A review of the Department's records and documents of records do not indicate the subject parcel has been merged with an adjoining parcel.
Minimum Lot Width:	100 feet	Approximately 300 feet wide
Maximum Lot Depth:	None specified	N/A
Max. Lot Coverage:	35%	Approximately 2.75 acres of coverage (28% of lot)
Min. Yard Setbacks (through the SRA requirements):	Front: 30 feet Rear: 20 feet Side: 10% of average lot width but not more than 20 feet shall be required.	Front: >30 feet Rear: >20 feet Side: 30 feet

Zoning Section	Summary of Applicable Requirement	Evidence
Max. Building Height: §333-4 Airport Approach Zone Building Height	No structure shall be erected or altered to a height which would project above the approach surface.	In this case, the building height limit is 34 feet. The proposed action would permit a new building approximately 24 feet in height.
§314-61.1 Streamside Management Area (SMA)	Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance. Development within SMAs may include wildlife enhancement and restoration projects. The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.	There is a small wetland and an unnamed creek in the northern one-third of the property. The proposed nursery would be >200 feet from those features, and the proposed location of the farm dwelling would be 100 feet from the features. CDFW recommends that a 100-foot setback limit from the wetland/stream be fenced during construction of the dwelling that is contemplated for the property, but is not included in the proposed action. Mitigation Measure BIO-4 requires fencing be installed to prevent impacts to the Streamside Management Area.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required. <i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i>	There are three employees associated with the requested permit. The land use on the site is agricultural, and the Code is silent as to the requirement for agricultural employees. The most comparable standard for employees in this situation is one space for each employee at peak shift (per Section 314-109.1.3.4.2 - Manufacturing). The project includes two standard spaces and one ADA-compliant space. In addition, the project site would include additional spaces associated with the existing operations.

314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

<p>§314-55.4.8.2</p>	<p>Commercial cannabis cultivation is allowed on parcels zoned AE, with no parcel size limitation. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area.</p>	<p>There are no existing trees on the project site. The proposed project will not result in the conversion of timberland.</p>
<p>§314-55.4.8.7 Nurseries</p>	<p>Nurseries producing commercial cannabis nursery products for bulk wholesale sale or to supply retail nursery outlets held under the same license shall be a permitted use in the AG or AE zoning district, subject to a Special Permit.</p>	<p>The proposed action would permit a new 20,000 sf commercial wholesale nursery on a parcel zoned AE. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>
<p>§314-55.4.8.10 Permit Limit</p>	<p>No more than four commercial cannabis activity permits may be issued to a single person.</p>	<p>According to records maintained by the Department, the applicant has applied for two cannabis activity permits, less than the maximum to which the applicant is entitled.</p>
<p>§314-55.4.10 Application Requirements</p>	<p>Identifies the Information Required for All Applications</p>	<p>Attachment 3 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.</p>
<p>§314-55.4.11 Performance Standards</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities</p>	<p>All applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016. Deadline</p>	<p>The applicant filed the application on December 14, 2016.</p>

4. Public Health, Safety, and Welfare: The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4 Special Permit Findings	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	All responding referral agencies have either provided no comment or recommended approval of the proposed use with conditions of approval. The proposed wholesale nursery use is consistent with the type of development in the area. There is no evidence that the project will be materially injurious to properties or improvements in the vicinity.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The parcel was not included in the 2014 Housing Inventory.

6. Environmental Impact:

Please see the attached draft Initial Study-Mitigated Negative Declaration.

As required by the California Environmental Quality Act (CEQA), the initial study conducted by the Planning and Building Department, Planning Division (Attachment 4) evaluated the project for any adverse effects on the environment. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues.

Because the project was found to be subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project. Within five (5) days of the effective date of the approval of this tentative map, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of 2,330.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2018 at such time the fee will be adjusted pursuant to

Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.wildlife.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,280.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. This requirement appears as Condition 9 of Attachment 1 (Section 1).

ATTACHMENT 3

Applicant's Evidence In Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (On file)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached - Cultivation and Operations Plan received 3/14/2017, additional information provided by applicant in e-mails dated 8/11/2017 (1); 9/5/2017(2)) – On file)
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. (Pending - included as Mitigation Measure BIO-3)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file, described in Cultivation and Operations Plan included in Exhibit B)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file - applicant shall notify the NCRWQCB of additional operations and will update the WRPP as appropriate. Current NOI, Annual Report, and NCRWQCB Acceptance Letter Attached - Exhibit C)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Pending - included as Mitigation Measure BIO-3)
9. If the source of water is a well, a copy of the County well permit, if available. (On file)

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 onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
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. Botanical Survey Report (On file)
16. Cultural Report (On file)
17. Geotechnical Engineering Report (On file)
18. Wetland Delineation (On file)
19. DEH Marijuana Permit Application (On file)

ATTACHMENT 4

Initial Study and Draft Mitigated Negative Declaration (State Clearinghouse Number 2017122043)

Circulated December 14, 2017 to January 15, 2018



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

NOTICE OF INTENT TO
ADOPT A MITIGATED NEGATIVE DECLARATION

NOTICE IS HEREBY GIVEN that the County of Humboldt, as Lead Agency, in accordance with the State California Environmental Quality Act (CEQA) Guidelines intends to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project described below. **This notification is to advise you that the Humboldt County Planning and Building Department will receive public comments on the proposed Mitigated Negative Declaration from December 14, 2017 to January 15, 2018.**

PROJECT TITLE: Quantum Genetics Special Permit, Application Number 11840

APPLICANT: Quantum Genetics, Attn: Edward Wilkinson

PROJECT DESCRIPTION: Quantum Genetics is applying for a Special Permit for a two-story, 20,000-square-foot (100x100 foot) wholesale commercial nursery building, two to ten 5,000-gallon water storage tanks, and parking totaling two standard and one accessible spaces, in accordance with Humboldt County Code Section 314-55.4.8.7 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The wholesale commercial nursery building would be an approximately 24-foot-tall metal building on a slab-on-ground foundation which would include a "mother" room, a cloning room, and a vegetative growth ("teen") room. The mother room would be used to maintain plants that serve as sources for cuttings (clones). Cuttings would be taken from mother plants and placed in the clone room for 5-10 days to root. Clones would be transferred to the teen room for vegetative growth prior to delivery to retailers. Cultivation activities in the nursery would take place in a continuous rotation year-round. The building would feature a heating and air conditioning system.

PROJECT LOCATION: The project site is located in Humboldt County, in the Rohnerville area approximately 986 feet southwest of the intersection of Rohnerville Road and Triple K Road. The project is on the property known as 210 Triple K Road, Fortuna. The project site is in Section 13, Township 2 North, Range 1 West, Humboldt Base and Meridian, and is depicted on the U.S. Geological Survey's "Hydesville, CA" 7.5-minute quadrangle map.

ADDRESS WHERE COPIES OF THE PROPOSED MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY ARE AVAILABLE FOR REVIEW AND WHERE COMMENTS MAY BE MAILED:

Humboldt County Planning and Building Department
Attn.: Elanah Adler
3015 H Street
Eureka, CA 95501

The project and the proposed Mitigated Negative Declaration will be considered at a public hearing before the Humboldt County Planning Commission to be held on June 1, 2017, at 6:00 p.m., or as soon thereafter as the matter can be heard, in the Board of Supervisors' Chamber, Humboldt County Courthouse, 825 Fifth Street, Eureka, California.

Specific questions regarding the proposed project and the draft Mitigated Negative Declaration may be directed to Elanah Adler, Planner, at (707) 445-7541.

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Quantum Genetics Special Permit #16-328

Lead Agency: County of Humboldt Contact Person: Elanah Adler
Mailing Address: 3015 H Street Phone: 707-445-7541
City: Eureka, CA Zip: 95501 County: Humboldt

Project Location: County: Humboldt City/Nearest Community: Rohnerville
Cross Streets: Rohnerville Road and Triple K Road Zip Code: 95540
Longitude/Latitude (degrees, minutes and seconds): 40 ° 32 ' 59.32" N / 124 ° 7 ' 15.54" W Total Acres: 9.9
Assessor's Parcel No.: 203-231-003 Section: 13 Twp.: 2N Range: 1W Base: Humboldt
Within 2 Miles: State Hwy #: 36 Waterways: Van Duzen River
Airports: Rohnerville Airport Railways: _____ Schools: Toddy Thomas, Hyde

Document Type:

CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) _____ Draft EIS Other: _____
 Mit Neg Dec Other: _____

Local Action Type:

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Constal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other: Special Permit

Development Type:

Residential: Units _____ Acres _____
 Office: Sq.ft. _____ Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ MW _____
 Educational: _____ Waste Treatment: Type _____ MGD _____
 Recreational: _____ Hazardous Waste: Type _____
 Water Facilities: Type _____ MGD _____ Other: Commercial Medical Marijuana Cultivation

Project Issues Discussed in Document:

Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other: _____

Present Land Use/Zoning/General Plan Designation:

General Plan: Agriculture Exclusive (AE), Fortuna Area Community Plan/Zoning: AE-B-5

Project Description: (please use a separate page if necessary)

A Special Permit to construct and operate a proposed wholesale cannabls nursery operation. The project includes constructing an approximately 20,000 square foot two story nursery building, parking, and two to ten 5,000 gallon water storage tanks. The nursery would employ three staff members. Water use is 60,000 gallons per year, which would be primarily obtained through rainwater harvest and supplemented by an existing well. The proposed project would be part of an existing, previously approved operation on the site.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

- | | |
|---|--|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input checked="" type="checkbox"/> Caltrans District #1 | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input checked="" type="checkbox"/> Regional WQCB #1 |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input checked="" type="checkbox"/> Fish & Game Region #1 | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input checked="" type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | |
| <input type="checkbox"/> Health Services, Department of | Other: _____ |
| <input type="checkbox"/> Housing & Community Development | Other: _____ |
| <input type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date December 14, 2017 Ending Date January 15, 2018

Lead Agency (Complete if applicable):

Consulting Firm: <u>HELIX Environmental Planning, Inc.</u>	Applicant: <u>Quantum Genetics</u>
Address: <u>11 Natoma Street, Suite 155</u>	Address: <u>927 Main Street</u>
City/State/Zip: <u>Folsom, CA 95630</u>	City/State/Zip: <u>Fortuna, CA 95540</u>
Contact: <u>Catherine Silvester</u>	Phone: <u>626-321-2119</u>
Phone: <u>916-365-8715</u>	

Signature of Lead Agency Representative: Elanah Adler Date: 12/12/17

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

PLANNING DIVISION
HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENT
3015 H STREET | EUREKA, CA 95501

Initial Study and Draft Mitigated Negative Declaration

1.0 INTRODUCTION

1. Project Title

Quantum Genetics. Special Permit: APN 203-231-003; Case No. SP16-328; App No. 11840.

2. Lead Agency Name and Address: Humboldt County Planning & Building Department, 3015 H Street, Eureka, CA 95501-4484; Phone: (707) 445-7541; Fax (707) 445-7446

3. Contact Person and Phone Number: Elanah Adler, Planner (707) 445-7541; fax: 707-268-3792; email: EAdler@co.humboldt.ca.us

4. Project Location: The project site is located in Humboldt County, in the Rohnerville area approximately 986 feet southwest of the intersection of Rohnerville Road and Triple K Road. The project is on the property known as 210 Triple K Road, Fortuna. The project site is in Section 13, Township 2 North, Range 1 West, Humboldt Base and Meridian, and is depicted on the U.S. Geological Survey's "Hydesville, CA" 7.5-minute quadrangle map.

5. Project Sponsor's Name and Address:

Applicant	Owner	Agent
Quantum Genetics Attn.: Edward Wilkinson 927 Main Street Fortuna, CA 95540 (626) 321-2119 ed.wilkinson1990@gmail.com	Edward Wilkinson 927 Main Street Fortuna, CA 95540 (626) 321-2119 ed.wilkinson1990@gmail.com	SHN Engineers Attn.: Stein Coriell 812 W. Wabash Avenue Eureka, CA 95501 (707) 441-8855 scoriell@shn-engr.com

6. General Plan Designation: Agriculture Exclusive/Prime and Non-prime Lands (AE), Fortuna Area Community Plan (FACP), Density: 160 to 20 acres per dwelling unit, Slope Stability: Low Instability (1), Moderate Instability (2).

7. Zoning: (AE) Agriculture Exclusive, B-5 as specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements. One (1) acre.

8. Project Site History: The project site is composed of a single Assessor's Parcel Number (APN): 203-231-003, which is 9.9 acres in size. The site is in the Rohnerville area, south of Fortuna, east of Rohnerville Airport, and north of State Route 36 (SR 36) and the Van Duzen River.

The project site is located southwest of Rohnerville Road, on bluffs overlooking the Van Duzen River. Prior to European settlement, the area was inhabited by the Wiyot people, who occupied an area of several hundred square miles from the Bear River in the south to the Little River in the north. The closest documented Wiyot village was 2.4 miles north at the mouth of Strong's Creek. Following

European settlement, the community of Rohnerville grew up along the road to Hydesville, and the surrounding area was primarily hay and grain fields (Roscoe and Associates 2016). Rohnerville declined as a center of business beginning around 1900 as freight business moved to the railroad line in Fortuna. Rohnerville began to expand as a residential community after the Second World War, with the opening of the Campton Heights subdivision in 1948. Most of the businesses moved from the old downtown to Campton Heights, resulting in a shift of the center of Rohnerville approximately 1 mile west (Roscoe and Associates 2016). The project site is separated from the Campton Heights area by Rohnerville Airport. Until 2016, the property was undeveloped pasture land surrounded by Rohnerville Airport to the west, rural residential development to the east and north, and bluffs overlooking the Van Duzen River valley to the south.

On November 10, 2016, Humboldt County issued a Zoning Clearance Certificate (ZCC; ZCC 16-013) for a new 9,792-square-foot mixed-light medical cannabis cultivation operation on the project site. The ZCC included a processing building, a stand-alone ADA-compliant bathroom facility, water storage tanks totaling 45,000 gallons, a 500,000-gallon pond, and a gravel driveway. A separate building permit for a farm dwelling, garage, and storage building has also been issued.

Present on the property today are: two 30x144 foot greenhouses and a 24x48 foot greenhouse; a 20x40 foot processing building; a 10x20 foot stand-alone accessible bathroom and an 80x80 foot septic leach field with 100-percent reserve area; five horticultural storage sheds; a dumpster enclosure; nine 5,000-gallon water storage tanks; a groundwater well; a gravel driveway with 115-foot turnaround and ten parking spaces. Approved under the ZCC but not yet built are: a 30x45 foot dwelling; a 30x20 foot garage; a 500,000-gallon pond; a 12-foot-high chain-link security fence with cameras.

9. Description of Project:

Quantum Genetics is applying for a Special Permit for a two story, 20,000-square-foot (100x100 foot) wholesale commercial nursery building, two to ten 5,000-gallon water storage tanks, and parking totaling two standard and one accessible spaces, in accordance with Humboldt County Code Section 314-55.4.8.7 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

The wholesale commercial nursery building would be an approximately 24-foot-tall metal building on a slab-on-ground foundation which would include a "mother" room, a cloning room, and a vegetative growth ("teen") room. The mother room would be used to maintain plants that serve as sources for cuttings (clones). Cuttings would be taken from mother plants and placed in the clone room for 5-10 days to root. Clones would be transferred to the teen room for vegetative growth prior to delivery to retailers. Cultivation activities in the nursery would take place in a continuous rotation year-round. The building would feature a heating and air conditioning system.

Water Use and Storage

It is estimated that nursery operations would require 60,000 gallons of water per year, and the project includes two to ten 5,000-gallon water storage tanks in addition to the existing 45,000-gallons of storage tanks and the previously approved 500,000-gallon pond for existing cultivation operations. Given the project's proximity to the Rohnerville airport, it is likely this previously approved pond, with cover, will be replaced with other water storage structures. The project applicant installed a 240-foot-deep water well on August 2, 2016; according to the drilling report, the estimated flow in this well is 5-10 gallons per minute. The Department of Environmental Health permit number for this well is 15/16-0802. The primary water source for the nursery would be rainwater/fog harvesting/dehumidifiers, with the well available as a supplemental source if needed.

Employees and Schedule of Operations

Operation of the nursery would involve one hands-on manager and two staff members. Quantum Genetics is a wholesale supplier; there is no retail outlet on-site and no customers or other members of the public are expected to be on site. Orders are delivered from the site by Quantum Genetics employees. Cultivation activities would take place in a continuous, year-round rotation, and deliveries would average approximately one round-trip per day.

Access/Parking

The property is accessed from Triple K Road via a 20-foot-wide gravel driveway in a 40-foot-wide road/utility easement. The driveway terminates in a 115-foot-wide vehicle turnaround. Existing parking includes ten standard and two ADA-compliant accessible spaces; the project would provide two additional standard spaces and one additional accessible space (three parking spaces). Triple K Road intersects Rohnerville Road.

Stormwater Management

Development of the proposed wholesale commercial nursery building would create additional impervious surface on the property and result in an increase in stormwater runoff. The project proposes to capture stormwater from the nursery building and store it in existing and proposed water tanks and the previously permitted pond/bladders. It is possible the previously approved pond may be replaced with other storage structures given the site's proximity to the Rohnerville airport.

Watershed Protection

Aquatic resources on the property consist of a seasonal wetland depression and a seasonal drainage swale in the northern one-third of the property. The proposed nursery, water storage tanks, and parking spaces are located a minimum of 200 feet from these features, and downslope from them. This exceeds the 100-foot setback requirements of Section 314-61.1 (Streamside Management Area Ordinance) of the Humboldt County Zoning Regulations for areas outside of Urban Development and Expansion Areas.

On-site Wastewater System

Employees working in the proposed wholesale commercial nursery building would use the existing bathroom on the property for sanitary needs. Runoff from watering in the nursery would be minimized by hand-watering the plants. Any runoff would be captured and used to irrigate existing landscaping on the property.

Electrical Service

Electricity on the property is supplied by Pacific Gas and Electricity (PG&E). The applicant does not propose to use generators as a primary energy source, but may install generators for back up use.

Proposed Location of Farm Dwelling

The proposed nursery would be located near the center of the site where the approved farm dwelling and storage building were planned to be located under the ZCC. As previously mentioned, the farm dwelling has not yet been constructed, and is being contemplated under a separate building permit application. Under the current application, the location of the farm dwelling would be moved to approximately 50 feet northwest of its previously proposed location. At this location, the farm dwelling would be 100 feet from the aquatic habitats on the project site. This document includes an analysis of potential environmental effects from relocating the farm dwelling from its previously planned location to the currently proposed location.

Pond

While the 500,000-gallon pond was approved under the ZCC, the pond has not yet been constructed and the applicant is coordinating with CDFW. In response to this proposed project, CDFW identified potential issues associated with constructing a pond near the airport, the possibility of wildlife entrapment, increases in insect populations, and opportunities for bullfrog infestations. The applicant may cap the pond or install water storage bladders in lieu of the pond. . It is possible this previously approved pond may be replaced with other storage structures given the site's proximity to the Rohnerville airport. This document includes an analysis of the potential environmental issues associated with the proposed water storage methods. Because the pond was previously approved, it is only analyzed for impacts associated with wildlife (Section 5.4, Biological Resources) and hazards (Section 5.8, Hazards and Hazardous Materials).

10. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings.)

The project site is in a former agricultural area of western Humboldt County, which is characterized by increasing suburbanization in Fortuna, Rohnerville, and Hydesville. Prior to development of the existing structures, the property was pastureland. Land to the west of the property is the grounds of Rohnerville Airport, and includes the airport facilities and an undeveloped buffer. Land to the north of the property is pasture, with scattered rural residences and the Odd Fellows' cemetery further distant. Land to the east consists of rural residences, with Hydesville approximately 0.5-mile to the east. Land uses to the south are primarily agricultural and transportation (SR 36).

The project site currently features a wholesale commercial cannabis cultivation and processing operation, as described under Item 9, Description of Project. Elevations range from approximately 350 feet above mean sea level (amsl) to approximately 395 feet. Slopes on most of the property are 0-8 percent, steeper (8-16 percent) north of the seasonal drainage swale, and abruptly steep (90 percent) at the southern end of the property.

The currently adopted Humboldt County General Plan designates the project area as "Agriculture Exclusive" (AE; Humboldt County 2017a). The AE designation is intended for fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment of incompatible uses is essential to the general welfare. Primary uses include production of food, fiber, plants, timber, agriculture-related uses, low intensity residential uses may be allowed if incidental to the property.

The parcel is zoned as "Agricultural Exclusive," with a Special Building Site Combining Zone designation of B-5 (AE-B-5; Humboldt County 2012). The principal permitted uses of AE are all general agricultural uses, including accessory agricultural uses and structures as described in the zoning regulations. The Special Building Combining Zone B-5 reduces the minimum lot area to 1-acre. Wholesale nurseries are an approved use in the AE zone.

The project site and surrounding areas are not located in any flood hazard zones mapped by the Federal Emergency Management Agency (FEMA). According the Humboldt County Web GIS mapping (Humboldt County 2017a), approximately two-thirds of the property – including the location of the proposed wholesale commercial nursery building – is prime agricultural soils.

11. Other Public Agencies whose Approval is Required: (e.g., permits, financing approval, or participation agreement.)

The existing Quantum Genetics wholesale cultivation is enrolled under North Coast Regional Water Quality Control Board (NCRWQCB) Waiver of Waste Discharge Requirements Order Number R1-2015-0023 as a Tier II discharger. The proposed nursery would not affect the tier status of the cultivation, but the applicant will notify NCRWQCB of the expanded operations on the site.

The applicant has applied for a Streambed Alteration Agreement (SAA) from CDFW, which is required for use of the well. A surface water diversion permit from the State Water Resources Control Board, Division of Water Rights would also be required for use of the well,

Locally, permits from Humboldt County Building Division and Division of Environmental Health are required.

2.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

3.0 DETERMINATION: (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project COULD have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project COULD have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Elanah Adler

Signature

12/2/17

Date

ELANAH ADLER

Printed name

Humboldt County Planning & Building Department

For

4.0 EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 21, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addresses. Identify which effects from the above checklist were within the scope of and adequately analyze in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plan, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats, however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue identifies:
 - a) The significant criteria or threshold, if any, used to evaluate each question; and

b) The mitigation measure identified, if any, to reduce the impact to less than significant.

5.0 CHECKLIST, DISCUSSION OF CHECKLIST RESPONSES, PROPOSED MITIGATION

5.1 AESTHETICS

Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting:

Humboldt County is an area of diverse visual character. The project site is in a semi-rural area characterized by flat topography. The area features pasture and other agricultural land, an airport, rural residential, and tract housing. The Rohnerville Airport is directly west of the project site. The property to the east is developed with agricultural land uses, including various agricultural buildings, livestock pens, and pastures. The property to the north features actively farmed cropland, and the property to the south is a vacant lot that slopes steeply to SR 36, located approximately 1,300 feet south of the project site.

The project site is consistent with the surrounding areas. Much of the property is undeveloped pasture land while an approximately 1-acre area near the center of the site features existing wholesale cannabis cultivation and processing structures and appurtenant facilities. The proposed project would be constructed within this approximately 1-acre area.

The site is accessed by a private road through the property to the east of the project site; the nearest public road is Rohnerville Road, approximately 986 feet northeast of the project site. SR 36 is approximately 275 feet topographically lower than the project site. There are no officially designated scenic highways in Humboldt County (Caltrans 2017), and the County has not locally designated any resources (Humboldt County 2017a).

Analysis:

a) Finding: The project will not have a substantial adverse effect on a scenic vista. *No impact.*

Discussion: A scenic vista is defined as a viewpoint that provides expansive views of a highly-valued landscape (such as an area with remarkable scenery or a resource that is indigenous to the area) for the benefit of the public. There are no designated scenic vistas in the area. No impact would occur and no mitigation would be necessary.

b) Finding: The project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. *No impact.*

Discussion: According to the California Scenic Highway Mapping System, there are no designated state scenic highways in the project vicinity. SR 36 is listed as an "Eligible State Scenic Highway" but the project site is not visible from the highway due to intervening topography. The project site does not contain any landmark trees, rock outcroppings, or buildings of historical significance.

The proposed project would not substantially damage scenic resources within a state scenic highway. No impact would occur and no mitigation would be necessary.

- c) Finding: The project will not substantially degrade the existing visual character or quality of the site and its surroundings. *Less than significant impact.*

Discussion: Sensitive viewer groups typically include residents, recreationists, and motorists. Properties adjacent to the project site feature residences on agricultural lands. The proposed nursery would be a two-story agricultural building on a property already developed with agricultural land uses. The proposed building would be consistent with the agricultural and airport buildings on surrounding properties. The site is not accessible from a public road and is not visible from surrounding public roads and public recreational areas. The project would not substantially degrade the existing visual character or quality of the site and its surroundings. Potential impacts would be less than significant, and no mitigation would be necessary.

- d) Finding: The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. *Less than significant impact with mitigation incorporated.*

Discussion: The proposed nursery would include rooms in which plants would be maintained under artificial light. The nursery would include skylights, and there is the potential for light to escape which could result in a source of light or glare and could be a potentially significant impact. Outdoor lighting, if not properly directed, can create a source of light and glare. Mitigation is proposed to reduce the potential impacts to less than significant. With implementation of the proposed mitigation, impacts would be reduced to a level of less than significant.

Mitigation:

AES-1 Lighting Plan

The applicant shall provide to the County Planning Division a lighting plan demonstrating that all indoor and outdoor lighting for the proposed project would not deliver or have the potential to deliver light pollution, from sunset to sunrise. The lighting plan shall be approved by the County Planning Division prior to issuance of the building permits.

Findings:

- a) The project will not have a substantial adverse effect on a scenic vista: **No Impact.**
- b) The project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway: **No Impact.**
- c) The project will not substantially degrade the existing visual character or quality of the site and its surroundings: **Less than significant impact.**
- d) The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area: **Less than significant impact with mitigation incorporated.**

5.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

As previously mentioned, the currently adopted Humboldt County General Plan designates the project area as "Agriculture Exclusive" (AE). Wholesale commercial nurseries are an approved use on AE zoned lands.

The Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency has not yet mapped farmland in Humboldt County (www.consrv.ca.gov; California Department of Conservation 2017). According to the Humboldt County Web GIS mapping, prime agricultural soils are mapped in the project site (Humboldt County 2017a).

As a means of agricultural land preservation, the State Legislature enacted the California Land Conservation Act of 1965 commonly called the "Williamson Act." Under the Act, property owners may enter into contracts with the County to keep their lands in agricultural production for a minimum of 10 years, in exchange for property tax relief. Lands covered by Williamson Act contracts are assessed based on their agricultural value instead of their potential market value under non-agricultural uses.

and are known as "Agricultural Preserves." According to Humboldt County Web GIS mapping, there is no Williamson Act contract for the project site (Humboldt County 2017a).

The Z'berg-Warren-Keene -Collier Forest Taxation Reform Action 1979 requires counties to provide for the zoning of land use of growing and harvesting timber as timberland preserve. The project site is not zoned for timber harvest and there are no trees on the project site (SHN 2016).

Analysis:

- a) **Finding:** The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use. *No impact.*

Discussion: As previously mentioned, Humboldt County is not included in the FMMP. The County has identified prime agricultural soils in the project site, including at the proposed nursery location. Wholesale commercial nurseries are consistent with agricultural land use; therefore, placement of a commercial nursery on prime agricultural soils would not result in conversion of prime farmland to a non-agricultural use. No impact would occur, and no mitigation would be necessary.

- b) **Finding:** The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. *No impact.*

Discussion: The project site is zoned Agriculture Exclusive (AE) which allows for wholesale commercial nurseries. The proposed nursery would be part of an existing wholesale commercial cannabis cultivation and processing operation, which is consistent with the zoning for the site (Humboldt County Code §314-7.1 and §314-55.4.8.7). According to the Humboldt County Web GIS mapping, there is no Williamson Act contract applicable to the project site. The proposed project would not conflict with existing zoning for agricultural use or a Williamson Act Contract. No impact would occur and no mitigation would be necessary.

- c) **Finding:** The project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526). *No impact.*

Discussion: There is no forest or timber land on the property. No impact would occur and no mitigation would be necessary.

- d) **Finding:** The project will not result in the loss of forest land or conversion of forest land to non-forest use. *No impact.*

Discussion: There is no forest or timber land on the property. The proposed project would not result in the loss of forestland or conversion of forest land to non-forest use. No impact would occur and no mitigation would be necessary.

- e) **Finding:** The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. *Less than significant impact.*

Discussion: The proposed project would not produce significant growth inducing or cumulative impacts that would result in the conversion of farmland or forest land. Growth inducing impacts are generally caused by projects that have a direct or indirect effect on economic growth, population growth, or land development. The proposed nursery would employ a maximum of three people. Therefore, the project would not lead to a conversion of farmland to non-agricultural use or forest land to non-forest use in the area surrounding the site.

Findings:

- a) The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use: **No Impact.**
- b) The project will not conflict with existing zoning for agricultural use, or a Williamson Act contract: **No Impact.**
- c) The project will not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526): **No Impact.**
- d) The project will not result in the loss of forest land or conversion of forest land to non-forest use: **No Impact.**
- e) The project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. **No Impact.**

5.3 AIR QUALITY

Where available, the significant criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting:

The project site is in Humboldt County, which lies within the North Coast Air Basin (NCAB). The NCAB extends for 250 miles from Sonoma County in the south to the Oregon border. The climate of NCAB is influenced by two major topographic units: the Klamath Mountains and the Coast Range provinces. The climate is moderate with the predominant weather factor being moist air masses from the ocean. Average annual rainfall in the area is approximately 50 to 60 inches with the majority falling between October and April. Predominate wind direction is typically from the northwest during summer months and from the southwest during storm events occurring during winter months.

Project activities are subject to the authority of the North Coast Unified Air Quality Management District (NCUAQMD) and the California Air Resources Board (CARB). The North Coast Unified Air Quality Management District is listed as "attainment" or "unclassified" for all the federal and state ambient air quality standards except for the state 24-hour particulate (PM₁₀) standard, which relates to concentrations of suspended airborne particles that are 10 micrometers or less in size.

In determining whether a project has significant air quality impacts on the environment, agencies often apply their local air district's thresholds of significance to project impacts in the review process. The District has not formally adopted specific significance thresholds, but rather utilizes the Best Available Control Technology (BACT) emissions rates for stationary sources as defined and listed in the NCUAQMD Rule and Regulations, Rule 110 – New Source Review (NSR) and Prevention of Significant Deterioration (PSD), Section 5.1 – BACT (pages 8-9) (www.ncuaqmd.org).

Sensitive receptors near the project site primarily include residences on large lots and agricultural properties, located to the north and east.

Analysis:

- a) Finding: The project will not conflict with or obstruct implementation of the applicable air quality plan. *No impact.*

Discussion: A potentially significant impact to air quality would occur if the project would conflict with or obstruct the implementation of the applicable air quality management or attainment plan. Therefore, it is necessary to assess the project's consistency with these plan(s).

The California Clean Air Act (CCAA) requires the NCUAQMD to achieve and maintain state ambient air quality standards for PM₁₀ by the earliest practicable date. The NCUAQMD prepared the Particulate Matter Attainment Plan, Draft Report, in May 1995. This report includes a description of the planning area (North Coast Unified Air District), an emissions inventory, general attainment goals, and a listing of cost-effective control strategies. The NCUAQMD's attainment plan established goals to reduce PM₁₀ emissions and eliminate the number of days in which standards are exceeded. The plan includes three areas of recommended control strategies to meet these goals: (1) transportation, (2) land use and (3) burning. Control measures for these areas are included in the Attainment Plan. The project design incorporates control measures identified in the PM₁₀ Attainment Plan appropriate to this type of project, such as:

- 1) The nursery would be located on a site developed with permitted cannabis cultivation, processing, and manufacturing facilities and the site is in the Fortuna area. By locating the nursery on a site with an existing cultivation operation near an urban area, vehicle miles traveled would be reduced and would result in less associated vehicular exhaust emissions generated when compared with cannabis operations located in the more rural areas of Humboldt County. Further, the applicant would deliver orders from the wholesale nursery, which would be expected to reduce the vehicle miles traveled associated with nursery sales because rather than individual clients traveling to the nursery from various locations, the operation could arrange deliveries so that multiple deliveries could be made in an area at one time.
- 2) The site is accessed by paved and graveled roads which would result in less fine particulate matter (PM₁₀) generated when compared with traffic on unpaved rural roads.
- 3) The applicant would deliver orders from the wholesale nursery rather than allowing customers to pick up orders from the nursery. The delivery service would result in less traffic associated with nursery purchases.
- 4) The project involves constructing a two story 20,000-square-foot building and water storage tanks on a site zoned AE. The AE zoning regulation allows for a maximum lot coverage of 35 percent. The project site is 9.9 acres; therefore, if the project site was developed to its maximum potential under the zoning definition, 3.5 acres would be developed. The existing cannabis operation is limited to an approximately 1-acre area, and the proposed nursery would be constructed within that area. The proposed project is consistent with the land use restrictions of the zoning ordinance, and would result in reduced ground disturbance when compared with other agricultural land uses which could result in ground disturbance of a larger area.
- 5) The proposed facility will use forced-air gas heating instead of woodstoves or fireplaces which will significantly reduce PM₁₀ emissions generated from heating during long-term operation of the project.

The proposed project would not obstruct implementation of the NCUAQMD Attainment Plan for PM₁₀. No impacts would occur.

- b) Finding: The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. *Less than Significant Impact.*

Discussion: Air quality standards within the NCUAQMD are set for emissions that may include, but are not limited to: visible emissions, particulate matter, and fugitive dust. Pursuant to Air Quality Regulation 1, Chapter IV, Rule 400 – *General Limitations*, a person shall not discharge

from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. Visible emissions include emissions that are visible to the naked eye, such as smoke from a fire. The proposed project involves constructing and operating a wholesale nursery. No activities resulting in visible emissions, including intentional fire/burn, would be associated with the project.

Air quality impacts can be divided into two phases for a project: construction and operation.

Mobile sources of emissions include equipment used during short-term construction and vehicle/truck traffic and light-duty equipment from long-term operation. According to NCUAQMD Rule 102, the Air District does not currently require permits for the operation of heavy equipment used for construction (except pavement burners) or agricultural operations (NCUAQMD, 2017a). There are no "target" air quality standards/limits in this area; however, heavy equipment is generally subject to off-road equipment emission standards from the California Air Resources Board (CARB), and exceeding those standards may constitute a "nuisance" condition, and can be mitigated by proper equipment maintenance. The project proposes to construct a two-story 20,000-square-foot (100 ft. x 100ft.) building and three parking spaces. Emissions from construction equipment would occur for a very limited period and the equipment would be maintained to meet current emissions standards as required by the California Air Resources Board (CARB) and the NCUAQMD. As described in Section 16 (Transportation/Traffic), during long-term operation the project will generate up to 8 (4 in/4 out - 3 workers and 1 delivery truck) vehicle/truck trips per day once all phases of the project are complete. Due to the small scale of the project, emissions from vehicle/truck traffic and equipment would not be significant from project operation.

Stationary sources of emissions from the project would include the HVAC and filter systems for air conditioning, odor reduction, and heating. According to NCUAQMD Rule 102, the Air District does not require permits for HVAC systems (NCUAQMD 2017c).

The project has the potential to generate particulate matter (dust) during construction activities. All activities at the project site are required to meet NCUAQMD Air Quality standards, including Regulation 1, which prohibits nuisance dust generation and is enforceable by the District. The NCUAQMD currently enforces dust emissions according to the CA Health and Safety Code (Section 41701) which limits visible dust emissions that exceed 40% density to a maximum of 3 minutes for any one-hour period. NCUAQMD District Rule 104 states that "*reasonable precautions shall be taken to prevent particulate matter from becoming airborne.*" The USEPA has determined that dust generally settles out of the atmosphere within 300 feet of the source. Due to the limited size of ground disturbance associated with construction of the nursery, particulate matter (dust) generated during construction would be minimal. The area of disturbance is located near the center of a 10-acre site; therefore, most of the dust associated with the construction equipment use and vehicle/truck traffic would settle out on-site. The closest sensitive receptors are the residences in the vicinity, but because of the limited activity that would occur, the rapid dissipation of the dust, and the low density of residences, impacts would be minimal.

The site of the proposed nursery building is accessed via an existing gravel driveway, and Triple K Road and Rohnerville Road are paved; therefore, vehicles accessing the project site during construction and operation would not generate dust. Plants produced in the proposed nursery would not require processing; the existing processing facility would not increase activity over current levels as a result of the construction of the proposed nursery.

Carbon monoxide (CO) hot spots are typically associated with idling vehicles at extremely busy intersections (i.e. intersection with an excess of 100,000 vehicle trips per day). There are no projected CO hot spot intersections in Humboldt County or in the general project area which exceed the 100,000 vehicles per day threshold typically associated with CO hot spots. In addition, the North Coast Air Basin is currently in attainment for carbon monoxide (CO). As such, project related vehicular emissions would not create a hot spot and would not substantially contribute to an existing or

Therefore, the project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

- c) Finding: The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). *No impact.*

Discussion: The North Coast Unified Air District is currently listed as being in "attainment" or is "unclassified" for all Federal health protective standards for air pollution (ambient air quality standards). However, under State ambient air quality standards, the air district has been designated "nonattainment" for particulate matter less than ten microns in size (PM₁₀) (NCUAQMD 2017b).

The NCUAQMD has advised that, generally, an activity that individually complies with the state and local standards for air quality emissions will not result in a cumulatively considerable increase in the countywide PM₁₀ air quality violation. In general, construction activities that last for less than one year, and use standard quantities and types of construction equipment, are not required to be quantified and are assumed to have a less than significant impact (NCUAQMD 2017c). The project footprint is relatively small (less than 15,000 square feet) and would not involve substantial earthwork due to the nature of the proposed building and the condition of the site. Construction would be less than one year. Therefore, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

- d) Finding: The project will not expose sensitive receptors to substantial pollutant concentrations. *Less than significant impact.*

Discussion: Sensitive receptors (e.g. children, senior citizens, and acutely or chronically ill people) are more susceptible to the effect of air pollution than the general population. Land uses that are considered sensitive receptors typically include residences, schools, parks, childcare centers, hospitals, convalescent homes, and retirement homes. Sensitive receptors near the project site primarily include residences on the agricultural properties to the north and east. Those residences are located approximately 325 feet and 630 feet from the proposed project, respectively (residences based on review of structures in GoogleEarth® aerial imagery). Once constructed, the planned farm dwelling would be approximately 50 feet northwest of the nursery.

As indicated by the air quality impact analysis under subsection b), the proposed project would not produce significant quantities of criteria pollutants (e.g. PM₁₀) during short-term construction activities or long-term operation. In addition, the proposed project would not create a carbon monoxide (CO) hot spot.

Nursery operations involving application of dry or wet chemicals such as pesticides would be conducted inside a building and therefore not susceptible to wind dispersal to sensitive receptors. Therefore, the proposed project will not expose sensitive receptors to substantial

pollutant concentrations. Impacts would be less than significant and no mitigation would be necessary.

- e) **Finding:** The project will not create objectionable odors affecting a substantial number of people. *Less than significant impact.*

Discussion: During long-term operation of the project there is the potential to impact air quality due to odors that would be generated by the proposed cultivation activities. Sensitive receptors near the project site are limited, the proposed project is part of an existing cultivation operation, and would not substantially add to any existing odors from the site. The building would be required to install an odor control filtration system. The proposed project would not create objectionable odors affecting a substantial number of people. Impacts would be less than significant, and no mitigation would be needed.

Findings:

a) The project will not conflict with or obstruct implementation of the applicable air quality plan: **No Impact.**

b) The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation: **Less than significant impact.**

c) The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors): **No Impact.**

d) The project will not expose sensitive receptors to substantial pollutant concentrations: **Less than significant impact.**

e) The project will not create objectionable odors affecting a substantial number of people: **Less than significant impact.**

5.4 BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The environmental setting is summarized from the Special Status Botanical Species Survey Results technical memorandum and wetland delineation report prepared for the ZCC (SHN 2016a; 2016b, respectively). These reports are included in Appendix B. The entire project site was reviewed for biological resources prior to approval of the ZCC for the existing operation. Existing biological constraints on the project site were considered in the design and location of the existing and proposed cannabis operations on the site.

Setting:

The project site is an existing agricultural property, with existing cannabis operations within an approximately 1-acre area of the property. The proposed 20,000-square-foot two-story (100 ft. x 100 ft.) nursery, water tanks, and three parking spaces would be located within the 1-acre development area of the project site. The proposed location of the farm dwelling would also be within the development area of the project site.

At the time of the botanical survey and wetland delineation, the project site was not developed. The project site is primarily flat and features agricultural pasture with a seasonal wetland depression and a seasonal drainage swale in the northern one-third of the property. Slopes on most of the property are 0-8 percent, steeper (8-16 percent) north of the seasonal drainage swale, and abruptly steep (90 percent) at the southern end of the property. The Van Duzen River is approximately 0.9 mile south of the project site. There are no apparent tributaries directly connecting the project site to the river.

The soils on the project site consist primarily of Rohnerville silty clay loam, eroded, moderately well drained, 8 - 16 percent slopes (Ro12), with soils to the south consisting of Rohnerville silty clay loam, moderately well drained, 0 - 3 percent slopes (Ro5) (SHN 2016b).

The agricultural pasture is composed of cultivated grass species and non-native weeds (SHN 2016a). Scattered occurrences of coyote brush (*Baccharis pilularis* ssp. *consanguinea*), oceanspray (*Holodisks' discolor*), and cascara (*Frangula puring*) were observed along the pasture fence-line and on the slope at the southern end of the site. A small stand of young Douglas fir (*Pseudotsuga menziesii*) with trunk diameters generally less than 12 inches occurs on the adjacent parcel near the southeast corner of the project site, and a small stand of Monterey cypress (*Hesperocyparis macrocarpa*) occurs near the northeast corner of the project site. Refer to Table 1-2 of the Special Status Botanical Species Survey Results technical memorandum (Appendix B; SHN 2016a) for all species observed.

Aquatic habitats on the project site consist of the seasonal wetland depression and the seasonal drainage swale in the northern one-third of the property. The seasonal drainage swale is a linear feature that flows northwest through the project site. The seasonal drainage swale is characterized by pennyroyal (*Mentha pulegium*; wetland obligate), water starwort (*Callitriche heterophylla*; wetland obligate), and sweet vernal grass (*Anthoxanthum odoratum*; wetland facultative obligate). The seasonal wetland depression is characterized by pennyroyal, redtop (*Agrostis stolonifera*; wetland facultative), English daisy (*Bellis perennis*; no hydrophytic rating), and curly dock (*Rumex crispus*; wetland facultative). Refer to the wetland delineation report for a detailed description of the wetlands on the site (Appendix B; SHN 2016b).

The existing and proposed cannabis cultivation facilities are located a minimum of 200 feet from the aquatic habitats on the project site, and are downslope from them. This exceeds the 100-foot setback requirements of Section 314-61.1 (Streamside Management Area Ordinance) of the Humboldt County Zoning Regulations for areas outside of Urban Development and Expansion Areas.

Regionally Occurring Special Status Species:

The following lists of special-status species known to occur and/or having the potential to occur in the project region were reviewed: USFWS list of federally protected species with the potential to be affected by the project; California Native Plant Society (CNPS) list of special-status plants with reported occurrences on the "Hydesville, CA" quad and the eight surrounding quads; California Natural Diversity Database (CNDDDB) list of special-status species with reported occurrences in the "Hydesville, CA" quad and the eight surrounding quads. the CNDDDB database is maintained by CDFW.

Special Status Plants

The Special Status Botanical Species Survey Results technical memorandum identified 51 special-status botanical species and 2 special-status natural communities reported within the region (SHN 2016a). The list of species was compared to the current species lists described above for new species occurrences and no new species were identified. As presented in the technical memorandum, 11 of the 51 special-status botanical species are considered to have a moderate or high potential to occur within the project site. Of the species with the potential to occur, six would occur in upland habitats, which is where the proposed project is located. Upland sensitive species with the potential to occur include: pacific gilia (*Gilia capitata* ssp. *pacifica*; moderate potential to occur); Tracy's tarplant (*Hemizonia congesta* ssp. *tracyi*; moderate potential to occur); short-leaved evax (*Hesperevax sparsiflora* var. *brevifolia*; moderate potential to occur); maple-leaved checkerbloom (*Sidalcea malachroides*;

moderate); Siskiyou checkerbloom (*S. malviflora* ssp. *patula*; high); coast checkerbloom (*Sidalcea oregana* ssp. *eximia*). The botanical survey that was conducted on the project site did not identify any special-status botanical species or natural communities on the project site.

Special Status Animals

The CNDDDB list of special-status species and USFWS list of federally protected species with the potential to be affected by the project identified five species of fish; five species of amphibian; one species of reptile - western pond turtle (*Emys marmorata*); 14 species of bird; and eight species of mammal occurring in the region. The special status bird species include northern spotted owl and marbled murrelet which are federally listed as threatened with critical habitat in Humboldt County.

Aquatic habitat on the project site is limited to the seasonally inundated depressional wetland and swale in the northern portion of the project site. These features do not provide suitable habitat for aquatic species (all fish) and semi-aquatic species (the amphibians and western pond turtle). Further, the proposed project would not affect these habitats - the proposed location of the approved farm dwelling would be over 100 feet from either feature, and the nursery would be more than 200 feet away from the aquatic habitat.

There are no existing trees or dense vegetation on the project site which may provide potential nesting habitat for birds. Raptors such as Cooper's hawk (*Accipiter cooperii*) may use trees on adjacent properties for nesting; however, the trees nearest to the project site are over 400 feet from the proposed location of the approved farm dwelling, and over 500 feet from the proposed nursery. There are no documented occurrences of marbled murrelet or northern spotted owl within 1 mile of the project site. In addition, the project site lacks dense stands of vegetation which may be used for birds, such as tri-colored blackbird (*Agelaius tricolor*) for nesting.

Burrowing owls are a species of special concern which may use agricultural fields; however, this species will not occur. The proposed project covers an approximately 15,000 square foot area within an active cannabis cultivation operation. The proposed location of the approved farm dwelling would cover an approximately 1,350-foot-area and contains similar habitat. No other regionally occurring special status species are associated with agricultural lands, or the project site does not provide suitable habitat (i.e., no trees, no aquatic habitat).

Analysis:

- a) **Finding:** The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS. *Less than significant impact with mitigation incorporated.*

Discussion: The project site does not provide suitable habitat for special status wildlife. Based on the results of a botanical survey conducted at the site, no special status species or natural communities were identified on the project site. Trees and vegetation on adjacent properties may be used by birds for nesting; however, the nearest trees are over 400 feet from the proposed location of the approved farm dwelling and over 500 feet from the proposed nursery. The trees are associated with a residence on an adjacent farm. There are no documented occurrences of marbled murrelet or northern spotted owl within 1 mile of the project site. Construction of the proposed farm dwelling and nursery would not affect nesting birds.

As previously mentioned, burrowing owls are a species of special concern which may use agricultural fields; however, impacts to this species will not occur. The proposed project is an expansion of an existing operation, and the locations of the proposed facilities are near the existing development.

As mentioned in the Project Description, a 500,000-gallon pond was approved as part of the ZCC. Once the pond is constructed, it will introduce a new aquatic environment which may attract wildlife, including migratory birds and various amphibian or reptile species. This may be a beneficial effect; however, there are also potential issues associated with introduction of an aquatic habitat. The site is located adjacent to an airport and open water has the potential to attract bird flocks which can result in bird strikes. In addition, installation of an open water feature has the potential to result in an increase in insect populations and support aquatic invasive species such as bull frogs, which may result in low quality habitat and provides opportunity for the spread of disease and invasive species.

The applicant proposes to either cap the pond or install bladders in-lieu of an open water pond. Enclosing the pond with a cap or in bladders would reduce or eliminate the risk of bird strikes from birds attracted to open water. Pumps used to transfer water from the pond to the various parts of the site have the potential to impact aquatic and semi-aquatic wildlife, including amphibian or reptile species, if not properly screened. A fully enclosed system would also prevent risks to wildlife from pumps, and an increase or introduction of insect populations and aquatic invasive species. Depending on the design of the cap, if used, there may be the potential for entrapment of wildlife. Given these factors, and based upon information submitted by the applicant's agent on November 27, 2017, It is now likely that installation of the pond may be replaced by installation of two large dehumidifiers in addition to the 4 already in use will generate/capture a large amount of water – enough to affect the water supply/storage calculations. Preliminary calculations indicate that the combined water generated/captured by the dehumidifiers would total approximately 282 gallons per day. The total water use for the combines operations is estimated to be 271 gallons per day according to the project' agent.

Mitigation Measure BIO-1 includes requirements to coordinate with CDFW and the County Building Division regarding the proposed water storage at the pond site, if installed, and includes design parameters to reduce the potential for impacts to wildlife, avoid an increase in insect populations, and control bullfrog infestations. Mitigation Measure BIO-2 would be implemented to reduce the risk of wildlife entrapment from use of a pump. With implementation of the proposed mitigation, potentially significant impacts would be reduced to a level of less than significant.

- b) Finding: The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. *Less than significant impact with mitigation incorporated.*

Discussion: Sensitive habitats on the project site are the seasonal wetland swale and the seasonal wetland in the northern 1/3 of the project site. The proposed project would not result in the removal of riparian habitat, nor would it result in direct or indirect impacts to aquatic habitats on the project site. The surface water features closest to the proposed location of the farm dwelling are over 100 feet away, and the surface water features closest to the proposed nursery project (including water tanks and parking) are over 200 feet away. Construction activities would be conducted in accordance with the County's grading regulations and BMPs, including temporary erosion and runoff control measures in accordance with Section 3432.9 of the Framework Plan, would be implemented during construction to minimize the potential for erosion and siltation.

The existing operations on the site are enrolled under the NCRWQCB Waiver of Waste Discharge Requirements Order Number R1-2015-0023 as a Tier II discharger. One of the requirements is to prepare a watershed resources protection plan (WRPP), which includes identifying potential sources of water quality violations or waste discharge requirements, corrective actions including implementing and monitoring best management practices (BMPs), and documenting water usage and timing to ensure the water use is not impacting water

quality objectives and beneficial uses. The applicant would be responsible for notifying the NCRWQCB of the additional operations on the project site, and updating the WRPP as appropriate. With implementation of the County's grading regulations, and the requirements of the WRPP, potential impacts to sensitive communities would be less than significant.

CDFW has determined that the existing groundwater well on the property is hydrologically connected to surface waters and therefore requires a SAA for the well. Although the primary source of water for the proposed wholesale nursery would be rainwater/fog harvesting/dehumidifiers, the well may be used as a supplemental water source, if necessary. Without appropriate management of withdrawals from the well, this would constitute a potential impact to surface waters and associated wetland habitat from the proposed project. The project applicant has initiated an SAA for the existing well. In addition, diversion of surface waters requires a permit from the State Water Resources Control Board, Division of Water Rights. The applicant would be responsible for conducting all operations in accordance with the permits. Successful completion of the SAA and surface water diversion permits from the State Water Resources Control Board are included as Mitigation Measure BIO-3. With implementation of the proposed mitigation, potential impacts to surface water and associated wetland habitat would be reduced to a level of less than significant.

- c) Finding: The project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. *No impact.*

The seasonal wetland and wetland swale in the northern portion of the project site would be avoided by the proposed wholesale nursery building by 200 feet, and the proposed location of the farm dwelling would avoid the features by 100 feet. Therefore, the project as proposed and in compliance with regulatory requirements, would not have a substantial adverse effect on federally protected wetlands through direct removal, filling, hydrological interruption, or other means.

- d) Finding: The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. *No impact.*

Discussion: Except for existing and proposed wholesale commercial medical cannabis cultivation and processing facilities, the property is undeveloped former pasture land covered with non-native grasses. There is no aquatic habitat on the property suitable for passage by fish.

The proposed project involves a relatively small area of the project site, and would be associated with existing development on the site. The area in which the nursery and water storage tanks would be located and the proposed location of the farm dwelling do not contain habitats unique to the area such that the removal of the habitat would preclude wildlife from moving through the site. Therefore, the proposed project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

- e) Finding: The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. *No impact.*

Discussion: The project would not involve the removal of any trees. In addition to the general biological resources policies in the County General Plan, the County maintains Streamside Management Areas (SMAs) to protect sensitive fish and wildlife habitats and to minimize erosion, runoff, and other conditions detrimental to water quality. According to Humboldt County GIS Mapping (Humboldt County 2017a), there are no SMAs on the property, however,

the biological mapping conducted for the project identified a seasonal wetland and wetland swale on the project site. The proposed distances between the project's area of impact and the aquatic habitats on the project site meet or exceed the 100-foot setback requirements of Section 314-61.1 (Streamside Management Area Ordinance) of the Humboldt County Zoning Regulations for areas outside of Urban Development and Expansion Areas; however, should grading for the proposed location of the farm dwelling encroach on the 100-foot setback, the project would be in violation of the SMA regulations. Mitigation Measure BIO-5 requires the applicant to install environmentally sensitive fencing along the SMA boundary to avoid potential impacts. With implementation of the proposed mitigation, impacts would be reduced to a level of less than significant.

- f) **Finding:** The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. *No impact.*

Discussion: According to the U.S. Fish & Wildlife Service Environmental Conservation Online System (ECOS), the project site is not located within the boundaries of a Habitat Conservation Plan. Habitat Conservation Plans in Humboldt County include the following: 1) Green Diamond Resource Company California Timberlands & Northern Spotted Owl (formerly Simpson Timber Company); 2) Humboldt Redwood Company (formerly Pacific Lumber, Headwaters); and 3) Regli Estates. These Habitat Conservation Plans primarily apply to forest lands in the County.

According to the CDFW website, the project site is not located in the boundaries of a Natural Community Conservation Plan. The conservation plans for Humboldt County listed on California Regional Conservation Plans Map on the CDFW website include the Green Diamond and Humboldt Redwoods Company Habitat Conservation Plans.

The project would not conflict with any local policies or ordinances protecting biological resources or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Plan, or other approved plan applicable to the project area.

Mitigation:

BIO-1 Water Storage Design, Approvals, and Maintenance Standards for Pond

The applicant shall coordinate with CDFW and the County Building Department regarding the water storage and transfer system proposed to be used at the pond site, if installed, and the design of the system. No water storage and transfer system shall be installed for the pond site without prior approval from CDFW and the County Building Department.

Prior to the installation of a pond, the applicant shall submit to CDFW, the County Building Department for approval the engineer design plans including the proposed cap or other waterfowl deterrent method. The plans shall include specifications for how the design would avoid entrapment of wildlife, and would avoid attracting bird flocks.

Subsequent to the installation of the water storage facilities, the following measures shall be implemented for the duration of project operation to prevent an increase in insect populations and invasive aquatic species such as bullfrogs:

- If water bladders are installed, then any leaking bladders resulting in ponding shall be repaired and the ponded water shall be drained to not provide habitat for aquatic species or result in an increase in insect populations.
- If an open water feature is installed, then the following measures shall be implemented:
 - Maintain a high quality vegetative buffer around the pond.

- o Stock the pond with fish species such as minnows to control insect larvae.
- o Install aeration equipment in the pond to prevent stagnation of the water and improve water quality.
- o Prevent excess nutrients and pollutants from entering the pond through pre-treatment of stormwater and non-stormwater runoff.
- o Should bull frogs colonize the pond, populations shall be controlled by draining the pond continuously through the summer until no water remains. This shall be repeated for two years to disrupt the life cycle of the species. If dewatering is ineffective in controlling the species, direct removal methods shall be used.

BIO-2 Avoid Entrapment of Wildlife In Water Pumps

To prevent impacts to wildlife species, including amphibians and reptiles, from entrapment in water pumps, water pumps used for the operation shall contain screens that meet the CDFW fish screening criteria (http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp).

BIO-3 Obtain Streambed Alteration Agreement and Surface Water Diversion Permits

As a condition of approval of the proposed project, the applicant shall successfully obtain a SAA from CDFW and a permit for diversion of surface water from the State Water Resources Control Board, Division of Water Rights. The applicant shall provide the County Planning Department with the issued permits prior to use of the well.

BIO-4 Avoid Impacts to Streambed Management Areas

Prior to initiation of ground disturbance for the farm dwelling, construction fencing shall be installed to delineate the 100-foot buffer (Streamside Management Area) from the seasonal wetland and wetland swale. No construction equipment, materials, or activities shall be permitted to occur within the protected SMA.

Findings:

- a) The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service: **Less than significant impact with mitigation incorporated.**
- b) The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service: **Less than significant impact with mitigation incorporated.**
- c) The project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means: **No impact.**
- d) The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites: **No impact.**
- e) The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance: **Less than significant impact with mitigation incorporated.**

f) The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
No Impact.

5.5 CULTURAL RESOURCES

Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting:

A cultural resources study for the project site was prepared prior to approval of the ZCC for the existing cannabis cultivation operations on the site (Roscoe and Associates 2016). The study included a records search, Native American Heritage Commission (NAHC) inquiry, coordination with local tribes, and pedestrian survey of the site. In addition, soil logs extracted during the geotechnical study were examined for evidence of cultural resources. The soil logs were approximately 10 feet long (indicating that the extraction reached to approximately 10 feet below ground surface).

The project area is within the ethnographic territory of the Wiyot Tribe. As part of preparation for a cultural resources survey, representatives of the Wiyot Tribe, Bear River Band of the Rohnerville Rancheria, and the Blue Lake Rancheria were contacted regarding the project (Roscoe and Associates 2016). The Tribe Historic Preservation Officer (THPO) of Blue Lake Rancheria replied that the project site is outside their area of interest. Upon notification of the results of the cultural resources survey, the THPO of Bear River and the THPO of the Wiyot Tribe expressed no concerns (Roscoe and Associates 2016).

A search of records at the Northwest Information Center revealed that no previous investigations have included the project site, and six investigations have been conducted at least in part within 0.5-mile of the project site. None of those surveys documented any resources within 0.5-mile of the project site (Roscoe and Associates 2016, Table 1). An archaeological site described as a Native American human burial was documented 520 meters (0.33 mile) southeast of the project site in 1978 (Roscoe and Associates 2016, Table 2).

At the time of the pedestrian survey, the project site was undeveloped and used for grazing. No surface resources were identified, and no resources were identified in the soil logs that would indicate the presence of subsurface resources.

Analysis:

- a) Finding: The project would not cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5. *Less than significant with mitigation incorporated.*

Discussion: A Cultural Resources Investigation of the project site conducted by Roscoe & Associates (October 2016) found no historical resources as defined in CEQA, Article 4, 15064.5 (a).

Although no historic-age resources were found during the records search, tribal coordination, or field survey, there is always the possibility that previously unknown historic resources exist below ground surface. There is the potential for subsurface excavation activities to uncover previously unknown subsurface archaeological resources. Implementation of standard cultural resource construction mitigation (Mitigation Measure M-5) regarding inadvertent discovery would reduce potential impacts to a level of less than significant.

- b) Finding: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5. *Less than significant impact with mitigation incorporated.*

Discussion: A Cultural Resources Investigation of the project site conducted by Roscoe & Associates (October 2016) found no archaeological resources as defined in CEQA, Article 4, 15064.5 (a). No pre-contact resources have been recorded within a 0.5-mile radius of the project site, and upon notification of the results of the cultural resources survey, the THPO of Bear River and the THPO of the Wiyot Tribe expressed no concerns. While it's unlikely that the site would contain archaeological resources, there is the potential for subsurface excavation activities to uncover previously unknown subsurface archaeological resources. Implementation of standard cultural resource construction mitigation (Mitigation Measure M-5) regarding inadvertent discoveries would reduce potential impacts to a level of less than significant.

- c) Finding: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. *Less than significant impact with mitigation incorporated.*

Discussion: A Cultural Resources Investigation of the project site conducted by Roscoe & Associates (October 2016) found no paleontological resources as defined in CEQA, Article 4, 15064.5 (a). However, there is a potential for fossils to be discovered and inadvertently damaged during project construction even in areas with a low likelihood of occurrence. Therefore, Mitigation Measure M-5 has been included for the project (See discussion under subsection b) above).

With the proposed mitigation measure, the proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

- d) Finding: The project would not disturb any human remains, including those interred outside of formal cemeteries. *Less than significant impact with mitigation incorporated.*

As indicated in the Cultural Resource Investigation completed by Roscoe & Associates (2016), there are no known human remains on the project site. However, due to the potential of discovering unknown human remains during the proposed construction activities, the inadvertent discovery protocol recommended in the Cultural Resources Investigation has been included as Mitigation Measure M-5 (See discussion under subsection b) above).

With the proposed mitigation measures, the proposed project would not disturb any human remains.

Mitigation:

CUL-1 - Inadvertent Discoveries of Cultural and Paleontological Resources, and Human Remains.

If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised

Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

Prehistoric materials which could be encountered include: obsidian and chert debitage or formal tools, grinding implements (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic materials which could be encountered include: ceramics/potter, glass, metals, can and bottle dumps, cut bone, barbed wire fences, building pads, structures, trails/roads, etc.

In the event that paleontological resources are discovered, work shall be stopped within 20 meters of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in State CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.

If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

Findings:

- a) The project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5: **No impact.**
- b) The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5: **Less than significant impact with mitigation incorporated.**
- c) The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature: **Less than significant impact with mitigation incorporated.**
- d) The project would not disturb any human remains, including those interred outside of formal cemeteries: **Less than significant impact with mitigation incorporated.**

5.6 GEOLOGY AND SOILS

Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting:

The Safety Element of the 1996 General Plan describes the geologic resources that occur within the County. A geotechnical study was conducted for the project site prior to approval of the ZCC for the existing cannabis cultivation operations on the site (SHN 2016). Both sources were used in preparation of this section.

Geology and Soils

The project site is located on an older, uplifted alluvial terrace surface referred to as the "Rohnerville terrace." The site is underlain by 2 to 3 feet of soft, low density, very dark brown silt topsoil, which overlies low-plasticity, light brown silty clay, to the maximum depths explored (approximately 10 feet). The silty clays have a low expansion potential, and the sand content increases with depth, as does the presence of sub-rounded to sub-angular fine gravel (SHN 2016).

Seismicity

The site and entire Northern California Region are located in a seismically active area. There are no active faults located in or adjacent to the site, nor is there any geomorphic evidence of prior faulting; therefore, the probability of surface fault rupture is very low. Humboldt County in general is at risk for strong ground shaking. The project site is in an area with a moderate rating of earthquake shaking potential (California Seismic Safety Commission, et. al. 2003). Based on the geologic age, and high fines content of the underlying sediments, the site's susceptibility to liquefaction is very low (SHN 2016). According to the Humboldt County GIS data, the parcel is not mapped within an area of potential liquefaction and the majority of the site has a Seismic Safety Classification of 1 which is low instability (Humboldt County GIS 2017). The slopes on the southern portion of the site have a Seismic Safety Classification of 2 which is moderate instability.

Slope Stability

Slope stability refers to the landslide susceptibility of slope-forming materials, which increases in areas of high seismicity, steep slope, and high rainfall, but may be triggered by any of the following: (1) type and structure of earth materials; (2) steepness of slope; (3) water; (4) vegetation; (5) erosion; and (6) earthquake-generated groundshaking.

The majority of the site features low slopes, while the southern portion of the site features a steep slope that has been mapped as an area of historic landslides (Humboldt GIS 2017).

Analysis:

- a) i) Finding: The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Divisions of Mines and Geology Special Publication 42). *Less than significant impact.*

Discussion: Seismically induced ground rupture is defined as the physical displacement of surface deposits in response to an earthquake's seismic waves. The magnitude and nature of fault rupture can vary for different faults or even along different strands of the same fault. Surface rupture can damage or collapse buildings, cause severe damage to roads and pavement structures, and cause failure of overhead as well as underground utilities.

There are no earthquake faults delineated on Alquist-Priolo Fault Zone maps within the project area. Since the project area is not traversed by a known active fault and is not within 200 feet of an active fault trace, surface fault rupture is not considered to be a significant hazard for the project site. The project would not expose people or structures to substantial adverse effects from a fault rupture. Impacts would be less than significant and no mitigation would be necessary.

- b) ii) Finding: The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. *Less than significant impact with mitigation incorporated.*

Discussion: Earthquakes on active faults in the region have the capacity to produce a range of ground shaking intensities in the project area. Ground shaking may affect areas hundreds of miles distant from an earthquake's epicenter. Ground motion during an earthquake is described by the parameters of acceleration and velocity as well as the duration of the shaking. Because the project site is located within a seismically active area, some degree of ground motion resulting from seismic activity in the region is expected during the long-term operation of the project.

The State of California provides minimum standards for building design through the California Building Code (CBC; California Code of Regulations Title 24). Where no other building codes apply, CBC Chapter 29 regulates excavation, foundations, and retaining walls. The CBC applies to building design and construction in the State and is based on the federal Uniform Building Code (UBC) used widely throughout the country. The CBC has been modified for California conditions with numerous more detailed and/or more stringent regulations. Specific minimum seismic safety and structural design requirements are set forth in CBC Chapter 16. The Code identifies seismic factors that must be considered in structural design. The geotechnical study prepared for the project site in support of the ZCC (SHN 2016) concluded that while development of the site is feasible, there is the potential for risks associated with the potential for strong seismic shaking, and the presence of 2 to 3 feet of soft, low-density topsoil. The applicant plans to install the nursery with a slab-on-grade foundation; however, the geotechnical study includes various options for suitable foundations and fill. The proposed location of the farm dwelling would not result in new geologic hazards - the potential risks and applicability of the recommendations in the geotechnical study would remain the same. Mitigation Measure GEO-1 includes site-specific recommendations that would reduce risks to a level of less than significant.

- a) iii) Finding: The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. *Less than significant impact.*

Discussion: Liquefaction is a phenomenon whereby unconsolidated and/or near-saturated soils lose cohesion and are converted to a fluid state as a result of severe vibratory motion. The relatively rapid loss of soil shear strength during strong earthquake shaking results in temporary, fluid-like behavior of the soil. Soil liquefaction causes ground failure that can damage roads, pipelines, underground cables and buildings with shallow foundations.

The project site is not designated as an area subject to liquefaction (Humboldt County 2017a). Based on the geologic age, and high fines content of the underlying sediments, the site's susceptibility to liquefaction is very low (SHN 2016). The project would not expose people or structures to potential substantial adverse effects related to seismic-related ground failure, including liquefaction. Impacts would be less than significant and no mitigation would be necessary.

- a) iv) Finding: The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. *No impact.*

Discussion: The proposed nursery would be located in an area of the site that is flat, and is more than 400 feet from the steep slopes in the southern portion of the site that have historic landslides. There is no risk of loss, injury, or death involving landslides associated with construction and operation of the proposed nursery.

- b) Finding: The project would not result in substantial soil erosion or the loss of topsoil. *Less than significant impact.*

Discussion: Construction activities associated with the project would involve excavation and grading, and other soil disturbing activities that have the potential to temporarily increase erosion and sedimentation rates above existing conditions. The potential for impacts is low - the site is relatively flat, and the area associated with the proposed project would be relatively small (approximately 15,000 square feet). The surface water features closest to the proposed location of the farm dwelling are over 100 feet away, and the surface water features closest to the proposed nursery project (including water tanks and parking) are over 200 feet away. Construction activities would be conducted in accordance with the County's grading regulations and Best Management Practices (BMPs), including temporary erosion and runoff control measures in accordance with Section 3432.9 of the Framework Plan, would be

implemented during construction to minimize the potential for erosion and stormwater runoff. The County's grading regulations would reduce the potential for erosion or loss of topsoil associated with project activities to a less than significant level. Impacts would be less than significant, and no mitigation would be necessary.

- c) Finding: The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. *Less than significant impact with mitigation incorporated.*

Discussion: According to Humboldt County GIS data, the parcel is not mapped within an area of potential liquefaction and the majority of the site has a Seismic Safety Classification of 1 which is low instability (Humboldt County GIS 2017). The portion of the site in which the proposed project would be located is relatively flat. The geotechnical study conducted on the project site for the ZCC noted the site's susceptibility to liquefaction as very low (SHN 2016). The geologic unit in which the project site is located is a low stability hazard, and while the southern portion of the project site contains a steep bluff that is susceptible to landslide, the proposed project and the proposed location of the farm dwelling would be near the center of the site and would not be near the bluff. Potential impacts associated with on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse from the proposed project would be less than significant, and no mitigation would be necessary.

- d) Finding: The project would not be located on expansive soil, as defined in Table 18-1-B of the UBC (1994), creating substantial risks to life or property. *Less than significant impact.*

Discussion: Expansive soils possess a "shrink-swell" characteristic. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying. Structural damage may occur over a long period of time due to expansive soils, usually the result of inadequate soil and foundation engineering or the placement of structures directly on expansive soils.

The geotechnical study identified the soils on the site as having a low expansion potential (SHN 2016). Therefore, the project would not be located on expansive soils creating substantial risks to life or property. Impacts would be less than significant and no mitigation would be necessary.

- e) Finding: The project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. *Less than significant impact.*

No new septic tank or alternative waste water disposal system would be installed under the proposed project. The project site contains an existing waste treatment system that was approved under the ZCC. The existing system was reviewed and approved by the County Department of Environmental Health. As such, the proposed project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewer is not available for the disposal of wastewater. Impacts would be less than significant and no mitigation would be necessary.

Mitigation:

GEO-1 Foundation, Fill, and Water Tank/Water Storage Areas Design

The applicant shall comply with the recommendations from the Geotechnical Engineering Report (SHN 2016), which includes specifications for building foundations, fill, water tanks/water

storage areas, and other considerations. The grading, foundation design, drainage plans and plan specifications shall be reviewed by a registered geologist prior to approval by the County.

Findings:

- a) i) The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Divisions of Mines and Geology Special Publication 42: **Less than significant impact.**
- a) ii) The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking: **Less than significant impact with mitigation incorporated.**
- a) iii) The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction: **Less than significant impact.**
- a) iv) The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides: **No impact.**
- b) The project would not result in substantial soil erosion or the loss of topsoil: **Less than significant impact.**
- c) The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse: **Less than significant impact.**
- d) The project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property: **Less than significant impact.**
- e) The project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water: **Less than significant impact.**

5.7 GREENHOUSE GAS EMISSIONS

GREENHOUSE GAS EMISSIONS.

Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emission, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting:

As a result of revisions to the State CEQA Guidelines that became effective in March 2010, lead agencies are obligated to determine whether a project's GHG emissions significantly affect the environment and to impose feasible mitigation to eliminate or substantially lessen any such significant effects (www.ncuaqmd.org). The County of Humboldt completed a draft Climate Action Plan for the General Plan Update in January 2012. The plan contains GHG reduction strategies designed to achieve the goal of limiting greenhouse gas emissions to 1990 emissions levels by 2020. The NCUAQMD and Humboldt County have not adopted any thresholds of significance for measuring the impact of GHG emissions generated by a proposed project.

Analysis:

a) **Finding:** The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. *Less than significant impact.*

Discussion: Due to the small scale of the proposed project, this section includes a qualitative discussion of potential GHG/climate change impacts with an emphasis on project features which would reduce construction and operational GHG emissions (see discussion under subsection b) below). The proposed location of the farm dwelling would not result in new impacts associated with GHG; however, the potential effects of construction and operation of the farm dwelling and the rest of the project approved under the ZCC are analyzed cumulatively in Section 5.19, Mandatory Findings of Significance.

Construction

Construction GHG emissions are generated by vehicle engine exhaust from construction equipment, on-road hauling trucks, vendor trips, and worker commuting trips. The proposed project is relatively small and construction would be short term (less than one year). All construction equipment and commercial trucks are maintained to meet current emissions standards as required by the California Air Resources Board. Based on the size of the project and the short duration of construction activities, impacts associated with GHG emissions generation from construction would be less than significant.

Operation

The NCUAQMD and Humboldt County have not adopted any thresholds of significance for measuring the impact of GHG emissions generated by a proposed project. GHG emissions sources during operation would include vehicle traffic from workers and deliveries, and operation of HVAC units for the nursery. During operation, up to 8 vehicle/truck trips (4 in/4 out)

per day or 2,920 trips per year would be generated by the project. By comparison, the development of 38 single-family residences would generate 363 vehicle trips per day (9.57 trips per residential unit) or 132,495 vehicle trips per year (ITE 2008). The applicant would deliver orders from the wholesale nursery rather than allowing customers to pick up orders from the nursery. The delivery service would result in less traffic associated with nursery purchases. Due to the small number of vehicle trips, greenhouse gas emissions from vehicle/truck traffic and equipment during project operation would not be significant.

The proposed nursery would feature HVAC and filter systems for air conditioning, odor reduction, and heating. According to NCUAQMD Rule 102, the Air District does not require permits for HVAC systems (NCUAQMD 2017a). The proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment

- b) Finding: The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. *No impact.*

Discussion: The proposed project was evaluated against the following applicable plans, policies, and regulations:

- 1) Humboldt County Draft Climate Action Plan
- 2) Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO)
- 3) NCUAQMD Particulate Matter Attainment Plan

Humboldt County Draft Climate Action Plan

The County's 2012 Draft Climate Action Plan contains strategies for reducing greenhouse gas emissions. This project, as proposed, mitigated, and conditioned, is consistent with the following GHG reduction strategies listed in the County of Humboldt Climate Action Plan:

- a) *Foster land use intensity near, along with connectivity to, retail and employment centers and services to reduce vehicle miles traveled and increase the efficiency of delivery services through adoption and implementation of focused growth principles and policies.*

The nursery would be located on a site developed with already permitted cannabis cultivation, processing, and manufacturing facilities and the site is in the Fortuna area. By locating the nursery on a site with an existing cultivation operation near an urban area, vehicle miles traveled would be reduced and would result in less associated vehicular exhaust emissions generated when compared with existing cannabis operations with operations on various properties or those located in the more rural areas of eastern Humboldt County. Further, the applicant would deliver orders from the wholesale nursery, which would be expected to reduce the vehicle miles traveled associated with nursery sales because rather than individual clients traveling to the nursery from various locations, the operation could arrange deliveries so that multiple deliveries could be made in an area at a time.

- b) *Conserve natural lands for carbon sequestration.*

The use of an existing agricultural site for cultivation would not require the removal of any trees or significant vegetation that would sequester carbon.

- c) *Reduce length and frequency of vehicle trips.*

See response to strategy a), above.

- d) *Promote the revitalization of communities in transition due to the decline of resource-based industries.*

This project would provide agricultural nursery operations in the *Fortuna* area, which would help facilitate economic development of the area.

- e) *Ensure that land use decisions conserve, enhance, and manage water resources on a sustainable basis to assure sufficient clean water for beneficial uses and future generations.*

Ultimately, the primary source of water for the proposed operation would be rainwater. Rainwater capture is not regulated by the State Water Resource Control Board (SWRCB) or CDFW and is encouraged as an alternative to surface water and groundwater diversions.

Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO)

There are no applicable regulations in the CMMLUO regarding GHG for nurseries.

NCUAQMD Particulate Matter Attainment Plan

As described under Question a) in Section 5.3, Air Quality, the proposed project incorporates control measures consistent with the goals included in the Attainment Plan. The goals include: (1) transportation, (2) land use and (3) burning. The proposed project would not obstruct implementation of the NCUAQMD Attainment Plan for PM₁₀.

Therefore, the proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Findings:

- a) The project will not generate greenhouse gas emission, either directly or indirectly, that may have a significant impact on the environment: **Less than significant impact.**
- b) The project will not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases: **No impact.**

5:8 HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting:

Approximately 1 acre of the project site is used for existing cannabis cultivation operations. The remainder of the site is undeveloped. Prior to the current land use, the site was an undeveloped lot used for grazing. There are no known past land uses associated with potentially hazardous sites. The California Department of Toxic Substances Control EnviroStor and Environmental Protection Agency EnviroFacts databases were reviewed for hazardous sites in the area. A trucking facility located approximately 1,400 feet southwest of the project site was identified, but no hazardous materials concerns were identified (EPA 2017). No hazardous sites were identified within 1 mile of the project site (CDTS 2017; EPA 2017).

Schools located nearest to the project site are Toddy Thomas Elementary School located approximately 1.25 miles northwest of the project site, and Hydesville Elementary School located approximately 1.5 miles east of the project site.

The project site is located directly east of Rohnerville Airport, which is maintained by the County. The project site is located within the Airport Land Use Compatibility Zones A, B1, and D.

The project site is within a Wildland Fire Rating Zone of "Low," indicating the area is at low risk from wildland fires (Humboldt County 2017a). The site is located within the Fortuna Fire Protection District, but is in State Responsibility Area (SRA) lands which means the site is an area of legal responsibility for fire protection by the California State Department of Forestry and Fire Protection (CAL-FIRE).

Analysis:

- a) **Finding:** The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. *Less than significant impact.*

Discussion: Based on the records searches of the project site and areas within 1 mile, there are no hazardous materials sites within 0.25 mile of the project site. The proposed project would involve constructing a nursery, water storage and additional parking on a site that is currently used for cultivation and processing of cannabis products. Hazardous materials associated with the existing operation include fertilizers, pesticides, and may include fuels, lubricants, solvents, and paint. All fertilizers used on the project site are organic fertilizers and compost teas. Pesticides used on the site are limited to the allowable pesticides identified in the RWQCB's guidelines, *Legal Pest Management Practices for Marijuana Growers in California*. Pesticides would be stored in a temperature-controlled cupboard in the nutrient storage shed. The proposed project would not introduce new hazardous materials to the project site. Handling and transport of these substances could pose a risk to the environment and to human health from improper handling and storage resulting in exposure.

Use of such materials would be required to comply with all applicable local, state, and federal standards associated with the handling and storage of hazardous material. The applicant would be required to file a Hazardous Materials Business Plan with the County Division of Environmental Health for the storage of the various materials described above at the site. The proposed project would also be subject to the requirements of the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Cultivation Waste Discharge Regulatory Program and the County of Humboldt Medical Marijuana Land Use Ordinance. The NCRWQCB program and County ordinance have "standard conditions" applicable to cannabis operations that address impacts from the storage and use of hazardous materials which include the following requirements:

- a) Any pesticide or herbicide product application be consistent with product labeling and be managed to ensure that they would not enter or be released into surface or groundwater.
- b) Petroleum products and other liquid chemicals be stored in containers and under conditions appropriate for the chemical with impervious secondary containment.
- c) Implementation of spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.

With appropriate storage, handling, and application practices that comply with the requirements of the NCRWQCB and Humboldt County, it is not anticipated that the use of these materials at the facility would pose a significant hazard. The proposed project would not

create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

- b) Finding: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. *Less than significant impact.*

Discussion: As previously described under item (a), fertilizers, pesticides, lubricants, fuels, solvents and paint would be stored and used at the site. As described in the Cultivation and Operations Plan, all materials would be properly stored. Pesticides would be stored in a temperature-controlled cupboard in the nutrient storage shed. If spilled, these substances could pose a risk to the environment and human health. Use of such materials would be required to comply with all applicable local, state, and federal standards associated with the handling and storage of hazardous materials, including the standard conditions contained in the NCRWQCB Cannabis Cultivation Waste Discharge Regulatory Program and the County Medical Marijuana Land Use Ordinance. These include implementation of spill prevention, control, and countermeasures and the maintenance of appropriate cleanup materials onsite. The applicant would be required to file a Hazardous Materials Business Plan with the County Division of Environmental Health.

With appropriate storage, handling, and application practices, it is not anticipated that the use of these materials would pose a significant hazard. In the event of foreseeable upset and accident conditions, it is unlikely that these hazardous materials would be released in a manner that would create a significant hazard to the public or the environment.

- c) Finding: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. *No impact.*

Discussion: There are no schools located within one-quarter mile of the project site. The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. No impact would occur and no mitigation would be necessary.

- d) Finding: The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment. *Less than significant impact.*

Discussion: The project site was not included on a site which is included on a list of hazardous materials sites, and no hazardous sites were identified within 1 mile of the project site (CDTS 2017; EPA 2017; SWRCB 2017). Because the project is not listed as a hazardous materials site, implementation of the proposed project would not create a significant hazard to the public or the environment. No impact would occur, and no mitigation would be necessary.

- e) Finding: The project would not, for a project within two miles of a public airstrip, result in a safety hazard for people residing or working in the project area. *Less than significant with mitigation implemented.*

Discussion: The project is directly east of the Rohnerville Airport. The airport is maintained by the County. The Public Works Department assists the Airport Land Use Commission in determining with a project is compatible with the Airport Land Use Compatibility Plan. The Public Works Department reviewed the project, and determined that the project site is within the Airport Land Use Compatibility Zones A, B1, and D. The proposed land use is compatible within these zones. The proposed nursery falls within Zone B1. The County Public Works Department noted that the proposed nursery is permitted within the zone provided that the density limit of 60 people/acre for all uses is not exceeded. The maximum number of people that may be

present on the project site at any time is 11, which is far less than the density limit. The farm dwelling unit and a portion of the gravel turnaround are shown on the plot plan within Zone D. The County Public Works Department noted that these are permitted uses within the zone.

The buildings as part of the project would be required to comply with County Code Section 333-1 et seq., Airport Approach Zone Building Height Limitations, which limits the allowable height of all structures within the Airport Land Use Compatibility Zones. Further, the applicant would be required to submit evidence that the project complies with or will comply with County Code Section 333-4.

While agricultural land uses are allowable in Zone B1, the pond approved under the ZCC has the potential to attract bird flocks and/or result in glare, which is potentially hazardous in an airport flight zone. The applicant has proposed to either cap the pond or install water storage bladders in the pond location. Mitigation Measure BIO-1 would be implemented to reduce impacts to less than significant. The applicant would be required to submit design drawings of the water containment system to CDFW and the County Public Works Department prior to installation of the water storage system at the pond location. In addition, substantial amounts of light being projected into the sky from the nursery skylights or elsewhere on the site could result in a hazardous condition with the airport. Mitigation Measure AES-1 requires the applicant to prepare a Lighting Plan for review and approval by the County. With implementation of the proposed mitigation, potential impacts would be reduced to a level of less than significant.

- f) Finding: The project would not, for a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area. *No impact.*

Discussion: There are no private airstrips in the vicinity of the project site. The proposed project would not result in a safety hazard for people residing or working in the project area. No impact would occur, and no mitigation would be necessary.

- g) Finding: The project would not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan. *Less than significant impact.*

Discussion: The project is proposed for a site with an existing cannabis cultivation operation that was approved under a ZCC. The project would be required to comply with the Humboldt County Fire Safe Ordinance (County Code Section 31111 et seq), which CAL-FIRE has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space (CAL-FIRE 2017). The project site is accessed by an existing 20-foot-wide gravel driveway, and on the site the facilities are accessed by an existing 30-foot-gravel driveway with a 115-foot-wide emergency-accessible turnaround directly adjacent to the proposed nursery. The improvement plans for the proposed project would be reviewed to verify compliance with the County's Fire Safe Ordinance which would ensure that adequate access for emergency response and evacuation is provided. The Fortuna Fire Protection District reviewed and approved the road access in a letter dated June 9, 2017. As such, this project would not interfere with any emergency response or evacuation plan.

Therefore, the proposed project would not impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan. Potential impacts would be less than significant and no mitigation would be necessary.

- h) Finding: The project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands. *Less than significant impact.*

Discussion: The project site is within a Wildland Fire Rating Zone of "Low," indicating the area is at low risk from wildland fires (Humboldt County 2017a). Construction equipment, including personal automobiles transporting workers, have the potential to start a fire. The site is located within the Fortuna Fire Protection District, but is in State Responsibility Area (SRA) lands which means the site is an area of legal responsibility for fire protection by CAL-FIRE. There is a low risk of wildland fire during construction because the project is part of an existing operation in an area of low fire risk. Further, as previously stated, the project would be required to comply with the Humboldt County Fire Safe Ordinance (County Code Section 31111 et seq), which CAL-FIRE has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space (CAL-FIRE 2017). During operation, the risk of fire would be low. The proposed nursery would be constructed of a metal building with slab-on-ground floors, which are non-flammable materials. There is an existing fire department connection with blue and white fire water reflective posts on the site, near the emergency-accessible turnaround on the site. The proposed location of the farm dwelling would not result in an increase in risk of fire from the location identified in the ZCC. Impacts would be less than significant and mitigation would not be necessary.

Mitigation:

See AES-1 in Section 5.1, Aesthetics and BIO-1 in Section 5.4, Biological Resources.

Findings:

- a) The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials: **Less than significant impact.**
- b) The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment: **Less than significant impact.**
- c) The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school: **No impact.**
- d) The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment: **Less than significant impact.**
- e) The project would not, for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area: **Less than significant impact with mitigation implemented.**
- f) The project would not, for a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area: **No impact.**
- g) The project would not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan: **Less than significant impact.**
- h) The project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands: **Less than significant impact.**

5.9 HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

The northern portion of the project site is located in the Strongs Creek-Eel River Subwatershed (HUC 12), and the southern half of the project site is located in the Cumming Creek-Van Duzen River Subwatershed (HUC12). Both are part of the Lower Eel Watershed (HUC8 Hydrologic Unit Code 18010105; USEPA 2017). The Lower Eel Watershed drains approximately 1,882 square miles.

Topography is mostly flat over much of the project site. A swale generally flows from the east to the northwest through the northern portion of the site. A gentle slope (0 - 8 percent) from the southern part

of the project site slopes toward the swale, and the northern part of the property slopes more steeply (8 - 16 percent) toward the swale. Approximately 100 feet north of the parcel's southern boundary is an east-west trending bluff edge. The average slope from SR 36 to the bluff edge at the location of the project parcel is approximately 39 percent. The project site is not connected to a municipal storm drainage system. No storm drainage systems are included as part of the proposed project.

Federal Emergency Management Agency (FEMA) flood insurance rate maps were reviewed for the project's proximity to a 100-year floodplain. The proposed project is on FEMA panel #06023C1240F, effective 11/04/2016. The project site is in an area mapped as Zone X, an area of minimal flood hazard (FEMA 2016).

Analysis:

- a) Finding: The project would not violate any water quality standards or waste discharge requirements. *Less than significant impact.*

Discussion: Construction activities associated with the project would involve excavation and grading, and other soil disturbing activities that have the potential to expose soil to erosion and may result in the transport of sediments which could adversely affect water quality. The potential for impacts is low - the site is relatively flat, and the area associated with the proposed project would be relatively small (approximately 15,000 square feet). The surface water features closest to the proposed location of the farm dwelling are over 100 feet away, and the surface water features closest to the proposed nursery project (including water tanks and parking) are over 200 feet away. Construction activities would be conducted in accordance with the County's grading regulations and BMPs, including temporary erosion and runoff control measures in accordance with Section 3432.9 of the Framework Plan, would be implemented during construction to minimize the potential for erosion and stormwater runoff.

While construction of the wholesale nursery building, water storage tanks, and three parking spaces would result in impermeable surfaces, runoff would be minimized because the proposed approximately two story 20,000-square-foot nursery and water storage tanks would feature rainwater catchment systems. The areas to the west, south, and east of the proposed nursery would be undeveloped, permeable lands which would further reduce runoff. In addition, the applicant would minimize runoff from the site through installation of landscaping around the border of the developed area. Stormwater not captured by the rain catchment system, and that does not infiltrate the permeable surfaces of the site would be captured by the landscaping. In addition, waste irrigation water from the nursery would be directed to the landscaping, which would minimize runoff from irrigation.

As described in response to Question b) in Section 5.4, Biological Resources, the existing operations on the site are enrolled under the NCRWQCB Waiver of Waste Discharge Requirements Order Number R1-2015-0023 as a Tier II discharger. One of the requirements is to prepare a WRPP, which includes identifying potential sources of water quality violations or waste discharge requirements, corrective actions including implementing and monitoring BMPs, and documenting water usage and timing to ensure the water use is not impacting water quality objectives and beneficial uses. The applicant would be responsible for notifying the NCRWQCB of the additional operations on the project site, and updating the WRPP as appropriate.

There is an existing on-site wastewater treatment system that was installed as part of the ZCC for the project. The proposed project would add three additional workers to the site; the proposed project would not violate any waste discharge requirements.

Therefore, the proposed project would not violate any water quality standards or waste discharge requirements.

- b) Finding: The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). *Less than significant impact.*

Discussion: The proposed project is not anticipated to substantially deplete groundwater supplies or affect the production rate of nearby wells. There is an existing, permitted well on the site, which CDFW has noted may be hydrologically connected to a surface water, which would avoid a net deficit in aquifer volumes or a lowering of the groundwater table. The anticipated annual water usage for the nursery is 60,000 gallons; however, water would be reused in hydroponic systems, which may result in less water being used. In addition, the primary water source for the nursery would be rainwater/fog harvesting/dehumidifiers, with the well available as a supplemental water source, if needed. The applicant proposes to install a water collection system on the roof of the nursery. Collected water would be stored in two- to ten- 5,000-gallon water tanks installed as part of the proposed project, and excess water would be stored in the 500,000-gallon pond (or water storage bladders in lieu of the pond) that was approved under the ZCC. All wastewater from nursery operations would be used to water landscaping on the project site, which would allow the opportunity for groundwater recharge. The applicant shall coordinate with the County Department of Environmental Health regarding the existing permit and the proposed additional water use. The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

Because the existing well may be hydrologically connected to a surface water, the applicant shall obtain a SAA from CDFW for use of the well. Diversion of surface waters requires a permit from the State Water Resources Control Board, Division of Water Rights. Successful completion of the SAA and surface water diversion permits from the State Water Resources Control Board are included as Mitigation Measure BIO-3. The applicant would be responsible for conducting all operations in accordance with the permits which would further reduce the less than significant impacts.

- c) Finding: The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. *Less than significant impact.*

Discussion: As previously described, construction activities associated with the project would involve excavation and grading, and other soil disturbing activities that have the potential to expose soil to erosion and may result in the transport of sediments which could adversely affect water quality. The potential for impacts is low - the site is relatively flat, and the area associated with the proposed project would be relatively small (approximately 15,000 square feet). The surface water features closest to the proposed location of the farm dwelling are over 100 feet away, and the surface water features closest to the proposed nursery project (including water tanks and parking) are over 200 feet away. Construction activities would be conducted in accordance with the County's grading regulations and BMPs, including temporary erosion and runoff control measures in accordance with Section 3432.9 of the Framework Plan, would be implemented during construction to minimize the potential for erosion and siltation.

As previously mentioned under Question a, the proposed project would introduce impervious surfaces to the site; however, runoff would be minimized because the proposed approximately 20,000-square-foot nursery and water storage tanks would feature rainwater catchment systems and landscaping would be installed around the border of the developed area. The WRPP would be updated to address water quality violations or waste discharge requirements associated with the proposed project, and would include corrective actions including implementing and monitoring BMPs. Implementation of the proposed project would not

substantially alter the existing drainage pattern of the site, nor would it result in substantial on- or off-site erosion or siltation.

- d) Finding: The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. *Less than significant impact.*

Discussion: As previously mentioned, the project site is relatively flat and the surface water features on the project site would not be affected by the proposed project. Grading associated with the proposed project would be minimal (less than 15,000 square feet); and the proposed project would not result in significant modifications to the existing topography of the site. The proposed rainwater catchment system and landscaping would minimize runoff. The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

- e) Finding: The project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. *Less than significant impact.*

Discussion: The project site does not drain to a municipal storm water drainage system, nor are any storm drainage systems proposed. The proposed project would not result in a substantial increase in stormwater runoff. There would be no impact on existing or planned municipal storm water drainage systems.

The proposed project would not provide substantial additional sources of polluted runoff. All cultivation activities associated with the proposed project would be indoors, and a hydroponic system would be used, which would minimize runoff of irrigation water. As previously mentioned under Question a, the proposed project would introduce impervious surfaces to the site; however, runoff would be minimized because the proposed approximately 20,000-square-foot nursery and water storage tanks would feature rainwater catchment systems and landscaping would be installed around the border of the developed area. The WRPP would be updated to address water quality violations or waste discharge requirements associated with the proposed project, and would include corrective actions including implementing and monitoring Best Management Practices (BMPs). Therefore, project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Potential impacts would be less than significant, and no mitigation would be necessary.

- f) Finding: The project will not otherwise substantially degrade water quality. *Less than significant impact.*

Discussion: There are no conditions associated with the proposed project that could result in the substantial degradation of water quality beyond what is described in the responses to subsections a) – c) and e).

Therefore, the proposed project would not otherwise substantially degrade water quality.

- g) Finding: The project would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. *No impact.*

Discussion: The FEMA Flood Insurance Rate Map for the project area indicates there are no 100-year floodplains overlapping the project site. While the planned farm dwelling on the site may

be periodically occupied by the workers, the structure would not be affected by a 100-year flood hazard. No impact would occur and no mitigation would be necessary.

- h) Finding: The project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows. *No impact.*

Discussion: There are no 100-year flood hazard areas in the project site. No structures associated with the proposed project would be located in a 100-year flood hazard area. No impact would occur and no mitigation would be necessary.

- i) Finding: The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. *No impact.*

Discussion: The proposed project does not involve the construction of levees or dams and the project site is not located in a dam failure inundation zone (Humboldt County 2017a). The proposed project would not expose people or structures to risks from flooding as a result of the failure of a levee or dam. No impact would occur and no mitigation would be necessary.

- j) Finding: The project would not result in inundation by seiche, tsunami, or mudflow. *No impact.*

The project is not in an area that is at risk from seiche, tsunami or mudflow. The project is not located near a large body of water capable of producing a seiche, is not located near the coast in a tsunami inundation area. While there are steep slopes along portions of the waterways through the site, mudflows are commonly associated with exposed, primarily clay soils which the site generally lacks. The structures on the site are not near the steep slopes. Therefore, the proposed project would not result in inundation by seiche, tsunami, or mudflow. Potential impacts would be less than significant and no mitigation would be necessary.

Findings:

- a) The project will not violate any water quality standards or waste discharge requirements: **Less than significant impact.**

- b) The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted): **Less than significant impact.**

- c) The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site: **Less than significant impact.**

- d) The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site: **Less than significant impact.**

- e) The project will not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff: **Less than significant impact.**

- f) The project will not otherwise substantially degrade water quality: **Less than significant impact.**

g) The project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map: **No Impact.**

h) The project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows: **No Impact.**

i) The project will not expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam: **No Impact.**

j) The project will not result in inundation by seiche, tsunami, or mudflow: **No Impact.**

5.10 LAND USE AND PLANNING

Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

The currently adopted Humboldt County General Plan designates the project area as "Agriculture Exclusive" (AE; Humboldt County General Plan 2040). AE lands may be used for the production of food, fiber, plants, timber, timber agriculturally related uses, and agriculture related recreational uses. Very low intensity residential uses may be allowed if they are incidental to the property and if they support agricultural activities, or are necessary for the enhancement and protection of the natural resources of the area.

The parcel in which the project site is located is zoned as "Agriculture Exclusive" (AE) with a combined zoning district of B-5(60) (Humboldt County 2017a). The AE zone is intended be applied in fertile area in which agriculture is and should be the desirable predominant use and in which the protection this use from encroachment from incompatible uses is essential to the general welfare. Principal uses include general agricultural uses, accessory agricultural uses and structures. The combined zoning district describes building restrictions, and a subdivision limit of 60-acre minimum lot size. The combined zoning district reduces the minimum subdivision lot size to 5 acres.

Analysis:

a) Finding: The project will not physically divide an established community. *No impact.*

Discussion: The proposed project would involve cannabis cultivation and processing operations on a rural site zoned to allow agricultural land uses. There are no established communities on the project site or adjacent areas. The project site is privately owned and is accessed by private roads through privately owned properties. No new access routes are proposed so the project would not physically divide an established community, and no impacts would occur.

b) Finding: The proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction of the project adopted for the purpose of mitigating an environmental effect. *No impact.*

Discussion: The proposed project would not conflict with any goals, policies or objectives in the County's General Plan intended to mitigate potential environmental impacts. Land uses and zoning under the proposed project would remain consistent with the existing land uses and zoning. The agricultural use associated with the nursery would be consistent with the allowable land uses under the General Plan and Zoning Ordinance. The CMMLUO identified AE-zoned

parcels as sites where wholesale cannabis nurseries could be allowed, subject to the issuance of a Specific Permit, as is being requested under the proposed project. The proposed project would not conflict with any goals, policies, or objectives in the County's General Plan or zoning ordinance intended to mitigate potential environmental impacts. No impact would occur, and no mitigation would be necessary.

- c) **Finding:** The project would not conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan. *No impact.*

Discussion: According to the U.S. Fish and Wildlife Service Environmental Conservation Online System (ECOS), the project site is not located within the boundaries of a Habitat Conservation Plan. Habitat Conservation Plans in Humboldt County include the following: 1) Green Diamond Resource Company California Timberlands and Northern Spotted Owl (formerly Simpson Timber Company); 2) Humboldt Redwood Company (formerly Pacific Lumber, Headwaters); and 3) Regli Estates. These Habitat Conservation Plans primarily apply to forest lands in the County.

According to the CDFW website, the project site is not located in the boundaries of a Natural Community Conservation Plan. The conservation plans for Humboldt County, listed on California Regional Conservation Plans Map on the CDFW website, include the Green Diamond and Humboldt Redwoods Company (previously Pacific Lumber Company) Habitat Conservation Plans.

The proposed project would not conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan. No impact would occur, and no mitigation would be necessary.

Findings:

a) The project will not physically divide an established community: **No Impact.**

b) The project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect: **No Impact.**

c) The project will not conflict with any applicable habitat conservation plan or natural community conservation plan: **No Impact.**

5.11 MINERAL RESOURCES

Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

Current mineral resource production in the County is primarily limited to sand, gravel, and rock extraction. The State Surface Mining and Reclamation Act of 1975 (SMARA) brought about a State policy for the reclamation of mined lands. The Humboldt County GIS database includes parcels containing mineral resources pursuant to SMARA. There are no parcels containing mineral resources in or near the project site.

Analysis:

a) **Finding:** The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. *No impact.*

Discussion: The project is not within or adjacent to any mining operations according to the County GIS database (Humboldt County 2017a). The project is an existing operation and does not involve additional ground disturbance or an expansion of the existing operations. Implementation of the project would not result in the loss of availability of a known mineral resource, and no impact would occur.

b) **Finding:** The project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. *No impact.*

Discussion:

There are no known mineral deposits of significance are on or near the project site. Therefore, implementation of the project would not result in the loss of availability of a locally important mineral resource recovery site, and no impact would occur.

Findings:

a) The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state: **No impact.**

b) The project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan: **No impact.**

5.12 NOISE

Would the project result in:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

The project site is in a primarily agricultural area of the County, and is bounded by Rohnerville Airport to the west, agricultural lands to the north and east, and SR 36 and agricultural and industrial properties to the south. Noise sensitive receptors include residences on the agricultural lands to the north and east. Those residences are located approximately 325 feet and 630 feet from the proposed project, respectively (residences based on review of structures in GoogleEarth® aerial imagery). Once constructed, the planned residence would be a sensitive receptor located approximately 50 feet from the nursery.

Analysis:

a) **Finding:** The project will not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. *Less than significant impact with mitigation incorporated.*

Discussion: The proposed project is on a site with existing cannabis cultivation and processing operations, and in an agricultural area. The project site is adjacent to Rohnerville Airport which would be expected to generate the greatest increases in ambient noise.

Potential noise sources associated with the project would include temporary construction noises during construction of the nursery and operational noises. There are no noise-sensitive

land uses within 300 feet of the developed area of the project site. Should the planned farm dwelling be constructed on the project site prior to construction of the nursery, the dwelling may be occupied during construction and operation of the project. The noise standards in the Humboldt County General Plan: Framework Plan are based on EPA recommendations. Section 3240 of the General Plan states: "The Environmental Protection Agency identifies 45 Ldn indoors and 55 Ldn outdoors as the maximum level below which no effects on public health and welfare occur. Ldn is the Day-Night Noise Level. Ldn is the average sound level in decibels, excluding frequencies beyond the range of the human ear, during a 24-hour period with a 10dB weighting applied to nighttime sound levels. A standard construction wood frame house reduces noise transmission by 15dB. Since interior noise levels for residences are not to exceed 45dB, the maximum acceptable exterior noise level for residences is 60dB without any additional insulation being required. Of course, this would vary depending on the land use designation, adjacent uses, distance to noise source, and intervening topography, vegetation, and other buffers." Since Ldn is a daily average, allowable noise levels can increase in relation to shorter periods of time. As stated in Section 3240, "Fences, landscaping, and noise insulation can be used to mitigate the hazards of excessive noise levels."

As noted above, the existing County noise standard utilizes an averaging mechanism (dBA Ldn) applicable to activities that generate sound sources averaged over a 24-hour period of time. This type of measurement is commonly used for measuring highway noise or industrial operations. A ten-decibel addition is added to noise levels occurring at nighttime – between 10:00 p.m. and 7:00 a.m. Utilizing a typical standard of 45 dBA Ldn interior noise level allows for a maximum of 60 dBA Ldn for 'normally acceptable' exterior levels.

Construction

Construction activities would result in a temporary increase in noise levels in the area. This noise increase would be short in duration, and would occur during daytime hours. As previously mentioned, the residences nearest to the project site are over 300 feet from the proposed nursery and the proposed location of the farm dwelling. Construction-related noises would be reduced beyond the boundaries of the site. If the farm dwelling is constructed and occupied prior to construction of the nursery, sensitive receptors could be affected during construction. The farm dwelling is being constructed by the applicant of the proposed project, and while it is not part of the proposed project or existing cannabis operations, the dwelling is associated with the development of the site. Occupants of the dwelling would be aware of the planned construction and operations. Although the potential for significant noise impacts is low, Mitigation Measure NOI-1 is proposed to reduce potential impacts from construction noise to a level of less than significant. The proposed mitigation would limit construction hours and days, and would require standard maintenance of tools and equipment to reduce noise levels. With implementation of the proposed mitigation, potentially significant impacts would be reduced to a level of less than significant.

Operation

Long-term operation of the nursery is not expected to generate significant noise levels that will exceed the Humboldt County General Plan Noise Element standards. Many of the proposed activities would take place within the nursery building which would significantly reduce noise levels. The project would involve the use of light-duty equipment for cultivation activities that would not result in excessive noise levels. The proposed activities would be consistent with the agricultural activities on adjacent properties and would be required to comply with County noise standards. In addition, Rohnerville Airport and SR 36 are significant noise sources in the area. Potential noise impacts from typical operational activities would be less than significant.

While not proposed as a primary energy source, the applicant may install generators for back up use in the event of a power outage. The County monitors the use of generators for cannabis

operations pursuant to Section 55.4.11 (o) of the CMMLUO. Noncompliance with the ordinance would be a potentially significant impact. Mitigation Measure NOI-2 requires the applicant to notify the County of generator use and demonstrate there would be no violation of County noise standards.

Therefore, with the proposed mitigation measures, the proposed project will not expose persons to or result in the generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standard of other agencies.

- b) Finding: The project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels. *Less than significant impact.*

Discussion: Operation of the existing facility would not involve the use of heavy machinery or ground disturbing activities that would result in excessive groundborne vibration or groundborne noise levels. Therefore, the proposed project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels.

- c) Finding: The project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. *Less than significant impact.*

Discussion: Construction activities will result in short-term increases in ambient noise levels due to the use of heavy equipment which is addressed under subsection d). Operation of the nursery would not result in a significant increase in permanent ambient noise levels. Nursery operation may involve the use of small equipment such as a forklift; however, the project site is located adjacent to other existing agricultural operations and an airport. Therefore, the proposed project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

- d) Finding: The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. *Less than significant impact with mitigation incorporated.*

Discussion: As described in response to question a), due to the surrounding land uses and the lack of noise-sensitive receptors, the potential for construction and operational noise impacts is low. Construction activities would result in a temporary increase in ambient noise levels, although they would be minimal and short in duration. Operation of the project has the potential to generate noise above existing, and if generators are used, ambient noise levels would be increased above existing. Mitigation Measures NOI-1 and NOI-2 are proposed to reduce potential impacts to a level of less than significant.

- e) Finding: The project will not, for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels. *Less than significant.*

Discussion: The project site is adjacent to Rohnerville Airport, which is a public airport used for general aviation, and not commercial airlines. The proposed nursery falls within Zone B1 of the ACLUP and the proposed location of the farm dwelling is within Zone D. Both land uses are compatible within the zones. The proposed project would not expose people residing or working in the project area to excessive noise levels. Impacts would be less than significant and no mitigation would be necessary.

- f) Finding: The project will not, for a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels. *No impact.*

Discussion: There are no private airstrips in the vicinity of the project site (Humboldt County 2017c). The project would not expose workers working or residing on the project site to excessive noise levels from a private airstrip. No impacts would occur, and no mitigation would be necessary.

Mitigation:

NOI-1 Construction Related Noise

The following shall be implemented during construction activities:

- The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall be limited to between the hours of 8 A.M. and 5 P.M. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
- No heavy equipment related construction activities shall be allowed on Sundays or holidays.
- All stationary and construction equipment shall be maintained in good working order, and fitted with factory approved muffler systems.

NOI-2 Generator Noise

Should generators be installed, the locations of the generators shall be provided to the County Planning Department on a site plan, and the projected use shall be provided. The generators shall be sited so that the decibel level for generators measured at the property line shall be no more than 60 decibels.

Findings:

- a) The project will not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies: **Less than significant impact with mitigation incorporated.**
- b) The project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels: **Less than significant impact.**
- c) The project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project: **Less than significant impact,**
- d) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project: **Less than significant impact with mitigation incorporated.**
- e) The project will not, for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels: **Less than significant impact.**
- f) The project will not, for a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels: **No impact.**

5.13 POPULATION AND HOUSING

Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

Humboldt County is a rural county with a large land area and low population density. The 2010 Census reported the county's population to be 134,623, which represents an increase of 8,105 over the population reported in the 2000 Census. The California Department of Finance (DOF) prepares estimates of statewide, county, and city populations for years between the decennial census that are used by state and local government to allocate funding and for planning purposes. The DOF estimates the 2015 population of Humboldt County to be 134,398, which is a decrease of 225 people since the 2010 Census.

The DOF also develops projections of State and county population 50 years beyond the decennial census. Between 2010 and 2020, the Humboldt County population is projected to increase by approximately 2.2%, from 136,056 to 139,033 (an increase of 2,977 people). Between 2020 and 2030, the population is projected to increase by approximately one percent, from 139,033 to 140,608 (an increase of 1,575 people).

Analysis:

- a) Finding: The project would not induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure). *Less than significant impact.*

Discussion: Growth inducing impacts are generally caused by projects that have a direct or indirect effect on economic growth, population growth, or when the project taxes community service facilities which require upgrades beyond the existing remaining capacity. The project proposes construction of an approximately 20,000-square-foot nursery and additional parking on an existing cannabis cultivation operation. The planned farm dwelling is already approved under the ZCC. Operation of the nursery would require three employees. The number of associated employees would be negligible and would not result in a substantial population growth in the area. Impacts associated with population growth would be less than significant and no mitigation would be necessary.

- b) Finding: The project would not displace existing housing, necessitating the construction of replacement housing elsewhere. *No impact.*

Discussion: The proposed project would involve constructing a nursery that would be ancillary to an existing cannabis cultivation on the site. The dwelling proposed to be constructed under the already approved ZCC for the site would provide as-needed housing for employees. The proposed project will not displace substantial number of existing housing, necessitating the construction of replacement housing elsewhere.

- c) Finding: The project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. **No impact.**

Discussion: The proposed project would involve constructing a nursery that would be ancillary to an existing cannabis cultivation on the site. The dwelling proposed to be constructed under the already approved ZCC for the site would provide as-needed housing for employees, and would remain as part of the operation on the site. The proposed project will not displace substantial number of existing people, necessitating the construction of replacement housing elsewhere.

Findings:

a) The project will not induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure): **Less than significant impact.**

b) The project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere: **No Impact.**

c) The project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere: **No Impact.**

5.14 PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

Fire protection in Humboldt County is provided by local districts, cities, and the California Department of Forestry and Fire Protection (CALFIRE). The project site is within the boundaries of the Fortuna Fire Protection District, but is also located within a State Responsibility Area (SRA) which means that fire protection services for wildland fires are provided by CALFIRE. CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. Also, CALFIRE is the primary command and control dispatch for most local agency fire districts and departments.

The Humboldt County Sheriff's Office is responsible for law enforcement in the unincorporated areas of the County, including the project site. The Humboldt County Sheriff's Office provides a variety of public safety services countywide (court and corrections services) and law enforcement services for the unincorporated areas of the County. The California State Highway Patrol is responsible for enforcing traffic laws on roadways within the unincorporated areas and on state highways throughout the County.

The Sheriff's Office has mutual aid agreements with cities and the California State Highway Patrol. Mutual aid is an agreement between agencies where the agency of jurisdiction can request manpower or resources from allied agencies or agencies within the surrounding areas. The project site is within the Sphere of Influence of the City of Fortuna; therefore, the nearest responding law enforcement is from Fortuna.

Schools located nearest to the project site are Toddy Thomas Elementary School located approximately 1.25 miles northwest of the project site, and Hydesville Elementary School located approximately 1.5 miles east of the project site. There are no existing recreational resources in or near the project site.

Analysis:

a) **Finding:** The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for fire protection. *Less than significant impact.*

Discussion: The proposed project would not result in an increase in the population of the area or a change in the existing land uses; therefore, the project would not result in an increase in demands on fire protection services in the area. Operation of the nursery would involve three employees. The project site is in an area identified as low risk for fire. Due to the nature of the proposed operation and required compliance with fire code requirements, it is not anticipated that the project would result in a significant increase in the number of calls for service. As such, the project would not result in the need for new or physically altered fire protection facilities. Impacts to fire protection services from the proposed project would be less than significant, and no mitigation would be necessary.

- b) Finding: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any of the public services for police protection. *Less than significant impact.*

Discussion: Cannabis-related operations are commonly associated with greater security-related demands, which may result in an increase in law enforcement services provided by the County Sheriff's Department. The proposed project is part of an existing operation with a security plan which has been approved by the County. In addition, the applicant would implement the security plan contained in the Cultivation and Operations Plan prepared for the proposed project. Implementation of the security plan measures would minimize impacts on local law enforcement. The proposed project would not result in the need for new or physically altered law enforcement facilities. Potential impacts would be less than significant, and no mitigation would be necessary.

- c) Finding: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services schools. *No impact.*

Discussion: The proposed project would involve constructing a nursery that would be ancillary to an existing cannabis cultivation on the site. The dwelling proposed to be constructed under the already approved ZCC for the site would provide as-needed housing for employees. The proposed project would not include a residential housing development and would not directly or indirectly induce population growth in the area; therefore, the project would not result in the need for new or expanded school facilities. No impact on school facilities would occur.

- d) Finding: The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for parks. *No impact.*

Discussion: As previously mentioned, the proposed project would not directly or indirectly induce population growth and would not result in the need for new or expanded park facilities. No impact on park facilities would occur.

- e) Finding: The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for other public facilities. *No impact.*

Discussion: As previously mentioned, the proposed project would not directly or indirectly induce population growth and would not result in an increased demand for other public facilities. No impact on demand for public facilities would occur.

Findings:

a) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for fire protection: **Less than significant impact.**

b) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for police protection: **Less than significant impact.**

c) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services schools: **No impact.**

d) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for parks: **No impact.**

e) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for other public facilities: **No impact.**

5.15 RECREATION

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

Recreational resources are addressed in the General Plan (Humboldt County 1984; 2017b). There are no existing recreational resources in or near the project site. There are no existing or planned bicycle trails in or near the project site (HCAOG 2014).

Analysis:

a) **Finding:** The project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. *No impact.*

Discussion: The project would not directly induce population growth or otherwise result in an increased demand on existing recreational facilities. There are no existing recreational facilities in or near the project site and the project would not provide direct access to or increase the use of recreational facilities in the region. No impacts would occur.

b) **Finding:** The project will not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. *No impact.*

Discussion: The proposed project would not induce population growth or otherwise result in an increased demand on existing recreational facilities that would require the construction or expansion of recreational facilities. Further, the proposed project does not include construction of recreational facilities. No impacts would occur.

Findings:

a) The project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated: **No Impact.**

b) The project will not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment: **No Impact.**

5.16 TRANSPORTATION/TRAFFIC

Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

The property is accessed from Triple K Road via a 20-foot-wide gravel driveway in a 40-foot-wide road/utility easement. The driveway terminates in a 115-foot-wide vehicle turnaround. Existing parking includes ten standard and two ADA-compliant accessible spaces; the project would provide two additional standard spaces and one additional accessible space (three parking spaces). Triple K Road intersects Rohnerville Road.

The project site is located directly east of Rohnerville Airport, which is maintained by the County and is considered to be a principal arterial (HCOAG 2014). SR 36, south of the project site is a minor arterial (HCOAG 2014). The project site is located within the Airport Land Use Compatibility Zones A, B1, and D.

Analysis:

- a) **Finding:** The project will not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets,

highways and freeways, pedestrian and bicycle paths, and mass transit. *Less than significant impact.*

Discussion: The property is accessed from Triple K Road via a 20-foot-wide gravel driveway in a 40-foot-wide road/utility easement. The driveway was constructed as part of the existing operations on the site. Access to the site was reviewed and approved by the County Public Works Department. While construction activities would result in a temporary increase in traffic on Triple K Road and Rohnerville Road, the proposed project is relatively small and associated construction traffic would be minimal and for a short duration (less than one year). Construction activities would not result in substantial adverse effects or conflicts with the local roadway system.

Vehicle trips generated during operation of the project would include round trips for each of the three nursery workers, and one round trip for the delivery truck. As such, during operation, up to 8 vehicle/truck trips (4 in/4 out) per day or 2,920 trips per year would be generated by the project. The number of trips generated by the proposed project would be minor, and potential impacts to the local roadway system would be less than significant, and no mitigation would be necessary.

There are currently no public transit facilities serving the project area. The nearest public transit system is in the City of Fortuna. There are no existing or proposed bicycle or pedestrian facilities in the project area (HCOAG 2014).

Therefore, the proposed project will not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

- b) Finding: The project will not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. *No impact.*

Discussion: Humboldt County is considered rural and does not have a Congestion Management Agency or an adopted Congestion Management Program. The Humboldt County Association of Governments (HCAOG) is the regional transportation planning agency for Humboldt County. Under its authority as the Regional Transportation Planning Agency for Humboldt County, HCAOG adopts and submits an updated Regional Transportation Plan to the California Transportation Commission and Caltrans every five years. The Regional Transportation Plan is a long-range (20-year) transportation planning document for Humboldt County. The most recent five-year update of the RTP was adopted in 2014. The Regional Transportation Plan does not currently establish vehicular level of service criteria for County roadways in the Rohnerville area (HCOAG 2014). Transportation is not addressed in the Fortuna Area Community Plan (Humboldt County 1985).

Therefore, the proposed project will not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

- c) Finding: The project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. *No impact.*

Discussion: The project site is directly east of the Rohnerville Airport. The project would not cause an increase in air traffic patterns, since air travel would not be a means of transportation used

for any aspect of the project, and the proposed project would involve only three additional workers. The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that would result in substantial safety risks.

- d) Finding: The project would not substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). *Less than significant impact.*

Discussion: The proposed project would use existing roadways to access the site. The property is accessed from Triple K Road via a 20-foot-wide gravel driveway in a 40-foot-wide road/utility easement. The driveway was constructed as part of the existing operations on the site. At that time, access to the site was reviewed and approved by the County Public Works Department. The proposed project does not include construction of existing roads; however, the County Public Works Department has requested a Road Evaluation Report from the applicant and will review all access routes and on-site driveways for compatibility with the proposed land use. The applicant has submitted the Road Evaluation Report to the County. Should transportation improvements be necessary, any transportation improvements would be reviewed by and constructed to the standards of the County Engineer and County Public Works Department to ensure that no hazardous design features would be developed as part of the project. All activities associated with operation of the nursery would occur entirely within the project site, and would not involve driving or operating farm equipment on public roadways in the area.

Therefore, the proposed project would not substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersection) or incompatible uses (e.g. farm equipment). Potential impacts would be less than significant and no mitigation would be necessary.

- e) Finding: The project will not result in inadequate emergency access. *Less than significant impact.*

Discussion: As previously mentioned, the project site is accessed by a driveway that was constructed as part of the existing operations on the site. The existing driveway includes a 115-foot-wide turn around at its terminus. The site was previously reviewed and approved by the County Public Works Department for emergency access. The proposed project does not include construction of new roads or modification to the existing; however, the County Public Works Department will review all access routes and on-site driveways for compatibility with the proposed land use. Should improvements for emergency vehicle access be necessary, any improvements would be reviewed by and constructed to the standards of the County Engineer and County Public Works Department.

The project will be required to comply with the Humboldt County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space (CALFIRE 2017). The improvement plans for the proposed project will be reviewed to verify compliance with the County's Fire Safe Ordinance which will ensure that adequate access for emergency vehicles is provided. The proposed project would not result in inadequate emergency access. Potential impacts would be less than significant and no mitigation would be necessary.

- f) Finding: The project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. *No impact.*

Discussion: There are currently no public transit facilities serving the project area. The nearest public transit system is in the City of Fortuna. There are no existing or proposed bicycle or pedestrian facilities in the project area. (HCOAG 2014)

Therefore, the proposed project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Findings:

- a) The project will not conflict with an applicable plan, ordinance or policy establishing measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit: **Less than significant impact.**
- b) The project will not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways: **No Impact.**
- c) The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks: **No Impact.**
- d) The project will not substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment): **Less than significant impact.**
- e) The project will not result in inadequate emergency access: **Less than significant impact.**
- f) The project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities: **No Impact.**

5.17 TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code §5020.1(k)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting:

A cultural resources study for the project site was prepared prior to approval of the ZCC for the existing cannabis cultivation operations on the site (Roscoe and Associates 2016). The study included a records search, Native American Heritage Commission (NAHC) inquiry, coordination with local tribes, and pedestrian survey of the site. In addition, soil logs extracted during the geotechnical study were examined for evidence of cultural resources. The soil logs were approximately 10 feet long (indicating the extraction reached to approximately 10 feet below ground surface).

The project area is within the ethnographic territory of the Wiyot Tribe. As part of preparation for a cultural resources survey, representatives of the Wiyot Tribe, Bear River Band of the Rohnerville Rancheria, and the Blue Lake Rancheria were contacted regarding the project (Roscoe and Associates 2016). The THPO of Blue Lake Rancheria replied that the project site is outside their area of interest. Upon notification of the results of the cultural resources survey, the THPO of Bear River and the THPO of the Wiyot Tribe expressed no concerns (Roscoe and Associates 2016).

A search of records at the Northwest Information Center revealed that no previous investigations have included the project site, and six investigations have been conducted at least in part within 0.5-mile of the project site. None of those surveys documented any resources within 0.5-mile of the project site (Roscoe and Associates 2016, Table 1). An archaeological site described as a Native American human burial was documented 520 meters (0.33 mile) southeast of the project site in 1978 (Roscoe and Associates 2016, Table 2).

At the time of the pedestrian survey, the project site was undeveloped and used for grazing. No surface resources were identified, and no resources were identified in the soil logs that would indicate the presence of subsurface resources.

Analysis:

a) **Finding:** The project will not cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code §5020.1(k). *Less than significant impact with mitigation incorporated.*

Discussion: A Cultural Resources Investigation of the project site conducted by Roscoe & Associates (October 2016) found no archaeological resources as defined in CEQA, Article 4,

15064.5 (a). No pre-contact resources have been recorded within a 0.5-mile radius of the project site, and upon notification of the results of the cultural resources survey, the THPO of Bear River and the THPO of the Wiyot Tribe expressed no concerns. While it's unlikely that the site would contain archaeological resources, there is the potential for subsurface excavation activities to uncover previously unknown subsurface archaeological resources. Implementation of standard cultural resource construction mitigation (Mitigation Measure CUL-1) regarding inadvertent discoveries would reduce potential impacts to a level of less than significant.

- b) Finding: The project will not cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1 *Less than significant impact with mitigation incorporated.*

Discussion: As required by AB 52, the County of Humboldt sent requests for formal consultation to the Tsnungwe Council, Bear River Band of the Rohnerville Rancheria, and the Wiyot Tribe.

Upon review of the Cultural Resources Investigation prepared for the project site, the County of Humboldt determined that the proposed project will not cause a substantial adverse change in the significance of a known tribal cultural resource. However, due to the potential to uncover tribal cultural resources during project construction activities and long-term operation, an inadvertent discovery protocol has been included as Mitigation Measure CUL-1 for the proposed project in Section 5.5, Cultural Resources, of this document.

With the proposed mitigation measures, the proposed project will not cause a substantial adverse change in the significance of a tribal cultural resource.

Mitigation:

See CUL-1 in Section 5.5, Cultural Resources.

Findings:

- a) Cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code §5020.1 (k): **Less than significant impact with mitigation incorporated.**
- b) Cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1: **Less than significant impact with mitigation incorporated.**

5.18 UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting:

The project site is located in a rural area of the county. The project site does not receive municipal water or wastewater utility services. PG&E supplies electricity to the site.

Solid waste from Humboldt County is largely transported to one of three out-of-area landfills for disposal: the Anderson Landfill in Shasta County; Dry Creek Landfill in Medford, Oregon; and Potrero Hills Landfill in Suisun City. In rural areas of the county, residents and businesses not served by commercial waste haulers or other solid waste transport arranged by the Humboldt County Public Works Department may haul solid waste to permitted transfer station and container sites located in several areas of Humboldt County where it is transported to an out-of-area landfill. In a Commercial Medical Marijuana Permit application with the County Department of Environmental Health, the applicant indicated the preferred solid waste facility is the Eel River Disposal & Resource Recovery at 965 Riverwalk Drive, Fortuna, CA 95540, approximately 2.75 miles northwest of the project site. Eel River Disposal manages the transport of self-hauled and non-HWMA member waste, as well as waste received at the Redway Transfer Station. Solid waste is transported for disposal to the Anderson Landfill for disposal by Eel River

Disposal, and Alves Inc. also hauls residual waste from its operation to Anderson. This landfill is not expected to close until 2036.

Analysis:

- a) **Finding:** The project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. *Less than significant impact.*

Discussion: There are no public wastewater treatment systems serving the project site. There is an existing on-site wastewater treatment system that was installed as part of the ZCC for the project. The proposed project would add only three additional workers to the site; therefore, the proposed project will not exceed wastewater treatment requirement of the NCRWQCB.

- b) **Finding:** The project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. *Less than significant impact.*

Discussion: There are no public water or wastewater treatment systems serving the project site. Water for irrigating the nursery plants will be obtained primarily from rainwater catchment, with an existing permitted onsite well as backup. The proposed project includes installation of two to ten 5,000-gallon water storage tanks to store the collected water. Excess water would be stored in the 500,000-gallon pond that was approved as part of the ZCC, but has not yet been constructed. Wastewater from irrigation would be minimized by use of a hydroponic system, and any wastewater would be used to irrigate on-site landscaping. Installation of the rainwater catchment system would result in physical impacts to the project site. The impacts are part of the project's construction phase and are evaluated throughout this document. In instances where significant impacts have been identified as a result of project construction and/or operation, mitigation measures have been included to reduce those impacts to levels of less than significant. As such additional mitigation would not be required.

A total of three workers would operate the nursery. They would use existing facilities with potable water obtained from the onsite well and an onsite wastewater treatment system. The number of workers associated with the proposed project would not result in the construction of new water or wastewater treatment facilities or expansion of existing. Impacts would be less than significant, and mitigation would not be necessary.

- c) **Finding:** The project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. *Less than significant impact.*

Discussion: There are no public storm water drainage facilities serving the project site. While construction of the wholesale nursery building, water storage tanks, and three parking spaces would result in impermeable surfaces, runoff would be minimized because the proposed approximately 20,000-square-foot nursery and water storage tanks would feature rainwater catchment systems. The areas to the west, south, and east of the proposed nursery would be undeveloped, permeable lands which would further reduce runoff. In addition, the applicant would minimize runoff from the site through installation of landscaping around the border of the developed area. Stormwater not captured by the rain catchment system, and that does not infiltrate the permeable surfaces of the site would be captured by the landscaping. In addition, waste irrigation water from the nursery would be directed to the landscaping, which would minimize runoff from irrigation. Impacts would be less than significant, and mitigation would not be necessary.

- d) Finding: The project will not have insufficient water supplies available to serve the project from existing entitlements and resources (i.e., new or expanded entitlements are needed). *Less than significant impact.*

Discussion: The project site is not served by a municipal water system. Anticipated annual water usage for the nursery is 60,000 gallons; however, water would be reused in hydroponic systems, which may result in less water being used. There is an existing, permitted well on the project site; however, the primary water source for the nursery would be rainwater/fog harvesting/dehumidifiers, with the well available as a supplemental water source, if needed. The applicant proposes to install a water collection system on the roof of the nursery. Collected water would be stored in two to ten 5,000-gallon water tanks installed as part of the proposed project, and excess water would be stored in the 500,000-gallon pond that was approved under the ZCC. The applicant shall coordinate with the County Department of Environmental Health regarding the existing well permit and the proposed additional water use.

Water for the three nursery workers would be provided by the well, in facilities approved under the ZCC. The ZCC considered domestic needs in the existing and planned (approved but not yet built) structures, including the farm dwelling. This includes restrooms, drinking water, and cooking in the employee facilities. The addition of three workers to the site would not result in a significant increase in water usage on the site.

The proposed project would have sufficient water supplies available to serve the project from existing entitlements and resources. Impacts would be less than significant and no mitigation would be necessary.

- e) Finding: The project will not result in a determination by the wastewater treatment provider which services or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. *No impact.*

Discussion: There are no public wastewater treatment systems serving the project site. There is an existing on-site wastewater treatment system that was installed as part of the ZCC for the project. The proposed project would add only three additional workers to the site; therefore, the proposed project will not exceed wastewater treatment requirement of the NCRWQCB.

The proposed project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. There would be no impact.

- f) Finding: The project will not be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs. *Less than significant impact.*

Discussion: Solid waste generated by the nursery would include the following: 1) plant material, nutrient supplement and soil containers, etc. generated from the cultivation, nursery, and breeding activities; 2) plant material generated from the cultivation activities; and 3) typical office and domestic solid waste generated by the employees.

The applicant proposes to self-haul solid waste to the Eel River Disposal & Resource Recovery station in Fortuna. The applicant would haul waste once per week and recycling once per month. The transported waste would be part of the larger existing operation on the project site. Plant material generated from operation of the nursery (and existing operations) would be fed to the goats and pigs on the site or composted, thereby reducing the amount of organic material entering the landfills. Eel River Disposal transports waste to the Anderson Landfill which is not expected to close until 2036. There are numerous other disposal transfer sites in the County which are serviced by other out of area landfills. Therefore, the proposed project will be served

by landfills with sufficient permitted capacity to accommodate the project's solid waste disposal needs.

- g) **Finding:** The project will not violate any federal, state, and local statutes and regulations related to solid waste. *Less than significant impact.*

Discussion: The California Integrated Waste Management Act of 1989 (Public Resources Code Division 30), enacted through Assembly Bill (AB) 939 and modified by subsequent legislation, required all California cities and counties to implement programs to divert waste from landfills (Public Resources Code Section 41780). Compliance with AB 939 is determined by the Department of Resources, Recycling, and Recovery (Cal Recycle), formerly known as the California Integrated Waste Management Board (CIWMB). Each county is required to prepare and submit an Integrated Waste Management Plan for expected solid waste generation within the county to the CIWMB. In 2012, the unincorporated area of Humboldt County met or exceeded the waste diversion mandate of 50 percent set by the Integrated Waste Management Act of 1989 (Humboldt County 2014).

The proposed project would comply with all federal, state, and local statutes related to solid waste, including AB 939. This would include compliance with the Humboldt Waste Management Authority's recycling, hazardous waste, and composting programs in the county to comply with AB 939. Plant material generated from operation of the nursery (and existing operations) would be fed to the goats and pigs on the site or composted, thereby reducing the amount of organic material entering the landfills. The applicant will use a hydroponic system in the nursery which would avoid soil disposal.

Therefore, the proposed project will not violate any federal, state, and local statutes and regulations related to solid waste. Impacts would be less than significant, and no mitigation would be necessary.

Findings:

- a) The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board: **Less than significant impact.**
- b) The project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects: **Less than significant impact.**
- c) The project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects: **Less than significant impact.**
- d) The project will not have insufficient water supplies available to serve the project from existing entitlements and resources (i.e., new or expanded entitlements are needed): **Less than significant impact.**
- e) The project will not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments: **No impact.**
- f) The project will not be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs: **Less than significant impact.**
- g) The project will not violate any federal, state, and local statutes and regulations related to solid waste: **Less than significant impact.**

5.19 MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) The project will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) The project will not have impacts that are individually limited, but cumulatively considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) The project is not of a type or located in an area that will cause substantial adverse effects on human beings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting:

The project information provided for each of the topics above has been reviewed for all actions associated with it; during both temporary construction and long-term operation. Based on the project description and its location, the proposed project will not result in any significant impacts with the incorporated operating restrictions, mitigation measures, as well as those standards and requirements of other regulating resource agencies.

Analysis:

a) Finding: The project will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. *Less than significant impact with mitigation incorporated.*

Discussion: All impacts to the environment, including impacts to habitat for fish and wildlife species, fish and wildlife populations, plant and animal communities, rare and endangered plants and animal species, and historical and prehistorical resources were evaluated as part of the analysis in this document. Where impacts were determined to be potentially significant, mitigation measures have been imposed to reduce those impacts to less than significant levels. Accordingly, with incorporation of the mitigation measures imposed throughout this document, the proposed project would not substantially degrade the quality of the environment and impacts would be less than significant.

Mitigation:

All mitigation discussed in this document shall apply (See Chapter 6, Discussion of Mitigation Measures, Monitoring, and Reporting Program). Proposed mitigation includes AES-1, BIO-1, BIO-2, BIO-3, BIO-4, CUL-1, GEO-1, NOI-1, and NOI-2.

- b) Finding: The project will not have impacts that are individually limited, but cumulatively considerable. ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects). *Less than significant impact with mitigation incorporated.*

Discussion: An analysis of cumulative impacts considers the potential impacts of the project combined with the incremental effects of other approved, proposed, and reasonably foreseeable projects in the vicinity. Because the proposed project is of small scale (approximately 15,000 square feet of ground disturbance), with relatively minor environmental effects, and will be part of a larger existing and approved operation on the project site, the project would only be potentially cumulatively considerable when combined with the incremental effects of the previously approved project on the project site. As such, the discussion is focused on the potential cumulative effects of the proposed project combined with the previously approved project on the project site.

The cumulative project being considered is a mixed-light commercial medical marijuana cultivation project that was found to be exempt from CEQA and was approved under a ZCC. The approved project includes a processing building, a stand-alone ADA-compliant bathroom facility, water storage tanks totaling 45,000 gallons, a 500,000-gallon pond, and a gravel driveway. Permanent staff for the approved operation is 3, and 4-5 trimmers are employed seasonally, for a maximum of 8 employees on-site. A separate building permit for a farm dwelling, garage, and storage building has also been issued.

Present on the property today are: two 30x144 foot greenhouses and a 24x48 foot greenhouse; a 20x40 foot processing building; a 10x20 foot stand-alone accessible bathroom and an 80x80 foot septic leach field with 100-percent reserve area; five horticultural storage sheds; a dumpster enclosure; nine 5,000-gallon water storage tanks; a groundwater well; a gravel driveway with 115-foot turnaround and ten parking spaces. Approved under the ZCC but not yet built are: a 30x45 foot dwelling; a 30x20 foot garage; a 500,000-gallon pond (which may be eliminated in favor of generation/capture of water from dehumidifiers); a 12-foot-high chain-link security fence with cameras. Because the existing facilities are part of the baseline condition, the effects of the proposed project in addition to the existing project were analyzed in Chapter 5 of this document.

The proposed project would result in no impact to land use and planning, mineral resources, and recreation. The cumulative project is located on the same project site with similar land uses, and would also result in no impact to those resources. There would be no cumulative impact to those resources, and they are not discussed further in this section.

Aesthetics

The proposed project and the cumulative project are located in an area with relatively low visual quality and no significant scenic resources in the vicinity. While the proposed project and the cumulative project would represent a visual change to the project site, the projects would be consistent with the predominantly agricultural character of the setting. Given also the low number of sensitive viewers in the vicinity, the visual impacts would be less than significant. The incremental aesthetic effects of the projects would not combine to result in a cumulatively significant impact. The projects contribution would not be considerable.

The proposed project and the cumulative project would incorporate minimum lighting and would be required to comply with County lighting standards and ordinances. Mitigation Measure AES-1 would reduce potential light and glare impacts to a level of less than significant. Because the cumulative project includes mixed light methods, the cumulative project is required to comply with International Dark Sky Association Standards, and is required to prevent light from escaping. With the proposed mitigation incorporated, the project's contribution to light and glare would not be considerable, and the projects would not combine to result in a cumulatively significant impact.

Agriculture and Forestry Resources

The proposed project and cumulative project are located on the same parcel, with the same agricultural zoning. Both projects are consistent with the allowable activities for the zoning district. Section 55.4.8.1 of the CMMLUO identifies that no more than 20 percent of the prime agricultural soils on a parcel may be permitted for commercial medical marijuana cultivation. The project site contains prime soils on which both projects are located. The cumulative project was found consistent with the CMMLUO, and there are no development restrictions related to prime soils for nurseries. The project's contribution to agriculture and forestry resource-related impacts would not be considerable, and the projects would not combine to result in a cumulatively significant impact.

Air Quality

Individually, the proposed project and cumulative project would result in less than significant impacts to air quality. A significant portion of the cumulative project has already been constructed; therefore, the projects would not be constructed at the same time to result in a cumulatively considerable increase in PM₁₀. As mentioned in Section 5.3, the combination of operations on the same parcel would reduce air quality impacts due to the location of the parcel, and a reduction in trips to transfer goods and supplies between parcels. Combined, the projects have the potential to result in approximately 24 vehicle trips per day (12 in/12 out). The number of cumulative vehicle trips is negligible and is not expected to result in a cumulatively considerable increase in emissions. The project would not result in a considerable contribution to air quality impacts and the projects would not combine to result in a cumulatively significant impact.

Biological Resources

The analysis in Section 5.4, Biological Resources, identified potential impacts associated with implementation of the approved pond. While construction of the proposed pond is not part of the proposed project, the proposed project may rely on the pond for water storage. CDFW provided comments related to the potential effects of the pond on wildlife that are addressed in this document. Mitigation Measures BIO-1 and BIO-2 would reduce the potential impacts to less than significant. The cumulative project would be required to comply with the proposed mitigation. As such, with the proposed mitigation, the project would not result in a considerable contribution to wildlife and the projects would not combine to result in a cumulatively significant impact.

In addition, while the primary water source of the proposed project would be rainwater catchment/fog harvesting, the project may rely on the use of the permitted well. CDFW noted that the well was hydrologically connected to surface waters and required a SAA. The potential impacts associated with use of the well are analyzed as part of the project. Mitigation Measure BIO-3 requires completion of the SAA and requires the applicant obtain a surface water diversion permit from the State Water Resources Control Board. Use of the well by both projects could result in a cumulatively considerable effect on surface water; however, with implementation of the proposed mitigation, impacts would be reduced to a level of less than significant. The cumulative project would be required to comply with the proposed mitigation. As such, with the proposed

mitigation, the project would not result in a considerable contribution to effects on sensitive habitats, and the projects would not combine to result in a cumulatively significant impact.

The proposed project may affect the SMA for the seasonal wetland and wetland swale on the project site. Mitigation Measure BIO-4 would reduce the potential impacts to a level of less than significant. With implementation of the proposed mitigation, the project would not conflict with local ordinances. The projects would not combine to result in a cumulatively significant impact.

In summary, with the mitigation for the proposed project incorporated, the cumulative impact to biological resources would be less than significant, and the project contribution would not be considerable.

Cultural Resources and Tribal Cultural Resources

The probability that any previously undiscovered cultural or paleontological resources are present at the project site is low. The cumulative project is largely already constructed; however, there will be additional construction for the remaining previously approved elements of the project. In the event that buried cultural or paleontological materials are encountered during grading or excavation, the projects would be subject to the proposed mitigation for this project (CUL-1). Implementation of the mitigation measure by the projects would reduce project-specific impacts to a level of less than significant for each project. The collective incremental effects after mitigation would result in a less than significant cumulative impact to cultural and paleontological resources, and the project contribution would not be considerable.

Geology and Soils

The proposed project and cumulative project are located on the same site; therefore, the projects would be subject to the same geologic and soils conditions and hazards as discussed in Section 5.6, Geology and Soils. Due to the proximity of the projects, the seismic and adverse soil condition risks identified for the project would be cumulatively considerable; however, the potential impacts of the proposed project and cumulative project would be mitigated through the building code requirements and design recommendations of the geotechnical study of the project site that was conducted for the cumulative project. The projects would be subject to the mitigation measure identified for the proposed project (GEO-1). Implementation of the measures by the projects would reduce project specific impacts to a level of less than significant for each project. The collective incremental effects after mitigation would result in a less than significant cumulative impact to geology and soils, and the project contribution would not be considerable.

Greenhouse Gas Emissions

As discussed in Section 5.7, Greenhouse Gas Emission, the proposed project would result in less than significant impacts related to GHG emissions. The cumulative project is largely built and would not result in a cumulative increase in emissions during construction. As previously mentioned, the projects have the potential to result in approximately 24 vehicle trips per day (12 in/12 out). The number of cumulative vehicle trips is negligible and is not expected to result in a cumulatively considerable increase in emissions. The project would not result in a considerable contribution to air quality impacts and the projects would not combine to result in a cumulatively significant impact.

Hazards and Hazardous Materials

As discussed in Section 5.8, Hazards and Hazardous Materials, the proposed project would result in less than significant impacts related to hazards and hazardous materials with mitigation to reduce potential hazards associated with the airport (AES-1 and BIO-1). Operation of the proposed nursery and operation of the commercial medical cannabis operations under the cumulative project would involve the use of fuels, fertilizers, pesticides, and other related products. The

NCRWQCB program and County ordinance have "standard conditions" applicable to cannabis operations that address impacts from the storage and use of hazardous materials. The projects would be required to comply with the regulations. The proposed project and cumulative project are located in the airport land use compatibility zone for the Rohnerville Airport. The projects have been confirmed consistent with the land uses for the airport zones by the County Public Works Department. Construction of the pond has been identified as a potential hazard to the airport due to the potential to attract bird flocks and result in glare. The applicant has proposed to either cap the pond or place the stored water in bladders. Recent information suggests the installation of dehumidifiers is likely to replace the installation of a pond and bladders to eliminate potential airport conflicts. However, if a pond is installed, Mitigation Measure BIO-1 requires coordination with CDFW and the County regarding the proposed design of the pond. In addition, substantial light from the nursery could result in a hazard with the airport. Mitigation Measure AES-1 requires the applicant to provide a Lighting Plan to the County for approval. The proposed project and the cumulative project would be required to address the issue of the pond, and both projects would be required to implement measures to prevent light impacts. With the proposed mitigation, the individual projects would result in less than significant impacts for hazards and hazardous materials. The project would not result in a considerable contribution to hazards and hazardous materials impacts and the projects would not combine to result in a cumulatively significant impact.

Hydrology and Water Quality

As described in Section 5.9, Hydrology and Water Quality, the proposed project would result in less than significant impacts related to hydrology and water quality. Construction activities for each of the projects would be conducted in accordance with the County's grading regulations and BMPs, including temporary erosion and runoff control measures in accordance with Section 3432.9 of the Framework Plan, would be implemented during construction to minimize the potential for erosion and stormwater runoff. In addition, the proposed project and cumulative project would be required to comply with the requirements of the NCRWQCB Waiver of Waste Discharge Requirements Order Number R1-2015-0023 and the associated WRPP which includes corrective actions to address potential sources of water quality violations and waste discharge requirements. Individually, the projects would not result in considerable contribution to a reduction in water quality, on- or off-site flooding, or a violation of water quality or discharge requirements, and the projects would not combine to result in a cumulatively significant impact.

The applicant would coordinate with the Department of Environmental Health regarding use of the well for each project. Therefore, individually the projects would not result in a substantial depletion of ground water and would not be cumulatively considerable. Mitigation Measure BIO-1 requires an SAA and permit from the State Regional Water Quality Control Board which would apply to the individual projects and would further reduce the potential effects to groundwater. Combined, the proposed project and cumulative project would utilize approximately 360,000 to 660,000 gallons per year. With the proposed project, water storage tanks on the site would total approximately 65,000 - 145,000 gallons, in addition to the previously approved 500,000-gallon pond, which may be eliminated in favor of other water collection systems including dehumidifiers..

There is an existing on-site wastewater treatment system that was installed as part of the cumulative project. Individually, the proposed project and cumulative project would not violate waste discharge requirements, and combined the projects would not result in a cumulatively significant impact.

In summary, the project would not result in a considerable contribution to hydrology and water quality impacts, and the projects would not combine to result in a cumulatively significant impact.

Noise

As discussed in Section 5.12, Noise, the nearest sensitive receptors to the project site are residences on agricultural lands over 300 feet from the proposed project. If the farm dwelling is constructed and occupied prior to construction of the nursery, then there may be a sensitive receptor near the proposed project. During construction, noise generated at the proposed project site could combine with noise generated by projects in the immediate vicinity and result in cumulatively higher noise levels. Mitigation Measure NOI-1 would be implemented to reduce construction noise impacts to a level of less than significant. During operation, normal operational activities of the proposed project and cumulative project would not combine to result in a cumulative impact. However, the applicant has indicated that generators may be installed for back up use, which may result in significant noise impacts. The applicant would be required to implement Mitigation Measure NOI-2 to reduce generator related noise impacts to a level of less than significant. With implementation of the proposed mitigation the projects would not combine to result in a cumulatively significant impact. The project would not result in a considerable contribution to noise impacts.

Population and Housing

The cumulative project includes construction of a single farm dwelling on the project site which would result in a negligible effect on population growth in the area. Combined the proposed project and cumulative project would include up to 11 employees. The construction workers and operational workers for the proposed project and cumulative project are expected to be drawn from the existing labor pool in the region and would not directly result in population growth. In addition, due to the size of the cumulative operation on the project site, the effects on the population effects would be negligible.

The proposed project and cumulative project are located on the same project site, and combined, would not result in the extension of roads or major utilities to lands not currently served. There would be no displacement of housing or population. The project would not result in a considerable contribution to population and housing impacts and the projects would not combine to result in a cumulatively significant impact.

Public Services

The proposed project and cumulative project are located on the same site and will be treated as a single operation, once approved; therefore, the projects would be subject to the same public services as discussed in Section 5.14, Public Services. The potential demand for Fire Department Services is expected to be very low at the project site. The proposed and cumulative project would not combine to result in the need for new or expanded facilities.

The potential demand for Sheriff's Department services at the project site may increase due to the proposed land use. The proposed and cumulative projects would be required to implement Safety Plans in accordance with the CMMLUO, which would avoid the need for additional Sheriff's Department services. Individually, the projects would result in less than significant impacts, and would not cumulatively result in the need for new or expanded facilities.

There would be little or no demand for other County services from the proposed project and the cumulative project, and thus would not cumulatively result in the need for new or expanded facilities. The project would not result in a considerable contribution to public services, and the projects would not combine to result in a cumulatively significant impact.

Transportation/Traffic

As discussed in Section 5.16, Transportation/Traffic, the proposed project would result less than significant impacts related to transportation/traffic. Construction traffic would be minimal and

temporary. The cumulative project is largely already constructed - there are already approved elements of the cumulative projects that are not yet constructed; however, like the proposed project the construction traffic would be minimal and short term. Construction traffic would not combine to result in a transportation/traffic impact.

Combined, the projects have the potential to result in approximately 24 vehicle trips per day (12 in/12 out). The number of cumulative vehicle trips is negligible and is not expected to result in cumulatively significant impact.

Because the proposed project and cumulative projects are on the same project site, with shared access, the projects would result in less than significant impacts related to hazards and emergency access, as described in Section 5.16. The projects would result in no impacts to traffic patterns and adopted policies, plans, and programs. The project would not result in a considerable contribution to transportation/traffic impacts, and the projects would not combine to result in a cumulatively significant impact.

Utilities and Service Systems

As described in Section 5.18, Utilities and Service Systems, the proposed project would result in less than significant impacts associated with utilities and service systems. The proposed project and cumulative project are located on the same site and will be treated as a single operation, once approved; therefore, the projects would be subject to the same utilities and service systems as discussed in Section 5.18. Individually, the projects would result in less than significant impacts to all utilities and service systems on the project site. Combined, the projects would require incrementally more water usage and would generate incrementally more solid waste. The applicant is required to coordinate with the Department of Environmental Health regarding projected water use from the well to confirm that the projects would not result in inefficient water usage resulting in a requirement for new or expanded water entitlements. Solid waste unable to be composted or recycled would be transported to a waste collection facility. The County uses numerous contracted solid waste companies, in addition to County-provided services, and both local and out-of-area landfills are available for County use, with long-term service projections. The projects would not combine to result in waste disposal needs surpassing the capacity of the available landfills. The projects would not result in noncompliance with federal, state, and local statutes and regulations related to solid waste.

There is an existing on-site wastewater treatment system that was installed as part of the cumulative project. Individually, the proposed project and cumulative project would not violate waste discharge requirements, and combined the projects would not result in a cumulatively significant impact. The proposed project would not result in a considerable contribution to utilities and service systems, and the projects would not combine to result in a cumulatively significant impact.

Mitigation:

Mitigation Measures AES-1, BIO-1, BIO-2, BIO-3, BIO-4, CUL-1, GEO-1, NOI-1, and NOI-2.

- c) **Finding:** The project will not have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly. *Less than significant impact with mitigation incorporated.*

Discussion: The proposed project's potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this document. In instances where the proposed project has the potential to result in direct or indirect adverse effects to human beings, including impacts to Geology and Soils and Noise, mitigation measures have been applied to reduce the impact to below a level of significance. With required implementation of mitigation measures identified in this document, construction and operation of

the proposed project would not involve any activities that would result in environmental effects which would cause substantial adverse effects on human beings.

Mitigation:

Mitigation Measures AES-1, BIO-1, GEO-1, NOI-1, and NOI-2.

6.0 DISCUSSION OF MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM

The Department found that the project could result in potentially significant adverse impacts unless mitigation measures are required. A list of measures that address and mitigate potentially significant adverse impacts to a level of non-significance follows. A mitigation monitoring and reporting program checklist is attached.

Mitigation:

AES-1 Lighting Plan

The applicant shall provide to the County Planning Division a lighting plan demonstrating all indoor and outdoor lighting for the proposed project would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise. The lighting plan shall be approved by the County Planning Division prior to issuance of the building permits.

BIO-1 Water Storage Design, Approvals, and Maintenance Standards for Pond

The applicant shall coordinate with CDFW and the County Public Works Department regarding the water storage and transfer system proposed to be used at the pond site and the design of the system. No water storage and transfer system shall be installed for the pond site without prior approval from CDFW and the County Public Works Department.

Should a pond plan to be installed, the applicant shall submit to CDFW and the County Public Works Department for approval the engineer design plans including the proposed cap or other waterfowl deterrent method. The plans shall include specifications for how the design would avoid entrapment of wildlife, and would avoid attracting bird flocks.

The following measures shall be implemented for the duration of project operation to prevent an increase in insect populations and invasive aquatic species such as bullfrogs:

- If water bladders are installed, any leaking bladders resulting in ponding shall be repaired and the ponded water shall be drained to not provide habitat for aquatic species or result in an increase in insect populations.
- If an open water feature is installed, the following measures shall be implemented:
 - Maintain a high quality vegetative buffer around the pond.
 - Stock the pond with fish species such as minnows to control insect larvae.
 - Install aeration equipment in the pond to prevent stagnation of the water and improve water quality.
 - Prevent excess nutrients and pollutants from entering the pond through pre-treatment of stormwater and non-stormwater runoff.
 - Should bull frogs colonize the pond, populations shall be controlled by draining the pond continuously through the summer until no water remains. This shall be repeated for two years to disrupt the life cycle of the species. If dewatering is ineffective in controlling the species, direct removal methods shall be used.

BIO-2 Avoid Entrapment of Wildlife In Water Pumps

To prevent impacts to wildlife species, including amphibians and reptiles, from entrapment in water pumps, water pumps used for the operation shall contain screens that meet the CDFW fish

screening criteria

(http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp).

BIO-3 Obtain Streambed Alteration Agreement and Surface Water Diversion Permits

As a condition of approval of the proposed project, the applicant shall successfully obtain a SAA from CDFW and a permit for diversion of surface water from the State Water Resources Control Board, Division of Water Rights. The applicant shall provide the County Planning Department with the issued permits prior to use of the well.

BIO-4 Avoid Impacts to Streambed Management Areas

Prior to initiation of ground disturbance for the farm dwelling, construction fencing shall be installed to delineate the 100-foot buffer (Streamside Management Area) from the seasonal wetland and wetland swale. No construction equipment, materials, or activities shall be permitted to occur within the protected SMA.

CUL-1 Inadvertent Discoveries of Cultural and Paleontological Resources, and Human Remains

If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

Prehistoric materials which could be encountered include: obsidian and chert debitage or formal tools, grinding implements (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic materials which could be encountered include: ceramics/pottery, glass, metals, can and bottle dumps, cut bone, barbed wire fences, building pads, structures, trails/roads, etc.

In the event that paleontological resources are discovered, work shall be stopped within 20 meters of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in State CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.

If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

GEO-1 Foundation, Fill, and Water Tank/Water Storage Areas Design

The applicant shall comply with the recommendations from the Geotechnical Engineering Report (SHN 2016), which includes specifications for building foundations, fill, water tanks/water

storage areas, and other considerations. The grading, foundation design, drainage plans and plan specifications shall be reviewed by a registered geologist prior to approval by the County.

NOI-1 Construction Related Noise

The following shall be implemented during construction activities:

- The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall be limited to between the hours of 8 A.M. and 5 P.M. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
- No heavy equipment related construction activities shall be allowed on Sundays or holidays.
- All stationary and construction equipment shall be maintained in good working order, and fitted with factory approved muffler systems.

NOI-2 Generator Noise

Should generators be installed, the locations of the generators shall be provided to the County Planning Department on a site plan, and the projected use shall be provided. The generators shall be sited so that the decibel level for generators measured at the property line shall be no more than 60 decibels.

7.0 EARLIER ANALYSES.

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 16063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

1. Humboldt County General Plan, Volume I, Framework Plan (1984)
2. Humboldt County General Plan, Volume II, Fortuna Area Community Plan (1985)
3. Humboldt County General Plan Update tentatively approved by the Board of Supervisors in 2016.
4. Revised Draft Environmental Impact Report for the General Plan Update (2017)
5. Humboldt County Zoning Ordinance

These items are available for review at Humboldt County Planning Division.

8.0 REFERENCES

California Department of Forestry and Fire Protection (CALFIRE). 2017. *Referral Comments for the Quantum Genetics SP Application No. 11840*. April 14.

California Department of Fish and Wildlife. California Natural Diversity Database. Selected Elements by Scientific Name for Topographic Quadrangles: Fields Landing, McWhinney Creek, Laguna Buttes, Fortuna, Hydesville, Owl Creek, Taylor Peak, Scotia, Redcrest. Accessed August 27.

California Department of Transportation (Caltrans). 2017. *California Scenic Highway Mapping System. Humboldt County*. (http://www.dot.ca.gov/hq/LandArch/16 livability/scenic_highways/) Accessed 7/21/2017.

California Native Plant Society. Inventor of Rare and Endangered Plants v7. Plant list for Topographic Quadrangles: Fields Landing, McWhinney Creek, Laguna Buttes, Fortuna, Hydesville, Owl Creek, Taylor Peak, Scotia, Redcrest. Accessed August 27.

Department of Toxic Substances Control (DTSC). 2017. *Envirostor Database*. www.envirostor.dtsc.ca.gov. Accessed August 22, 2017.

Environmental Protection Agency, United States (EPA). 2017. <https://watersgeo.epa.gov/mwm/>. Accessed July 24, 2017.

Environmental Protection Agency, United States (EPA). 2017. *Envirofacts Database*. Accessed August 22, 2017.

Federal Emergency Management Agency (FEMA). 2016. *Flood Insurance Rate Map (FIRM) Community-Panel Number 06023C1240F*. November 4.

Fortuna Fire Protection District. 2017. Letter regarding the Triple K Place Road Access for the Quantum Genetics SP Application No. 11840. June 9.

Google Earth Pro. 2017. *View of Quantum Genetics Project Site*. Accessed September 2017.

Humboldt County. 1984. *Humboldt County General Plan, Volume I Framework Plan*.

Humboldt County. 1985. *Humboldt County General Plan, Volume II Fortuna Area Community Plan*. May 7.

- Humboldt County. 2016. CEQA Mitigated Negative Declaration for the Medical Marijuana Land Use Ordinance – Phase IV – Commercial Cultivation of Cannabis for Medical Use.
- Humboldt County. 2017a. *Humboldt GIS Portal. Planning and Building – Parcels, Zoning, Land Use, other Regulatory Overlays.* gis.co.humboldt.ca.us.
- Humboldt County. 2017b. Revised Draft Environmental Impact Report for the Humboldt County General Plan Update. State Clearinghouse No. 2007012089. April 19.
- Humboldt County. 2017c. *Website - Public Works, Aviation* webpage. <http://www.humboldt.gov/1396/Aviation>. Accessed July 24.
- Humboldt County Association of Governments (HCAOG). 2012. *Humboldt Regional Bicycle Plan..Update 2012.*
- Humboldt County Association of Governments (HCAOG). 2014. *20-Year Regional Transportation Plan. 2014 Update.* August.
- Humboldt County Code. Zoning Regulations – Title III Land Use & Development.
- Roscoe, J. and M. Salisbury. 2016. A Cultural Resources Investigation for Agricultural and Residential Development of Assessor's Parcel Number 203-231-003, Rohnerville, Humboldt County, CA. October.
- North Coast Unified Air Quality Management District (NCUAQMD). 2017a. *Website – District Rules and Regulations.* www.ncuaqmd.org. Accessed August 27, 2017.
- North Coast Unified Air Quality Management District (NCUAQMD). 2017b. *Personal Communication: Winslow Condon, Permit Engineer and Humboldt County on March 16, 2017. First noted in Initial Study/Mitigated Negative Declaration prepared for the Emerald Family, LLC Conditional Use Permit.*
- North Coast Unified Air Quality Management District (NCUAQMD). 2017c. *Website – Air Quality Planning & CEQA.* www.ncuaqmd.org. Accessed August 27, 2017.
- SHN Consulting Engineers & Geologists. 2016. Water Resource Protection Plan. Quantum Genetics Cannabis Cultivation Farm. Rohnerville, CA. November.
- SHN Consulting Engineers & Geologists. 2016. Special Status Botanical Species Survey Results: O Triple K Ranch, Rohnerville, CA: Assessor's Parcel Number 203-231-003. October 3.
- SHN Consulting Engineers & Geologists. 2016. Geotechnical Engineering Report. Prepared for Edward Wilkinson. May.
- SHN Consulting Engineers & Geologists. 2016. Preliminary Jurisdictional Wetland Delineation. Prepared for Edward Wilkinson. May.
- State Water Resources Control Board (SWRCB). Geotracker website. geotracker.waterboards.ca.gov. Accessed July 24, 2017.
- Quantum Genetics. 2017. Wholesale Nursery Cultivation and Operations Plan. Received March 14.
- U.S. Fish and Wildlife Service (USFWS). Information for Planning and Consultation Database. List of Regionally Occurring Species for the Quantum Genetics Project Site. Accessed August 27, 2017.

**HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENT
MITIGATION MONITORING REPORT**

**For the Quantum Genetics Special Permit
APN 203-231-003; Case No. SP16-328; App No. 11840**

Quantum Genetics is applying for a Special Permit for a two-story 20,000 square-foot (100x100 foot) wholesale commercial nursery building, two to ten 5,000-gallon water storage tanks, and parking totaling two standard and one accessible spaces, in accordance with Humboldt County Code Section 314-55.4.8.7 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

The wholesale commercial nursery building would be an approximately 24-foot-tall metal building on a slab-on-ground foundation which would include a "mother" room, a cloning room, and a vegetative growth ("teen") room. The mother room would be used to maintain plants that serve as sources for cuttings (clones). Cuttings would be taken from mother plants and placed in the clone room for 5-10 days to root. Clones would be transferred to the teen room for vegetative growth prior to delivery to retailers. Cultivation activities in the nursery would take place in a continuous rotation year-round. The building would feature a heating and air conditioning system.

Water Use and Storage

It is estimated that nursery operations would require 60,000 gallons of water per year, and the project includes two to ten 5,000-gallon water storage tanks in addition to the existing 45,000-gallons of storage tanks and the previously approved 500,000-gallon pond for existing cultivation operations. The project applicant installed a 240-foot-deep water well on August 2, 2016; according to the drilling report, the estimated flow in this well is 5-10 gallons per minute. The Department of Environmental Health permit number for this well is 15/16-0802. The primary water source for the nursery would be rainwater/fog harvesting/dehumidifiers, with the well available as a supplemental source if needed.

Employees and Schedule of Operations

Operation of the nursery will involve one hands on manager and two staff members. Quantum Genetics is a wholesale supplier; there is no retail outlet on-site and no customers or other public presence. Orders are delivered from the site by Quantum Genetics employees. Cultivation activities would take place in a continuous, year-round rotation, and deliveries would average approximately one round-trip per day.

Access/Parking

The property is accessed from Triple K Road via a 20-foot-wide gravel driveway in a 40-foot-wide road/utility easement. The driveway terminates in a 115-foot-wide vehicle turnaround. Existing parking includes ten standard and two ADA-compliant accessible spaces; the project would provide two additional standard spaces and one additional accessible space (three parking spaces). Triple K Road intersects Rohnerville Road.

Stormwater Management

Development of the proposed wholesale commercial nursery building would create additional impervious surface on the property and result in an increase in stormwater runoff. The project proposes to capture stormwater from the nursery building and store it in existing and proposed water tanks and the previously permitted pond/bladders.

Watershed Protection

Aquatic resources on the property consist of a seasonal wetland depression and a seasonal drainage swale in the northern one-third of the property. The proposed nursery, water storage tanks, and parking spaces are located a minimum of 200 feet from these features, and downslope from them. This exceeds

the 100-foot setback requirements of Section 314-61.1 (Streamside Management Area Ordinance) of the Humboldt County Zoning Regulations for areas outside of Urban Development and Expansion Areas.

On-site Wastewater System

Employees working in the proposed wholesale commercial nursery building would use the existing bathroom on the property for sanitary needs. Runoff from watering in the nursery would be minimized by hand-watering the plants. Any runoff would be captured and used to irrigate existing landscaping on the property.

Electrical Service

Electricity on the property is supplied by Pacific Gas and Electricity (PG&E). The applicant does not propose to use generators as a primary energy source, but may install generators for back up use.

Proposed Location of Farm Dwelling

The proposed nursery would be located near the center of the site where the approved farm dwelling and storage building were planned to be located under the ZCC. As previously mentioned, the farm dwelling has not yet been constructed. It was previously approved under a separate building permit. Under the current application, the farm dwelling would be moved to approximately 50 feet northwest of its previously proposed location. At this location, the farm dwelling would be 100 feet from the aquatic habitats on the project site. The Initial Study/Mitigated Negative Declaration prepared for the project included an analysis of potential environmental effects from relocating the farm dwelling from its previously planned location to the currently proposed location.

Pond

While the 500,000-gallon pond was approved under the ZCC, the pond has not yet been constructed, and may be replaced by the installation and use of dehumidifiers as a water catchment system, and the applicant is coordinating with CDFW. In response to this proposed project, CDFW identified potential issues associated with constructing a pond near the airport, the possibility of wildlife entrapment, increases in insect populations, and opportunities for bullfrog infestations. The applicant may cap the pond or install water storage bladders in lieu of the pond. The Initial Study/Mitigated Negative Declaration prepared for the project included an analysis of the potential environmental issues associated with the proposed water storage methods.

Project Location: The project is located in Humboldt County, in the Rohnerville area approximately 986 feet southwest of the intersection of Rohnerville Road and Triple K Road. The project is on the property known as 210 Triple K Road, Fortuna.

Application Number: 11840

Case Number: SP16-328

Assessor Parcel Number: 203-231-003-000

Mitigation measures were incorporated into conditions of project approval for the above referenced project. The following is a list of these measures and a verification form that the conditions have been met. For conditions that require on-going monitoring, attach the Monitoring Form for Continuing Requirements for subsequent verifications.

Mitigation Measures:

AES-1 Lighting Plan

The applicant shall provide to the County Planning Division a lighting plan demonstrating all indoor and outdoor lighting for the proposed project would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise. The lighting plan shall be approved by the County Planning Division prior to issuance of the building permits.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit, and, during project operations.	Continuous		HCP&BD			

, HCP&BD = Humboldt County Planning and Building Department

BIO-1 Water Storage Design, Approvals, and Maintenance Standards for Pond

The applicant shall coordinate with CDFW and the County Public Works Department regarding the water storage and transfer system proposed to be used at the pond site and the design of the system. No water storage and transfer system shall be installed for the pond site without prior approval from CDFW and the County Public Works Department.

Prior to the installation of a pond, the applicant shall submit to CDFW and the Public Works Department for approval the engineer design plans including the proposed cap or other waterfowl deterrent method. The plans shall include specifications for how the design would avoid entrapment of wildlife, and would avoid attracting bird flocks.

Subsequent to the installation of the water storage facilities, the following measures shall be implemented for the duration of project operation to prevent an increase in insect populations and invasive aquatic species such as bullfrogs:

- If water bladders are installed, then any leaking bladders resulting in ponding shall be repaired and the ponded water shall be drained to not provide habitat for aquatic species or result in an increase in insect populations.
- If an open water feature is installed, then the following measures shall be implemented:
 - Maintain a high quality vegetative buffer around the pond.
 - Stock the pond with fish species such as minnows to control insect larvae.
 - Install aeration equipment in the pond to prevent stagnation of the water and improve water quality.
 - Prevent excess nutrients and pollutants from entering the pond through pre-treatment of stormwater and non-stormwater runoff.
 - Should bull frogs colonize the pond, populations shall be controlled by draining the pond continuously through the summer until no water remains. This shall be repeated for two years to disrupt the life cycle of the species. If dewatering is ineffective in controlling the species, direct removal methods shall be used.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit, during construction activity and, during project operations.	Continuous		HCP&BD, DPW, and CDFW			

CDFW = California Department of Fish and Wildlife, DPW = Department of Public Works, HCP&BD = Humboldt County Planning and Building Department

BIO-2 Avoid Entrapment of Wildlife in Water Pumps

To prevent impacts to wildlife species, including amphibians and reptiles, from entrapment in water pumps, water pumps used for the operation shall contain screens that meet the CDFW fish screening criteria

(http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp).

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit, during construction activity, and during project operations.	Once		HCP&BD and CDFW*			

CDFW = California Department of Fish and Wildlife, HCP&BD = Humboldt County Planning and Building Department

BIO-3 Obtain Streambed Alteration Agreement and Surface Water Diversion Permits

As a condition of approval of the proposed project, the applicant shall successfully obtain a SAA from CDFW and a permit for diversion of surface water from the State Water Resources Control Board, Division of Water Rights. The applicant shall provide the County Planning Department with the issued permits prior to use of the well.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit.	Once		HCP&BD and CDFW*			

CDFW = California Department of Fish and Wildlife, HCP&BD = Humboldt County Planning and Building Department

BIO-4 Avoid Impacts to Streambed Management Areas

Prior to initiation of ground disturbance for the farm dwelling, construction fencing shall be installed to delineate the 100-foot buffer (Streamside Management Area) from the seasonal wetland and wetland swale. No construction equipment, materials, or activities shall be permitted to occur within the protected SMA.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During project construction	Once		HCP&BD and CDFW*			

CDFW = California Department of Fish and Wildlife, HCP&BD = Humboldt County Planning and Building Department

CUL-1 Inadvertent Discoveries of Cultural and Paleontological Resources, and Human Remains

If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

Prehistoric materials which could be encountered include: obsidian and chert debitage or formal tools, grinding implements (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic materials which could be encountered include: ceramics/potter, glass, metals, can and bottle dumps, cut bone, barbed wire fences, building pads, structures, trails/roads, etc.

In the event that paleontological resources are discovered, work shall be stopped within 20 meters of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in State CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.

If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction activity and project operations.	Continuous		HCP&BD**			

HCP&BD = Humboldt County Planning and Building Department

GEO-1 Foundation, Fill, and Water Tank/Water Storage Areas Design

The applicant shall comply with the recommendations from the Geotechnical Engineering Report (SHN 2016), which includes specifications for building foundations, fill, water tanks/water storage areas, and other considerations. The grading, foundation design, drainage plans and plan specifications shall be reviewed by a registered geologist prior to approval by the County.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to the issuance of building and/or grading permits for the project.	Once		HCP&BD			

HCP&BD = Humboldt County Planning and Building Department

NOI-1 Construction Related Noise

The following shall be implemented during construction activities:

- The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall be limited to between the hours of 8 A.M. and 5 P.M. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
- No heavy equipment related construction activities shall be allowed on Sundays or holidays.
- All stationary and construction equipment shall be maintained in good working order, and fitted with factory approved muffler systems.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction activities.	Ongoing		HCP&BD			

HCP&BD = Humboldt County Planning and Building Department

NOI-2 Generator Noise

Should generators be installed, the locations of the generators shall be provided to the County Planning Department on a site plan, and the projected use shall be provided. The generators shall be sited so that the decibel level for generators measured at the property line shall be no more than 60 decibels.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During project operations.	Ongoing		HCP&BD			


HCP&BD = Humboldt County Planning and Building Department

APPENDIX A

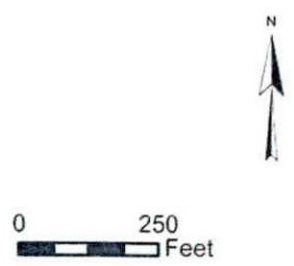
FIGURES

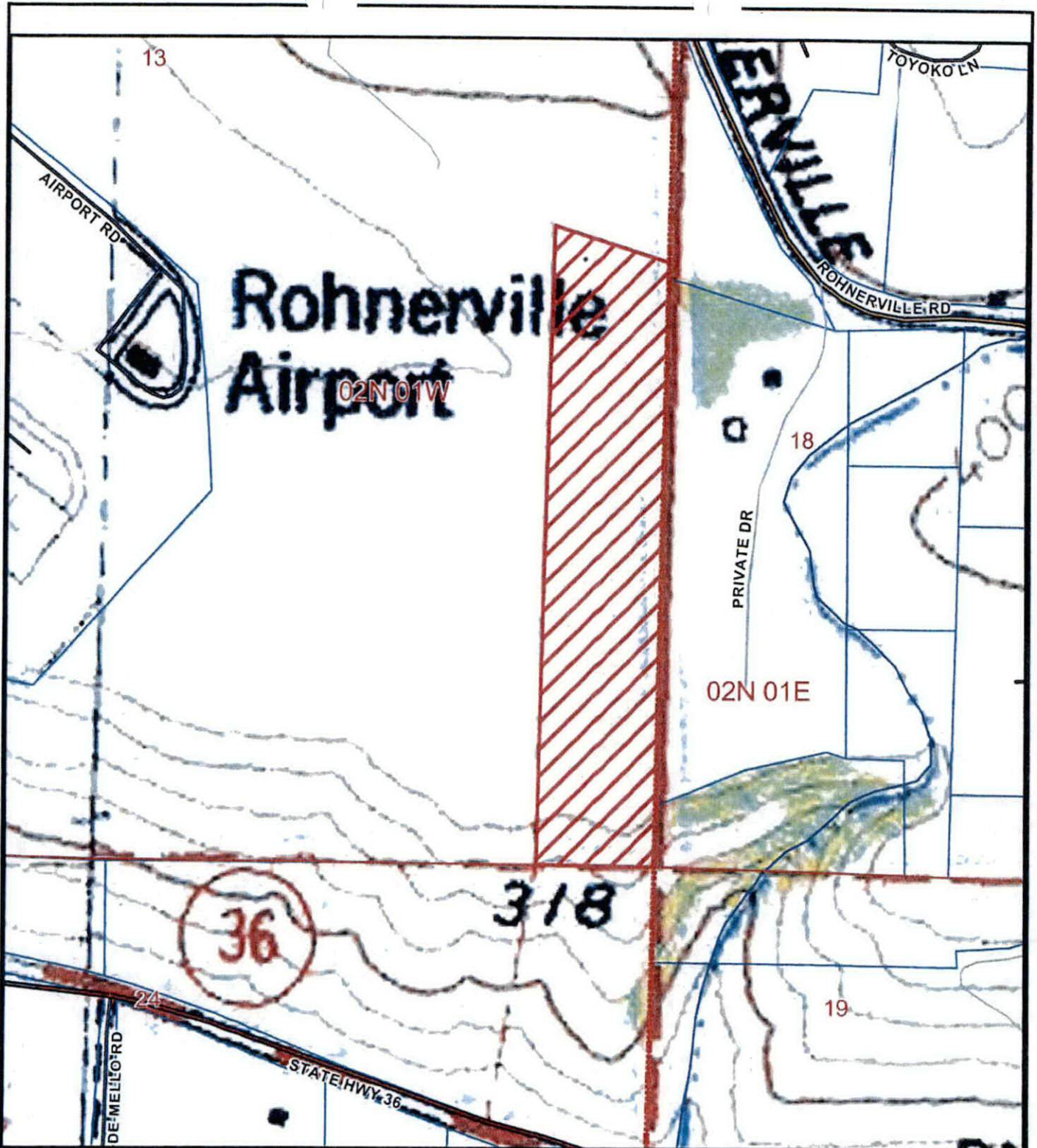


**AERIAL MAP
PROPOSED QUANTUM GENETICS
ROHNERVILLE AREA
SP-16-328
APN: 203-231-003
T02N R01W S13 HB&M (FORTUNA)**

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.





TOPO MAP
PROPOSED QUANTUM GENETICS
ROHNERVILLE AREA
SP-16-328
APN: 203-231-003
T02N R01W S13 HB&M (FORTUNA)

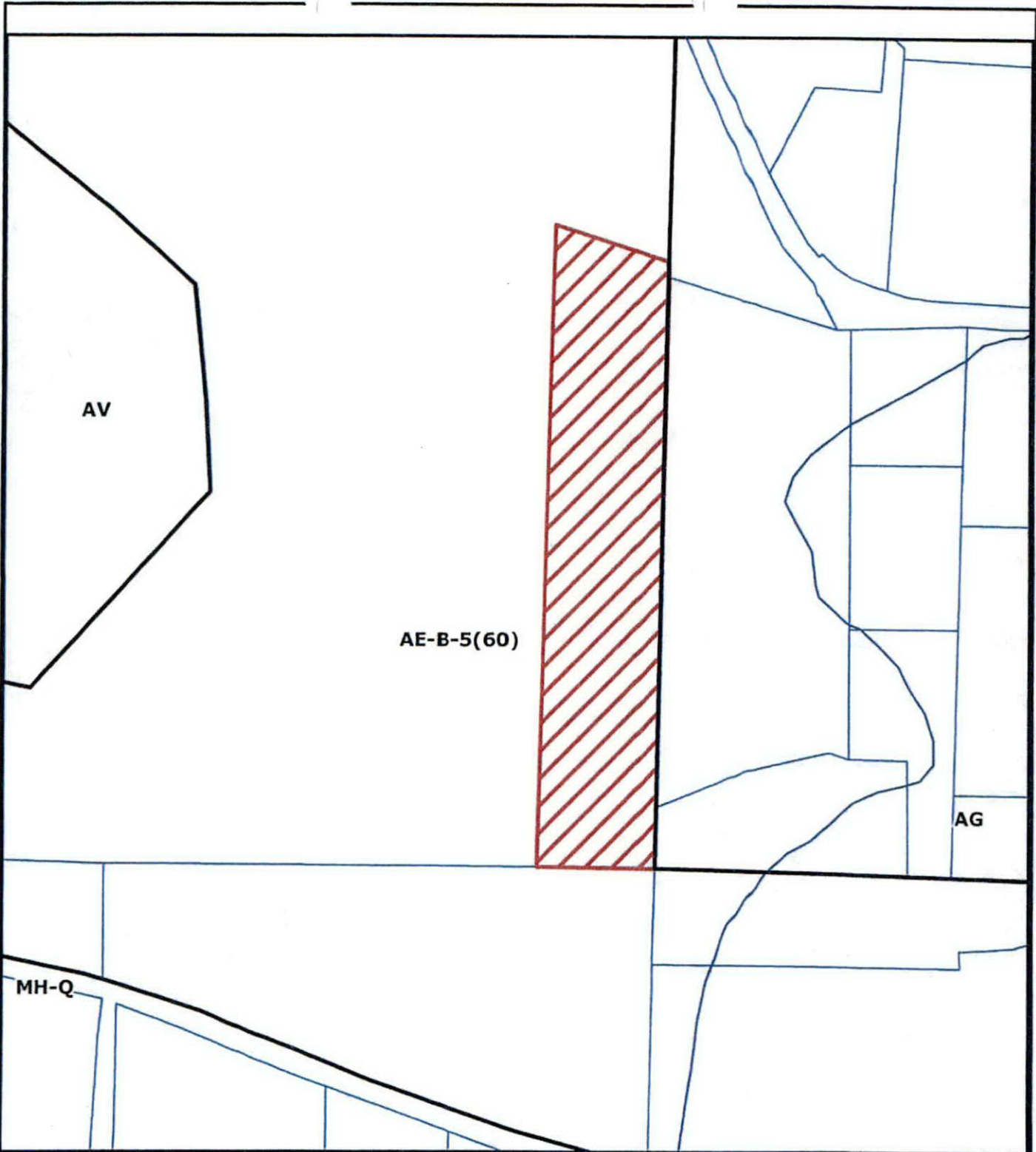
Project Area = 

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.



0 250 Feet





ZONING MAP
PROPOSED QUANTUM GENETICS
ROHNERVILLE AREA
SP-16-328
APN: 203-231-003
T02N R01W S13 HB&M (FORTUNA)

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.



APPENDIX B
BIOLOGICAL RESOURCES



Reference: 016088

October 3, 2016

Mr. Edward Wilkinson
10803 Hesby Street, Unit 105
North Hollywood, CA 91601-5159

**Subject: Special Status Botanical Species Survey Results; O Triple K Ranch,
Rohnerville, California; Assessor's Parcel Number 203-231-003**

Dear Mr. Wilkinson:

On April 12, 2016, and September 22, 2016, SHN Engineers & Geologists botanist Greg O'Connell conducted site visits to survey special status botanical species¹ and natural communities at the O Triple K Ranch, Rohnerville, California (Assessor's parcel number [APN] 203-231-003) (Figure 1). The site is situated in the United States Geological Survey (USGS) 7.5-minute Hydesville topographic quadrangle and is located in a portion of Section 13, Township 02 North, Range 01 West; and Section 18, Township 02 North, Range 01. Elevation at the site is approximately 375 feet above mean sea level (MSL).

Introduction and Environmental Setting

The purpose of this report is to identify potential special status plant species or sensitive natural communities within this approximately 10-acre site to help identify constraints on the design and construction of agriculture-related facilities.

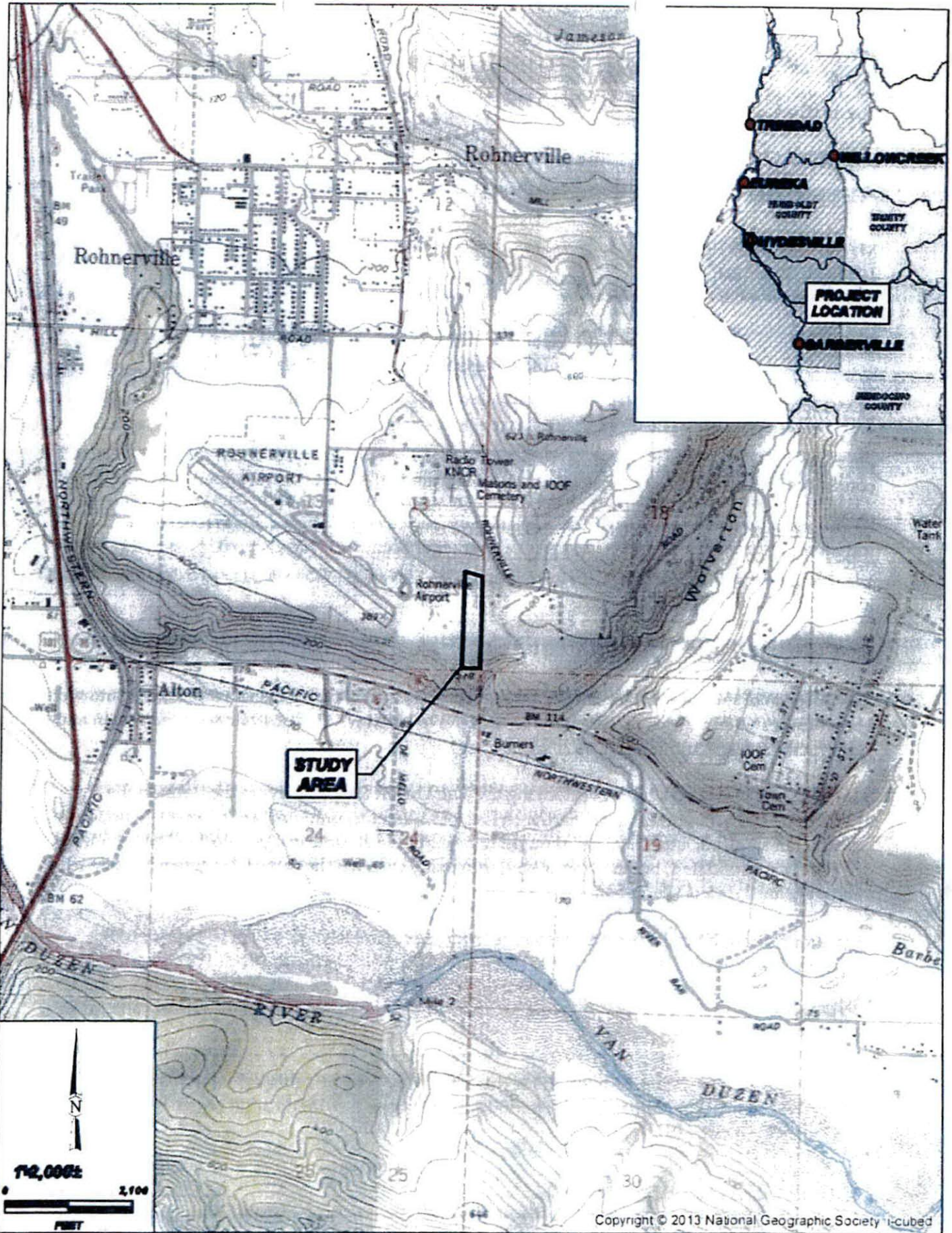
The study area is set on a bluff overlooking the Van Duzen River Valley on the Rohnerville Formation. It is an uplifted older marine terrace of sediments, predominantly gravels with lesser amounts of sand, silt, and clay, and thought to be early Pleistocene in age. Most of the sediments are poorly consolidated, but in some places, iron oxide cements the material together to form a relatively hard rock (Ogle, 1953).

Elevations throughout the project area range from approximately 350 to 395 feet above MSL. Topography is mostly flat, with a gentle slope (0-8 percent) from the south end of the property sloping toward the east-west drainage bisecting the property. The northern part of the property slopes more steeply toward the drainage (8-16%). The southern portion of the parcel contains an abrupt (90%) south facing slope.

The average 30-year data precipitation for this area from October 1 through March 31 is 33.40 inches (NOAA, 2016). Rainfall for the period from October 1, 2015, through March 31, 2016, was 43.87 inches (CDEC, 2016).

¹ The term "Special Status Species" is used collectively to refer to species that are state or federally listed, species that are state or federal candidates for listing, and all species listed by the California Natural Diversity Database and California Native Plant Society. This term is consistent with the biological resources that need to be assessed pursuant to the California Environmental Quality Act.

Path: \\Eureka\Projects\2016\016088-Wilkinson-Dev\GIS\PROJ_MXD\BotPrt\Figure 1_Site Vicinity Map.mxd



SHN
 Consulting Engineers
 & Geologists, Inc.

Wilkinson
 Botanical Survey
 Rohnerville, California

Site Vicinity
 SHN 016088

April 2016

Figure 1 Site Vicinity Map

Figure 1

Methods

A botanical survey was conducted pursuant to the California Department of Fish and Wildlife (CDFW)'s *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, 2009). Survey protocol consisted of conducting a floristic account of all plant species observed in addition to focused botanical survey for sensitive species and natural communities (defined here as rare vegetation alliances) within suitable habitat. The study area is defined as APN 203-231-003 (Figure 1).

Prior to conducting fieldwork, the following references were reviewed:

- California Natural Diversity Database (CNDDDB) query for the Hydesville and the surrounding USGS 7.5 minute topographic quadrangles (Fields Landing, Fortuna, Iaquia Buttes, McWhinney Creek, Owl Creek, Redcrest, Scotia, and Taylor Peak) (CDFW, 2016a);
- Electronic Inventory of Rare and Endangered Vascular Plants of California (California Native Plant Society [CNPS], 2016) query for a list of all plant species reported for the Hydesville and the surrounding USGS 7.5 minute topographic quadrangles;
- Biogeographical Information and Observation System (BIOS; CDFW, 2016b);

From the database queries, a list of potential target species for the study area was compiled. "Table 1-1: Regionally Occurring Special-status Botanical Species and Natural Communities" in Attachment 1 includes all species and natural communities reported by the CNDDDB and CNPS recognized as having statewide or the potential for local limited distribution.

In addition to surveying for target species, a list of all botanical species encountered was compiled. Plants were identified to the lowest taxonomic level possible to distinguish special-status species from others. A list of observed botanical species is attached as Table 1-2, in Attachment 1. Botanical nomenclature follows *The Jepson Manual, Vascular Plants of California* (Baldwin, et al., 2012) and subsequent online revisions. The study area received full survey coverage. A total of 1.5 hours was spent on the April 12, 2016 survey. An additional 0.5 hours was spent walking the study area during a September 22, 2016 site visit.

Results

There are 51 special-status botanical species and 2 special-status natural community reported within the region consisting of the study area's quadrangle (Hydesville) and the surrounding topographic quadrangles (CDFW, 2016a; CNPS 2016). Of the 51 special-status botanical species listed in Table 1-1 of Attachment 1, 11 species are considered to have a moderate or high potential to occur within the study area.

The study area consists of an agricultural pasture composed of cultivated grass species and non-native weeds (Attachment 2, Photos 1 and 2). Scattered occurrences of coyote brush (*Baccharis pilularis* ssp. *consanguinea*), oceanspray (*Holodiscus discolor*), and cascara (*Frangula purshiana*) were observed along the pasture fence-line and on the slope at the south end of the parcel. A small stand of young Douglas fir (*Pseudotsuga menziesii*) with trunk diameters generally less than 12-inches

Mr. Edward Wilkinson

Special Status Botanical Species Survey Results; O Triple K Ranch, Rohnerville, California

October 3, 2016

Page 3

occurs on the adjacent parcel near the southeast corner of the study area (Attachment 2, Photo 3) and a small stand of Monterey cypress (*Hesperocyparis macrocarpa*) occurs near the north east corner of the study area (Attachment 2, Photo 4).

During the field surveys, all special status species potentially present (Attachment 1, Table 1-1) in the study area were targeted. The botanical survey was floristic and seasonally appropriate to detect special status plant species with a moderate or high potential for occurrence. No special status plant species or special status natural communities were detected during the survey. A narrow, linear wetland feature was identified in the northern half of the study area (Attachment 2, Photo 5). The boundaries of this wetland were delineated in a separate report (SHN; 2016)

Discussion and Conclusions

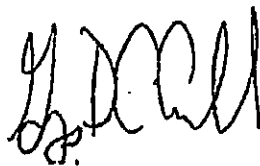
Careful attention and consideration was given to detecting the possible presence of the Siskiyou checkerbloom (*Sidalcea malviflora* ssp. *patula*) due to a known occurrence of this taxon nearby. CNDDDB reports an offsite occurrence of the Siskiyou checkerbloom (element occurrence # 16) approximately 200 feet south of the southern parcel boundary. Siskiyou checkerbloom occurrence # 16 was visited several times during its blooming period and would have been detectable within the project area if it was present. A historical occurrence of pacific gilia (*Gilia capitata* ssp. *pacifica*) (element occurrence # 12) is reported from the same offsite location as the Siskiyou checkerbloom. The historical pacific gilia occurrence has not been recorded at this location in more than 50 years. Although there is a moderate potential for this species to occur within the study area, it was not observed. Lastly, no sedge species (*Carex* spp.) were observed within study area.

In summary, no special status botanical species or special status natural communities were encountered within the study area. No additional botanical investigation is recommended and no mitigation measure is warranted.

Please call me at 707-441-8855 if you have any questions or if we can be of further assistance.

Sincerely,

SHN Engineers & Geologists



Greg O'Connell
Biologist / Botanist

GDO:lms

Attachments: 1. Species List
2. Site Photographs

Mr. Edward Wilkinson

Special Status Botanical Species Survey Results; O Triple K Ranch, Rohnerville, California

October 3, 2016

Page 4

References Cited

- Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, T.J. Rosatti, D.H. Wilken (eds). (2012). *The Jepson Manual: Vascular Plants of California, second edition*. Berkeley, CA: University of California Press.
- California Department of Fish and Wildlife. (2016a). "California Natural Diversity Database." Accessed March 2013 at <http://www.dfg.ca.gov/biogeodata/cnddb/>.
- . (2016b). "Biogeographic Information and Observation System." Accessed on April 1, 2013, at URL:<http://bios.dfg.ca.gov/>.
- . (2009). *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. Sacramento, CA: CDFW.
- California Native Plant Society. (2016). "Inventory of Endangered Plants" (online edition v8-01a). Accessed March, 2016 at <http://www.cnps.org/inventory>.
- Ogle, B. A. (1953). "Geology of the Eel River Valley Area, Humboldt County, California," *California Department of Natural Resources, Division of Mines, Bulletin 164*. 128p Sacramento, CA: CDMG.
- SHN Consulting Engineers and Geologists. (2016). "Preliminary Jurisdictional Wetland Delineation, O Triple K Ranch, Rohnerville, California; Assessor's Parcel Number 203-231-003." Eureka, CA: SHN.

1

Species Lists

Table 1-1
Regionally Occurring Special-status Botanical Species and Natural Communities
O Triple K Ranch, Rohnerville, California

Scientific Name	Common Name	FESA / CESA / CRPR	Life Form / Habitats / Elevation Range (m)	Blooming Period	Potential for Occurrence
<i>Abronia umbellata</i> var. <i>brevisflora</i>	pink sand-verbena	- / - / 1B.1	Perennial herb. Coastal dunes. (0 - 10)	Jun-Oct	None
<i>Angelica lucida</i>	sea-watch	- / - / 4.2	Perennial herb. Coastal bluff scrub, Coastal dunes, Coastal scrub, Marshes, and swamps(coastal salt). (0 - 150)	May-Sep	Low
<i>Astragalus agnicidus</i>	Humboldt County milk-vetch	- / E / 1B.1	Perennial herb. Broadleaved upland forest, North Coast coniferous forest/openings, disturbed areas, sometimes roadsides. (180 - 800)	Apr-Sep	Low
<i>Cardamine angulata</i>	seaside bittercress	- / - / 2B.1	Perennial herb. Lower montane coniferous forest, North Coast coniferous forest/Wet areas, streambanks. (65 - 915)	Mar-Jul	Low
<i>Carex arcta</i>	northern clustered sedge	- / - / 2B.2	Perennial herb. Bogs and fens, North Coast coniferous forest(mesic). (60 - 1400)	Jun-Sep	Moderate
<i>Carex leptalea</i>	bristle-stalked sedge	- / - / 2B.2	Perennial rhizomatous herb. Bogs and fens, Meadows and seeps(mesic), Marshes and swamps. (0 - 700)	Mar-Jul	Moderate
<i>Castilleja ambigua</i> var. <i>ambigua</i>	Johnny-rup	- / - / 4.2	Annual herb hemiparasitic. Coastal bluff scrub, Coastal prairie, Coastal scrub, Marshes and swamps, Valley and foothill grassland, Vernal pool margins. (0 - 435)	Mar-Aug	Moderate
<i>Castilleja ambigua</i> var. <i>humboldtiensis</i>	Humboldt Bay owl's-clover	- / - / 1B.2	Annual herb hemiparasitic. Marshes and swamps(coastal salt). (0 - 3)	Apr-Aug	None
<i>Castilleja litoralis</i>	Oregon coast paintbrush	- / - / 2B.2	Perennial herb hemiparasitic. Coastal bluff scrub, Coastal dunes, Coastal scrub/sandy. (15 - 100)	Jun	Low
<i>Chloropyron maritimum</i> ssp. <i>palustre</i>	Point Reyes bird's-beak	- / - / 1B.2	Annual herb hemiparasitic. Marshes and swamps(coastal salt). (0 - 10)	Jun-Oct	None
<i>Chrysosplenium glechonifolium</i>	pacific golden saxifrage	- / - / 4.3	Perennial herb. North Coast coniferous forest, Riparian forest/Streambanks, sometimes seeps, sometimes roadsides. (10 - 220)	Feb-Jun	Low
<i>Clarkia amoena</i> ssp. <i>whitneyi</i>	Whitney's farewell-to-spring	- / - / 1B.1	Annual herb. Coastal bluff scrub, Coastal scrub. (10 - 100)	Jun-Aug	Low
<i>Collomia tracyi</i>	Tracy's collomia	- / - / 4.3	Annual herb. Lower montane coniferous forest. (300 - 2100)	Jun-Jul	Low

Table 1-1
Regionally Occurring Special-status Botanical Species and Natural Communities
O Triple K Ranch, Rohnerville, California

Scientific Name	Common Name	FESA / CESA / CRPR	Life Form / Habitats / Elevation Range (m)	Blooming Period	Potential for Occurrence
<i>Coptis laciniata</i>	Oregon goldthread	- / - / 4.2	Perennial rhizomatous herb. Meadows and seeps, North Coast coniferous forest(streambanks)/ Mesic. (0 - 1000)	Mar-May	Low
<i>Epilobium oregonum</i>	Oregon fireweed	- / - / 1B.2	Perennial herb. Bogs and fens, Lower montane coniferous forest, Meadows and seeps, Upper montane coniferous forest/mesic. (500 - 2240)	Jun-Sep	Low
<i>Epilobium septentrionale</i>	Humboldt County fuchsia	- / - / 4.3	Perennial herb. Broadleafed upland forest, North Coast coniferous forest/sandy or rocky. (45 - 1800)	Jul-Sep	Low
<i>Erysimum menziesii</i>	Menzies' wallflower	E / E / 1B.1	Perennial herb. Coastal dunes. (0 - 35)	Mar-Sep	None
<i>Erythronium oregonum</i>	giant fawn lily	- / - / 2B.2	Perennial herb. Cismontane woodland, Meadows and seeps/sometimes serpentinite, rocky, openings. (100 - 1150)	Mar-Jun	Low
<i>Erythronium revolutum</i>	coast fawn lily	- / - / 2B.2	Perennial bulbiferous herb. Bogs and fens, Broadleafed upland forest, North Coast coniferous forest/Mesic, streambanks. (0 - 1600)	Mar-Jul	Low
<i>Fissidens pauperculus</i>	minute pocket moss	- / - / 1B.2	Moss. North Coast coniferous forest(damp coastal soil). (10 - 1024)	N/A	Low
<i>Fritillaria purdyi</i>	Purdy's fritillary	- / - / 4.3	Perennial bulbiferous herb. Chaparral, Cismontane woodland, Lower montane coniferous forest/usually serpentinite. (175 - 2255)	Mar-Jun	Low
<i>Gilia capitata</i> ssp. <i>pacifica</i>	pacific gilia	- / - / 1B.2	Annual herb. Coastal bluff scrub, Chaparral(openings), Coastal prairie, Valley and foothill grassland. (5 - 1330)	Apr-Aug	Moderate
<i>Gilia millefoliata</i>	dark-eyed gilia	- / - / 1B.2	Annual herb. Coastal dunes. (2 - 30)	Apr-Jul	None
<i>Glehnia littoralis</i> ssp. <i>leiocarpa</i>	American glehnia	- / - / 4.2	Perennial herb. Coastal dunes. (0 - 20)	May-Aug	None
<i>Hemizonia congesta</i> ssp. <i>tracyi</i>	Tracy's tarplant	- / - / 4.3	Annual herb. Coastal prairie, Lower montane coniferous forest, North Coast coniferous forest/openings, sometimes serpentinite. (120 - 1200)	May-Oct	Moderate
<i>Hesperoax sparsiflora</i> var. <i>brevifolia</i>	short-leaved evax	- / - / 1B.2	Annual herb. Coastal bluff scrub(sandy), Coastal dunes, Coastal prairie. (0 - 215)	Mar-Jun	Moderate
<i>Hesperolinon adenophyllum</i>	glandular western flax	- / - / 1B.2	Annual herb. Chaparral, Cismontane woodland, Valley and foothill grassland/usually serpentinite. (150 - 1315)	May-Aug	Low

Table 1-1
Regionally Occurring Special-status Botanical Species and Natural Communities
O Triple K Ranch, Rohnerville, California

Scientific Name	Common Name	FESA / CESA / CRPR	Life Form / Habitats / Elevation Range (m)	Blooming Period	Potential for Occurrence
<i>Hosackia gracilis</i>	harlequin lotus	- / - / 4.2	Perennial rhizomatous herb. Broadleafed upland forest, Coastal bluff scrub, Closed-cone coniferous forest, Cismontane woodland, Coastal prairie, Coastal scrub, Meadows and seeps, Marshes and swamps, North Coast coniferous forest, Valley and foothill grassland/wetlands, roadsides. (0 - 700)	Mar-Jul	Moderate
<i>Lathyrus glandulosus</i>	sticky pea	- / - / 4.3	Perennial rhizomatous herb. Cismontane woodland. (300 - 800)	Apr-Jun	Low
<i>Layia carnosus</i>	beach layia	E / E / 1B.1	Annual herb. Coastal dunes, Coastal scrub(sandy). (0 - 60)	Mar-Jul	None
<i>Lilium kelloggii</i>	Kellogg's lily	- / - / 4.3	Perennial bulbiferous herb. Lower montane coniferous forest, North Coast coniferous forest/Openings, roadsides. (3 - 1300)	May-Aug	Low
<i>Lilium occidentale</i>	western lily	E / E / 1B.1	Perennial bulbiferous herb. Bogs and fens, Coastal bluff scrub, Coastal prairie, Coastal scrub, Marshes and swamps(freshwater), North Coast coniferous forest(openings). (2 - 185)	Jun-Jul	Low
<i>Lilium rubescens</i>	redwood lily	- / - / 4.2	Perennial bulbiferous herb. Broadleafed upland forest, Chaparral, Lower montane coniferous forest, North Coast coniferous forest, Upper montane coniferous forest/Sometimes serpentine, sometimes roadsides. (30 - 1910)	Apr-Aug	Low
<i>Listera cordata</i>	heart-leaved twayblade	- / - / 4.2	Perennial herb. Bogs and fens, Lower montane coniferous forest, North Coast coniferous forest. (5 - 1370)	Feb-Jul	Low
<i>Lycopodium clavatum</i>	running-pine	- / - / 4.1	Perennial rhizomatous herb. Lower montane coniferous forest(mesic), Marshes and swamps, North Coast coniferous forest(mesic)/often edges, openings, and roadsides. (45 - 1225)	Jun-Aug	Low
<i>Mitellastrum caulescens</i>	leafy-stemmed mitrewort	- / - / 4.2	Perennial rhizomatous herb. Broadleafed upland forest, Lower montane coniferous forest, Meadows and seeps, North Coast coniferous forest/mesic, sometimes roadsides. (5 - 1700)	Apr-Oct	Low

Table 1-1
Regionally Occurring Special-status Botanical Species and Natural Communities
O Triple K Ranch, Rohnerville, California

Scientific Name	Common Name	FESA / CESA/ CRPR	Life Form / Habitats / Elevation Range (m)	Blooming Period	Potential for Occurrence
<i>Montia howellii</i>	Howell's montia	- / - / 2B.2	Annual herb. Meadows and seeps, North Coast coniferous forest, Vernal pools/vernally mesic, sometimes roadsides. (0 - 835)	Mar-May	Moderate
<i>Nocca fendleri ssp. californica</i>	Kneeland prairie pennycress	E / - / 1B.1	Perennial herb. Coastal prairie(serpentinite). (760 - 815)	May-Jun	Low
<i>Packera bolanderi var. bolanderi</i>	seacoast ragwort	- / - / 2B.2	Perennial rhizomatous herb. Coastal scrub, North Coast coniferous forest/Sometimes roadsides. (30 - 650)	May-Jul	Low
<i>Piperia candida</i>	white-flowered rein orchid	- / - / 1B.2	Perennial herb. Broadleafed upland forest, Lower montane coniferous forest, North Coast coniferous forest/sometimes serpentinite. (30 - 1310)	May-Sep	Low
<i>Pityopus californicus</i>	California pinefoot	- / - / 4.2	Perennial herb achlorophyllous. Broadleafed upland forest, Lower montane coniferous forest, North Coast coniferous forest, Upper montane coniferous forest/mesic. (15 - 2225)	May-Aug	Low
<i>Pleuropogon refractus</i>	nodding semaphore grass	- / - / 4.2	Perennial rhizomatous herb. Lower montane coniferous forest, Meadows and seeps, North Coast coniferous forest, Riparian forest/Mesic. (0 - 1600)	Apr-Aug	Low
<i>Polemonium carneum</i>	Oregon polemonium	- / - / 2B.2	Perennial herb. Coastal prairie, Coastal scrub, Lower montane coniferous forest. (0 - 1830)	Apr-Sep	Low
<i>Ribes laxiflorum</i>	trailing black currant	- / - / 4.3	Perennial deciduous shrub. North Coast coniferous forest/sometimes roadside. (5 - 1395)	Mar-Jul	Low
<i>Ribes roezlii var. anictum</i>	hoary gooseberry	- / - / 4.3	Perennial deciduous shrub. Broadleafed upland forest, Cismontane woodland, Lower montane coniferous forest, Upper montane coniferous forest. (120 - 2300)	Mar-Apr	Low
<i>Sidalcea malachroides</i>	maple-leaved checkerbloom	- / - / 4.2	Perennial herb. Broadleafed upland forest, Coastal prairie, Coastal scrub, North Coast coniferous forest, Riparian woodland/Often in disturbed areas. (0 - 730)	Apr-Aug	Moderate
<i>Sidalcea malviflora ssp. patula</i>	Siskiyou checkerbloom	- / - / 1B.2	Perennial rhizomatous herb. Coastal bluff scrub, Coastal prairie, North Coast coniferous forest/often road cuts. (15 - 880)	May-Aug	High

**Table 1-1
Regionally Occurring Special-status Botanical Species and Natural Communities
O Triple K Ranch, Rohnerville, California**

Scientific Name	Common Name	FESA / CESA / CRPR	Life Form / Habitats / Elevation Range (m)	Blooming Period	Potential for Occurrence
<i>Sidalcea oregana</i> ssp. <i>eximia</i>	coast checkerbloom	- / - / 1B.2	Perennial herb. Lower montane coniferous forest, Meadows and seeps, North Coast coniferous forest. (5 - 1340)	Jun-Aug	High
<i>Spergularia canadensis</i> var. <i>occidentalis</i>	western sand-spurrey	- / - / 2B.1	Annual herb. Marshes and swamps(coastal salt). (0 - 3)	Jun-Aug	None
<i>Tiarella trifoliata</i> var. <i>trifoliata</i>	trifoliolate laceflower	- / - / 3.2	Perennial rhizomatous herb. Lower montane coniferous forest, North Coast coniferous forest. (170 - 1500)	Jun-Aug	Low
<i>Usnea longissima</i>	Methuselah's beard lichen	- / - / 4.2	Fruticose lichen epiphytic. Broadleaved upland forest, North Coast coniferous forest/On tree branches; usually on old growth hardwoods and conifers. (50 - 1460)	N/A	Low

Natural Communities: Northern Coastal Salt Marsh, Upland Douglas Fir Forest

1. Species indicator status as assigned by Federal Endangered Species Act (FESA), California Endangered Species Act (CESA), California Native Plant Society (CNPS)

E: Endangered

1A: Presumed extirpated in California and either rare or extinct elsewhere

1B: Rare or Endangered in California and elsewhere

2A: Presumed extirpated in California, but more common elsewhere

2B: Rare or Endangered in California, but more common elsewhere

3: Plants for which we need more information-Review list

4: Plants of limited distribution - Watch list

0.1: Seriously threatened in California

0.2: Moderately threatened in California

0.3: Not very threatened in California

Table 1-2
Observed Botanical Species List
O Triple K Ranch, Rohnerville, California

Scientific Name	Common Name	Family	Status
<i>Achillea millefolium</i>	yarrow	Asteraceae	native
<i>Agrostis stolonifera</i>	redtop	Poaceae	invasive
<i>Aira caryophylla</i>	silvery hairgrass	Poaceae	invasive
<i>Allium triquetrum</i>	three cornered leek	Alliaceae	invasive
<i>Anthoxanthum odoratum</i>	sweet vernal grass	Poaceae	invasive
<i>Avena barbata</i>	slim oat	Poaceae	invasive
<i>Avena sativa</i>	wild oat	Poaceae	non-native
<i>Baccharis pilularis</i> ssp. <i>consanguinea</i>	coyote brush	Asteraceae	native
<i>Bellis perennis</i>	English daisy	Asteraceae	non-native
<i>Brassica nigra</i>	black mustard	Brassicaceae	invasive
<i>Brassica rapa</i>	common mustard	Brassicaceae	invasive
<i>Bromus diandrus</i>	ripgut brome	Poaceae	invasive
<i>Bromus hordeaceus</i>	soft chess	Poaceae	invasive
<i>Callitriche heterophylla</i>	water starwort	Plantaginaceae	native
<i>Cerastium glomeratum</i>	large mouse ears	Caryophyllaceae	non-native
<i>Cirsium vulgare</i>	bullthistle	Asteraceae	invasive
<i>Conium maculatum</i>	poison hemlock	Apiaceae	invasive
<i>Cynosurus echinatus</i>	dogtail grass	Poaceae	invasive
<i>Dactylis glomerata</i>	orchardgrass	Poaceae	invasive
<i>Festuca arundinacea</i>	reed fescue	Poaceae	invasive
<i>Festuca perennis</i>	Italian rye grass	Poaceae	non-native
<i>Frangula purshiana</i>	cascara sagrada	Rhamnaceae	native
<i>Hesperocyparis macrocarpa</i>	Monterey cypress	Cupressaceae	non-native
<i>Holcus lanatus</i>	common velvetgrass	Poaceae	invasive
<i>Holodiscus discolor</i>	oceanspray	Rosaceae	native
<i>Hordeum vulgare</i>	common barley	Poaceae	non-native
<i>Hypericum perforatum</i>	Klamathweed	Hypericaceae	invasive
<i>Hypochaeris radicata</i>	hairy cats ear	Asteraceae	invasive
<i>Linum bienne</i>	narrow leaved flax	Linaceae	non-native
<i>Malus X</i>	cultivated apple	Rosaceae	non-native
<i>Mentha pulegium</i>	pennyroyal	Lamiaceae	invasive
<i>Plantago lanceolata</i>	ribwort	Plantaginaceae	invasive
<i>Poa annua</i>	annual blue grass	Poaceae	non-native
<i>Pseudotsuga menziesii</i>	Douglas fir	Pinaceae	native
<i>Ranunculus occidentalis</i> var. <i>occidentalis</i>	western buttercup	Ranunculaceae	native
<i>Ranunculus repens</i>	creeping buttercup	Ranunculaceae	invasive
<i>Raphanus sativus</i>	jointed charlock	Brassicaceae	invasive
<i>Rosa gymnocarpa</i>	wood rose	Rosaceae	native

Table 1-2
Observed Botanical Species List
O Triple K Ranch, Rohnerville, California

Scientific Name	Common Name	Family	Status
<i>Rubus armeniacus</i>	Himalayan blackberry	Rosaceae	invasive
<i>Rubus ursinus</i>	California blackberry	Rosaceae	native
<i>Rumex acetosella</i>	sheep sorrel	Polygonaceae	invasive
<i>Rumex crispus</i>	curly dock	Polygonaceae	invasive
<i>Sanicula crassicaulis</i>	pacific sanicle	Apiaceae	native
<i>Silybum marianum</i>	milk thistle	Asteraceae	invasive
<i>Toxicodendron diversilobum</i>	poison oak	Anacardiaceae	native
<i>Trifolium pratense</i>	red clover	Fabaceae	non-native
<i>Trifolium repens</i>	white clover	Fabaceae	non-native
<i>Vicia hirsuta</i>	hairy vetch	Fabaceae	non-native
<i>Vicia sativa</i>	common vetch	Fabaceae	non-native

2

Site Photographs



Photo 1. Pasture habitat composing the majority of the study area. Photo taken April 12, 2016.

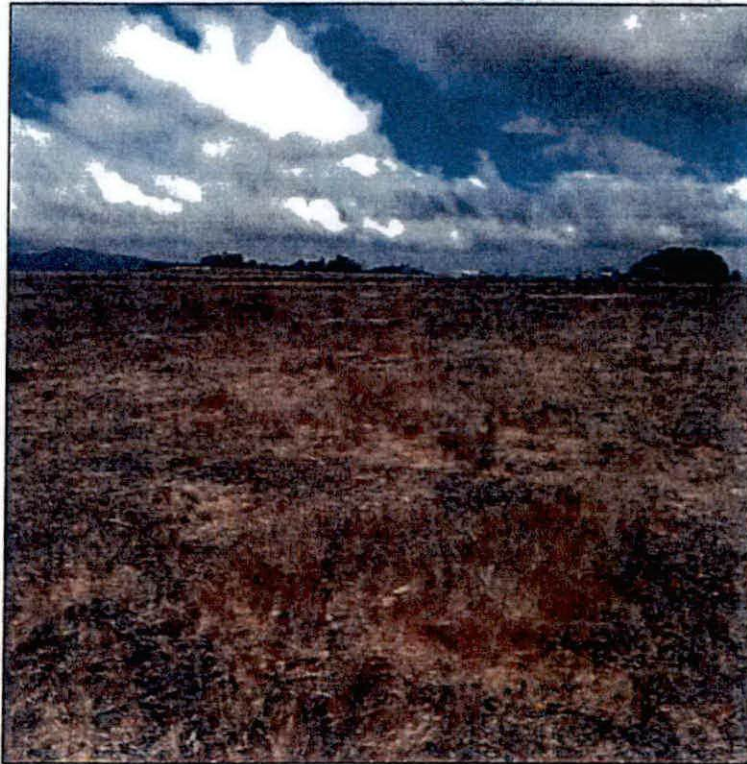


Photo 2. Pasture habitat composing the majority of the study area. Photo taken September 22, 2016.



Photo 3. Douglas fir (*Pseudotsuga menziesii*) stand that occurs outside of the study area near the southeast corner. Photo taken September 22, 2016.

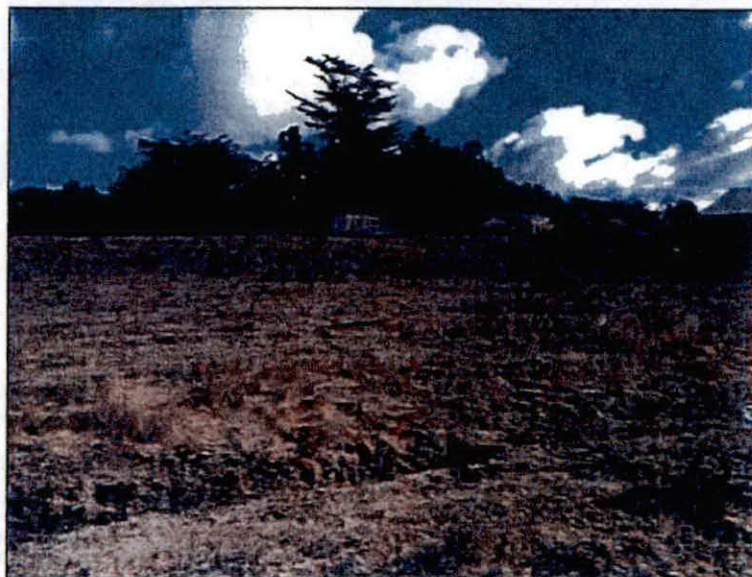


Photo 4. Monterey cypress (*Hesperocyparis macrocarpa*) stand that occurs outside of the study area near the northeast corner. Photo taken September 22, 2016.



Photo 5. Seasonal wetland drainage feature in the northern portion of the study area. Photo taken April 12, 2016.



State Water Resources Control Board

Division of Drinking Water

December 22, 2017

Humboldt County
3015 H Street
Eureka, CA 95501

Attention: Elanah Adler

Subject: Quantum Genetics Special Permit #16-328
Application, **SCH# 2017122043**

It is the statutory responsibility of the Division of Drinking Water (Division) to regulate *public water systems*, as defined below. If this project results in the formation of a public water system or multiple public water systems, an application must be submitted and a permit(s) must be obtained from the Division before water can be provided for human consumption.

A public water system, as defined in the California Health and Safety Code (CH&SC), Division 104, Part 12, Chapter 4 (California Safe Drinking Water Act), Article 1, Section 116275(h), is "a system for the provision of water for human consumption through pipes or other constructed conveyances that has **15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.**"... (e) "Human consumption" means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes."

Note, **SB1263**, effective January 1, 2017, requires that any person submitting a permit application for a proposed new public water system must first submit a technical report least six months before initiating construction of any drinking water-related improvement. The technical report must include an examination of the possibility of consolidation with an existing public water system.

If you have any questions or if we can be of assistance, please contact Ronnean Lund at (530) 224-6505 or me at (530) 224-4875.



Barry Sutter, P.E., Klamath District Engineer
Division of Drinking Water
STATE WATER RESOURCES CONTROL BOARD

Enc

CC: State Clearinghouse, Office of Planning and Research
Humboldt County Environmental Health
Doug Colbert, City of Fortuna

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH# 2017122043

Project Title: Quantum Genetics Special Permit #16-328

Lead Agency: County of Humboldt Contact Person: Eleanah Adler
Mailing Address: 3015 H Street Phone: 707-446-7541
City: Eureka, CA Zip: 95501 County: Humboldt

Project Location: County: Humboldt City/Nearest Community: Rohnerville
Cross Streets: Rohnerville Road and Triple K Road Zip Code: 95540
Longitude/Latitude (degrees, minutes and seconds): 40 32 59.39 N / 124 07 15.54 W Total Acres: 9.9
Assessor's Parcel No.: 203-231-003 Section: 13 Twp.: 2N Range: 1W Base: Humboldt
Within 2 Miles: State Hwy #: 36 Waterways: Van Duzen River
Airports: Rohnerville Airport Railways: Schools: Toddy Thomas, Hydeview

Document Type:

CEQA: [] NOP [] Draft EIR NEPA: [] NOI Other: [] Joint Document
[] Early Cons [] Supplement/Subsequent EIR [] EA [] Final Document
[] Neg Dec (Prior SCH No.) [] Other:
[] Mit Neg Dec Other: [] FONSI

Local Action Type:

[] General Plan Update [] Specific Plan [] Annexation
[] General Plan Amendment [] Master Plan [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [] Other: Special Permit

Development Type:

[] Residential: Units _____ Acres _____
[] Office: Sq.ft. _____ Acres _____ Employees _____
[] Commercial: Sq.ft. _____ Acres _____ Employees _____
[] Industrial: Sq.ft. _____ Acres _____ Employees _____
[] Educational: _____
[] Recreational: _____
[] Water Facilities: Type _____ MGD _____
[] Transportation: Type _____
[] Mining: Mineral _____
[] Power: Type _____ MW _____
[] Waste Treatment: Type _____ MGD _____
[] Hazardous Waste: Type _____
[] Other: Commercial Medical Marijuana Cultivation

Project Issues Discussed in Document:

[x] Aesthetics/Visual [] Fiscal [x] Recreation/Parks [x] Vegetation
[x] Agricultural Land [x] Flood Plain/Flooding [x] Schools/Universities [x] Water Quality
[x] Air Quality [x] Forest Land/Fire Hazard [x] Septic Systems [x] Water Supply/Groundwater
[x] Archeological/Historical [x] Geologic/Seismic [x] Sewer Capacity [x] Wetland/Upland
[x] Biological Resources [x] Minerals [x] Soil Erosion/Compaction/Grading [x] Growth Inducement
[] Coastal Zone [x] Noise [x] Solid Waste [x] Land Use
[x] Drainage/Absorption [x] Population/Housing Balance [x] Toxic/Hazardous [x] Cumulative Effects
[] Economic/Jobs [x] Public Services/Facilities [x] Traffic/Circulation [] Other:

Present Land Use/Zoning/General Plan Designation:

General Plan: Agriculture Exclusive (AE), Fortuna Area Community Plan/Zoning: AE-9-5

Project Description: (please use a separate page if necessary)

A Special Permit to construct and operate a proposed wholesale cannabis nursery operation. The project includes constructing an approximately 20,000 square foot two story nursery building, parking, and two to ten 5,000 gallon water storage tanks. The nursery would employ three staff members. Water use is 60,000 gallons per year, which would be primarily obtained through rainwater harvest and supplemented by an existing well. The proposed project would be part of an existing, previously approved operation on the site.

State Clearinghouse Contact: (916) 445-0613

State Review Began: 12-15-2017

SCH COMPLIANCE 1-10-2018

Project Sent to the following State Agencies

- [x] Resources Cal EPA
Boating & Waterways ARB: Airport & Freight
Central Valley Flood Prot. ARB: Transportation Projects
Coastal Comm ARB: Major Industrial/Energy
Colorado Rvr Bd Resources, Recycl. & Recovery
Conservation SWRCB: Div. of Drinking Water
CDFW # 1E SWRCB: Div. Drinking Wtr # 1
Cal Fire SWRCB: Div. Financial Assist.
Historic Preservation SWRCB: Wtr Quality
Parks & Rec SWRCB: Wtr Rights
Bay Cons & Dev Comm. X Reg. WQCB # 1
DWR Toxic Sub Ctrl-CTC
Yth/Adlt Corrections
Corrections
Independent Comm
Delta Protection Comm
Delta Stewardship Council
Energy Commission
NAHC
Public Utilities Comm
Santa Monica Bay Restoration
State Lands Comm
Tahoe Rgl Plan Agency
Conservancy
Other:

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2017122043

Please forward late comments directly to the Lead Agency

AQMD/APCD 22

(Resources: 12/10)

204

January 18, 2018

ATTACHMENT 5

Referral Agency Comments and Recommendation

Referral Agency	Response	Recommendation	On File
Public Works Building Inspection Division	✓	Conditional approval	✓
Public Works Land Use Division	✓	Road Evaluation Report – <i>received by County June 30, 2017</i> ALUCP compatibility – Zone B1: maximum 60 people/acre allowed – <i>project would comply (max 11 people in facility)</i> Airport Approach Zone building height limits – <i>applicant to submit evidence that the project complies.</i>	✓
Health and Human Services Environmental Health Division	None received	N/A	
Planning and Building Department Current Planning Division	None received	N/A	
CAL-FIRE	✓	Standard review comments – no issues	✓
California Department of Fish and Wildlife	✓	Review of design of pond cover for wildlife entrapment potential; bullfrog management plan for pond; SAA for hydrologically connected well; fence 100-foot wetland buffer during construction of dwelling (if approved) – <i>Included as Mitigation Measures</i>	✓
City of Fortuna	None received	N/A	
Regional Water Quality Control Board	None received	N/A	
Agriculture Commissioner	None received	N/A	
Fortuna Elementary School District	None received	No response required unless project is within 600 feet of a school bus stop.	✓
Fortuna Fire Protection District	✓	Provided letter dated July 9, 2017 approving site access.	✓



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CANNABIS SERVICES DIVISION

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

NOTE TO FILE

Date: February 8, 2018
Note by: Elanah Adler

RE: Permit Application No. 11840 APN: 203-231-003

Applicant

Quantum Genetics
Attn.: Edward Wilkinson
927 Main Street
Fortuna, CA 95540
(626) 321-2119

Owner

Edward Wilkinson
927 Main Street
Fortuna, CA 95540

Agent

SHN Engineers
Attn.: Stein Coriell
812 W. Wabash Avenue
Eureka, CA 95501
(707) 441-8855

The Listing of "Describe typographical error" is a Scrivener's Error. State the findings for correction.

The Supplemental Information Items were incorrectly numbered and results in the following changes:

1. Supplemental Information #4 of February 1, 2018 is incorrectly numbered, and has been **corrected to indicate "Supplemental Information #5 For Planning Commission Agenda of: February 1, 2018"** listing the following document:
 - Letter from Steve Watson – received 1/18/2018, in opposition to the project."
2. Supplemental Information #5 of February 1, 2018 is incorrectly numbered, and has been **corrected to indicate "Supplemental Information #6 For Planning Commission Agenda of: February 1, 2018"** listing the following documents:
 - Attachment 1, Revised Recommended Conditions of Approval
 - Attachment 1 Exhibit A, Revised Mitigation Monitoring Report
 - Attachment 2, Revised Staff Analysis of the Substantial Evidence Supporting the Required Findings.
 - Revised Plot Plan, received February 1, 2018
 - Draft Lake or Streambed Alternation Agreement, signed by applicant, received on February 1, 2018
3. Supplemental Information #6 of February 1, 2018 is incorrectly numbered, and has been **corrected to indicate "Supplemental Information #7 For Planning Commission Agenda of: February 1, 2018"** listing the following documents:
 - Letter from Ann Carmack – received on February 1, 2018, in opposition to the project
 - Letter from Soluri Meserve, Patrick Soluri – received on February 1, 2018, in opposition to the project, has been **corrected to indicate "February 1, 2018"**
 - Loop Net advertisement of 210 Triple K Place property sale – received on February 1, 2018, oppositional Material



Jan.30,2018

To: Humboldt County Planning Commission

We are writing in response to learning that a 10,000 square foot "grow site" located approximately 200 yards west of our home on Wilson Lane, wants to expand their operation with the addition of a 20,000 square foot facility. First, let us state that it was not a pleasant surprise to discover a marijuana farm had been allowed to be established in our neighborhood.

Where we live was once a rural area consisting of small farms. However, this is no longer the case as these properties have been sub-divided and replaced with new homes. This is now a semi-residential area, and many of these new homes and the families that live within are blessed with a huge marijuana operation in their backyard. Keeping in mind the homes preceded the establishment of this agricultural endeavor.

This grow site refers to themselves as "Quantum Genetics"(what a deceiving moniker that is) and now wants to triple the size of their facility. That would only bring more traffic, noise, odor, etc. to a fragile environment.

We are aware marijuana is now legal in California, and neither of us finds this particularly objectionable, although we are both non-users. However we are very concerned as to whether or not Humboldt County is willing to sell it's soul to the cannabis industry. With that in mind, we are not only opposed to the expansion of Quantum Genetics, but would prefer to see the original site removed.

Sincerely:

Kelly Worrell

Joy Worrell

SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of: January 18, 2018

- Consent Agenda Item
- Continued Hearing Item
- Public Hearing Item #10
- Department Report
- Old Business

Re: **Quantum Genetics Special Permit**
Application Number 11840
Case Numbers SP 16-328
Assessor's Parcel Number 203-231-003
210 Triple K Place, Fortuna, CA 95540

- Letter from Harland Law Firm LLP – received 1/12/2018, in opposition to the project.

RICHARD A. SMITH
ALLISON G. JACKSON
JOHN S. LOPEZ
AMY MENDOZA-STOVER
TAMARA C. FALOR
MICHAEL E. McDONALD

Gerald R. Harland
(Partner 1952 - 2012)

Harland Law Firm LLP

ATTORNEYS AT LAW

212 G STREET, SUITE 201
EUREKA, CALIFORNIA 95501
(707) 444-9281
FACSIMILE: (707) 445-2961

Richard Smith
rsmith@harlandlaw.com

January 11, 2018

FORTUNA

954 MAIN STREET
FORTUNA, CA 95540
(707) 725-4426
FACSIMILE: (707) 725-5738



Planning Division of the
Humboldt County Planning and Building Department
3015 H Street
Eureka, California 95501

Re: Quantum Genetics, Inc.: Case Numbers SPI 6-328, Application
Number 11840 (filed 12/14/16), Assessor Parcel Number
203-231-003 (the Project")
Hearing date Thursday, January 18, 2018

Ladies and Gentlemen:

I represent Steven Carmack, whose address is P. O. Box 856, Fortuna, California 95540 and I am writing on his behalf.

The Carmack property is on Triple K Road [203-181-040-000] and adjoins the Project. The Carmack property shares both access from Rohnerville Road along Triple K Road and a shallow ground water aquifer with the Project site.

This is an expansion of a recently permitted and existing facility and the following issues need to be adequately addressed in any Project approval:

[1] Triple K Road has a narrow travel surface and is mostly a drive way for a few residences. The applicant's current use of this road is degrading the road surface, which is a thin layer of gravel. This road surface has, in the past, served mostly just Mr. Carmack's property and a few other residents and its maintenance has mostly been Mr. Carmack's burden. The additional road usage caused by the previous development of the subject property as well as its construction has markedly degraded the Triple K Road travel surface. It is clear that the Project's proposed new construction and the Project's expansion will further degrade the Triple K Road travel surface. The Project applicant should be required to install a travel surface on Triple K Road for this expanded use

Harland Law Firm LLP

Planning Division
January 11, 2018
Page 2

that will not degrade. This can take the form of pavement or periodic and as needed grading and graveling. Further, the Project permit should require that the road surface be watered during construction to control dust. Use of the road for the construction of the original project created significant dust that invaded the Carmack property and residence.

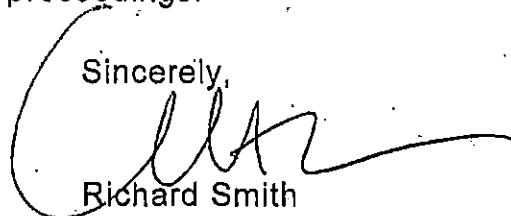
[2] The homes in this area are all served by wells that are at about a 100 foot depth or less. The subject property also draws its water from a well from the same aquifer. The original project allowed the installation of ten 5,000 gallon storage tanks. The current Project seeks to allow an additional two to ten additional tanks. Taken to the maximum, this will create 100,000 gallons of on site water storage capacity. This level of use creates a reasonable concern that this shallow aquifer may not be able to supply that much capacity for industrial use without degrading or eliminating the water supply to the neighbors' wells and damaging their residential use. In addition, this level of water usage creates the further reasonable concern as to how the Project will prevent agricultural runoff with chemical contaminants from reaching the shallow aquifer.

[3] The intersection of Triple K Road and Rohnerville Road is a very dangerous and blind intersection. Speeds on Rohnerville Road are high and the space to accelerate off Triple K Road and on to Rohnerville Road is very limited. The Project will only increase traffic at this dangerous location. The Project should require a traffic study to insure that this intersection can be safely used and to require such modifications as required by this study.

[4] The concentrate of green cannabis in buildings can create an odor problem. The project should include design features to insure that the air exiting the new structures will not contain cannabis odors.

Your attention to these issues will be appreciated. Mr. Carmack will attend the meeting to address these issues, nevertheless, please make this letter a part of the record of the proceedings.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Smith', is written over a large, faint circular stamp or watermark.

Richard Smith

RAS/ms

SUPPLEMENTAL INFORMATION #2

FILE COPY

For Planning Commission Agenda of: January 18, 2018

- Consent Agenda Item
- Continued Hearing Item
- Public Hearing Item #10
- Department Report
- Old Business

Re: **Quantum Genetics Special Permit**
Application Number 11840
Case Numbers SP 16-328
Assessor's Parcel Number 203-231-003
210 Triple K Place, Fortuna, CA 95540

- Revised – Recommended Conditions of Approval

ATTACHMENT 1
REVISED - Recommended Conditions of Approval

Approval of the ~~Conditional-Use~~ **Special** Permit is conditioned on the following terms and requirements, which must be satisfied before release of the Building Permit and initiation of operations

1. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures and grading related to the cannabis cultivation and other commercial cannabis activity. The applicant/owner shall submit plans by a California-licensed engineer for the building permit and grading permit. All building and grading plans submitted for approval shall be consistent with those approved by the Planning Commission.
2. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
3. The applicant shall submit one copy of the final Water Resource Protection Plan (WRPP) to the Planning and Building Department. The applicant shall implement all corrective actions detailed within the final WRPP developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program, including those measures determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition.
4. The applicant shall obtain a Streambed Alteration Agreement from CDFW ~~and a Surface Water Diversion Permit from the State Water Resources Control Board, Division of Water Rights~~ for use of the well (see Mitigation Measure BIO-3 in Exhibit A). If deemed to be jurisdictional by CDFW, the well when used for cultivation will be subject to forbearance as specified in the LSAA or per the standard set forth in the CMMLUO.
5. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
6. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
7. The development and operation of the proposed wholesale nursery facility shall comply with mitigation measures set forth in the Mitigation and Monitoring Reporting Program (Exhibit A to Attachment 1).
8. Applicant is to obtain enrollment in PG&E's Solar Choice Plan or other qualified carbon off-set program for any portion of power used for the indoor nursery operation not from renewable sources for the life of the project. Evidence of enrollment and energy use shall be maintained for inspection by County.

9. ~~Prior to hearing~~ **Within five (5) days of the effective date of the approval of this Special Permit,** the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,330.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the \$2,280.75 Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2018, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DF&W by phone at (916) 651-0603 or through the DF&W website at www.dfg.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DF&W concurs, a form will be provided exempting the project from the \$2,280.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.
10. The applicant shall be responsible for ensuring that all exterior lighting be designed and maintained to eliminate any conflicts with the Rohnerville airport.
11. At least one water meter shall be installed on the water line providing irrigation flow to the nursery. The water meter shall have the capacity to measure at least 100,000 gallons of flow before resetting. The water meter shall be used to measure the amount of water provided to the cultivation area during the forbearance period. The meter shall be installed at a point on the water line that provides an accurate measurement of the water used for irrigation. Household water use at the caretaker's residence shall be separately metered if required.
12. **The applicant shall provide a revised plot plan which will indicate the location of the ADA-compliant bathroom, to be installed within the proposed cloning facility or as a separate stand-alone building adjacent to the Processing Building.**
13. **The applicant shall maintain Triple K Place from the intersection with Rohnerville Road to the driveway on the subject property to the predevelopment width and surface condition or better. This work is to ensure adequate access and road condition. The Improvement work shall be maintained for the life of the project.**
14. **Ground disturbing construction and grading shall employ fugitive dust control strategies (e.g., watering or similar methods) to prevent visible emissions from exceeding NCAQMD regulations and prevent public nuisance.**
15. **The approved building plans shall address odor management by incorporating a ventilation/air filtration system which limits potential adverse odor emission impacts to employees and/or properties located in the vicinity. The system shall be designed, signed, and stamped by a mechanical engineer for review and approval by the Building Official.**

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Plot Plan, the Plan of Operations, the Mitigated Negative Declaration 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, as applicable to the permit type.

3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MMRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. 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.
6. 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, Public Park, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
9. Comply with the terms of any applicable Streambed Alteration (1600) Agreement obtained from the California Department of Fish & Wildlife.
10. 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).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application and annual inspection fees.
13. Where surface water diversion (use of the well) provides any part of the water supply for irrigation of cannabis cultivation, permittee shall either: 1) forebear from any such diversion during the period from May 15th to October 31st of each year and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated, or 2) comply with the approved water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period, if required, based upon local site conditions, or 3) adhere to the RWQCB approved Water

Resources Protection Plan or other clearance issued by the agency. If the method of compliance changes during the term of the Conditional Use Permits, permittee shall notify the Planning and Building Department and furnish appropriate documentation of compliance with this standard.

14. The noise produced by a generator used for cannabis drying, curing, and processing shall not be audible by humans at neighboring residences. The decibel level for generators measured at the property line shall be no more than ~~50~~ 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer **as required by the County of Humboldt Department Policy Statement No. 16-005.**
15. 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.
16. All signage shall comply with Section 314-87.2 of the Humboldt County Code.
17. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
18. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

19. Pursuant to the 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."
20. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
21. Cultivators engaged in processing shall comply with the following Processing Practices:
 - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
22. All persons hiring employees to engage in commercial cannabis nursery activities shall comply with the following Employee Safety Practices:

- i. Cultivation 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.
 - ii. Cultivation operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
23. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.
 - iv. Employee Safety Practices.
 - v. Toilet and handwashing facilities.
 - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - vii. Drinking water for employees.
 - viii. Plan to minimize impact from increased road use resulting from processing.
 - ix. On-site housing, if any.
24. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMLLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

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 Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, 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 non-compliance. Failure to request reinspection or to cure any items of non-compliance 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 of the CMMLUO.

25. 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.

- ~~(1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code Section 11362.5); and~~
- ~~(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 California Medical Marijuana Regulation and Safety Act 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 California Medical Marijuana Regulation and Safety Act.~~
- ~~(4) The above acknowledgements shall also apply to commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use conducted in compliance with the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94) and the Adult Use of Marijuana Act (AUMA) (Proposition 64).~~

26. 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:

- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
- (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- (3) The specific date on which the transfer is to occur; and
- (4) Acknowledgement of full responsibility for complying with the existing permit; and
- (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.

27. 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. This 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 construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
2. If cultural resources are encountered during ground disturbing activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) (THPOs) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. 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 NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.

3. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the

project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

6. Any future re-use of the proposed 20,000-square-foot structure shall be limited to storage unless a modification to this project is approved to expand cannabis operations.
7. According to Cornell University Department of Animal Science, hemp and marijuana are considered toxic plants to goats. The applicant may consider this **advisory** as methods to handle waste cannabis product are implemented.

SUPPLEMENTAL INFORMATION #3

FILE COPY

For Planning Commission Agenda of: January 18, 2018

- Consent Agenda Item
- Continued Hearing Item
- Public Hearing Item #10
- Department Report
- Old Business

Re:

Quantum Genetics Special Permit

Application Number 11840

Case Numbers SP 16-328

Assessor's Parcel Number 203-231-003

210 Triple K Place, Fortuna, CA 95540

- Errata – Initial Study/Mitigated Negative Declaration. Edits are incorporated by reference, no substantive changes and thus no need for re-circulation of the document.

Corrections to Section 5.9 Hydrology and Water Quality, edit check marks in table to reflect text description below:

5.9 HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

The northern portion of the project site is located in the Strongs Creek-Eel River Subwatershed (HUC 12), and the southern half of the project site is located in the Cumming Creek-Van Duzen River Subwatershed (HUC12). Both are part of the Lower Eel Watershed (HUC8 Hydrologic Unit Code 18010105; USEPA 2017). The Lower Eel Watershed drains approximately 1,882 square miles.

Topography is mostly flat over much of the project site. A swale generally flows from the east to the northwest through the northern portion of the site. A gentle slope (0 - 8 percent) from the southern part of the project site slopes toward the swale, and the northern part of the property slopes more steeply (8 - 16 percent) toward the swale. Approximately 100 feet north of the parcel's southern boundary is an east-west trending bluff edge. The average slope from SR 36 to the bluff edge at the location of the project parcel is approximately 39 percent. The project site is not connected to a municipal storm drainage system. No storm drainage systems are included as part of the proposed project.

Federal Emergency Management Agency (FEMA) flood insurance rate maps were reviewed for the project's proximity to a 100-year floodplain. The proposed project is on FEMA panel #06023C1240F, effective 11/04/2016. The project site is in an area mapped as Zone X, an area of minimal flood hazard (FEMA 2016).

Analysis:

- a) **Finding:** The project would not violate any water quality standards or waste discharge requirements. *Less than significant impact.*

Discussion: Construction activities associated with the project would involve excavation and grading, and other soil disturbing activities that have the potential to expose soil to erosion and may result in the transport of sediments which could adversely affect water quality. The potential for impacts is low - the site is relatively flat, and the area associated with the proposed project would be relatively small (approximately 15,000 square feet). The surface water features closest to the proposed location of the farm dwelling are over 100 feet away, and the surface water features closest to the proposed nursery project (including water tanks and parking) are over 200 feet away. Construction activities would be conducted in accordance with the County's grading regulations and BMPs, including temporary erosion and runoff control measures in accordance with Section 3432.9 of the Framework Plan, would be implemented during construction to minimize the potential for erosion and stormwater runoff.

While construction of the wholesale nursery building, water storage tanks, and three parking spaces would result in impermeable surfaces, runoff would be minimized because the proposed approximately two story 20,000-square-foot nursery and water storage tanks would feature rainwater catchment systems. The areas to the west, south, and east of the proposed nursery would be undeveloped, permeable lands which would further reduce runoff. In addition, the applicant would minimize runoff from the site through installation of landscaping around the border of the developed area. Stormwater not captured by the rain catchment system, and that does not infiltrate the permeable surfaces of the site would be captured by the landscaping. In addition, waste irrigation water from the nursery would be directed to the landscaping, which would minimize runoff from irrigation.

As described in response to Question b) in Section 5.4, Biological Resources, the existing operations on the site are enrolled under the NCRWQCB Waiver of Waste Discharge Requirements Order Number R1-2015-0023 as a Tier II discharger. One of the requirements is to prepare a WRPP, which includes identifying potential sources of water quality violations or waste discharge requirements, corrective actions including implementing and monitoring BMPs, and documenting water usage and timing to ensure the water use is not impacting water quality objectives and beneficial uses. The applicant would be responsible for notifying

the NCRWQCB of the additional operations on the project site, and updating the WRPP as appropriate.

There is an existing on-site wastewater treatment system that was installed as part of the ZCC for the project. The proposed project would add three additional workers to the site; the proposed project would not violate any waste discharge requirements.

Therefore, the proposed project would not violate any water quality standards or waste discharge requirements.

- b) Finding: The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). *Less than significant impact.*

Discussion: The proposed project is not anticipated to substantially deplete groundwater supplies or affect the production rate of nearby wells. There is an existing, permitted well on the site, which CDFW has noted may be hydrologically connected to a surface water, which would avoid a net deficit in aquifer volumes or a lowering of the groundwater table. The anticipated annual water usage for the nursery is 60,000 gallons; however, water would be reused in hydroponic systems, which may result in less water being used. In addition, the primary water source for the nursery would be rainwater/fog harvesting/dehumidifiers, with the well available as a supplemental water source, if needed. The applicant proposes to install a water collection system on the roof of the nursery. Collected water would be stored in two- to ten- 5,000-gallon water tanks installed as part of the proposed project, and excess water would be stored in the 500,000-gallon pond (or water storage bladders in lieu of the pond) that was approved under the ZCC. All wastewater from nursery operations would be used to water landscaping on the project site, which would allow the opportunity for groundwater recharge. The applicant shall coordinate with the County Department of Environmental Health regarding the existing permit and the proposed additional water use. The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

Because the existing well may be hydrologically connected to a surface water, the applicant shall obtain a SAA from CDFW for use of the well. Diversion of surface waters requires a permit from the State Water Resources Control Board, Division of Water Rights. Successful completion of the SAA and surface water diversion permits from the State Water Resources Control Board are included as Mitigation Measure BIO-3. The applicant would be responsible for conducting all operations in accordance with the permits which would further reduce the less than significant impacts.

- c) Finding: The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. *Less than significant impact.*

Discussion: As previously described, construction activities associated with the project would involve excavation and grading, and other soil disturbing activities that have the potential to expose soil to erosion and may result in the transport of sediments which could adversely affect water quality. The potential for impacts is low - the site is relatively flat, and the area associated with the proposed project would be relatively small (approximately 15,000 square feet). The surface water features closest to the proposed location of the farm dwelling are over 100 feet away, and the surface water features closest to the proposed nursery project (including water tanks and parking) are over 200 feet away. Construction activities would be conducted in

accordance with the County's grading regulations and BMPs, including temporary erosion and runoff control measures in accordance with Section 3432.9 of the Framework Plan, would be implemented during construction to minimize the potential for erosion and siltation.

As previously mentioned under Question a, the proposed project would introduce impervious surfaces to the site; however, runoff would be minimized because the proposed approximately 20,000-square-foot nursery and water storage tanks would feature rainwater catchment systems and landscaping would be installed around the border of the developed area. The WRPP would be updated to address water quality violations or waste discharge requirements associated with the proposed project, and would include corrective actions including implementing and monitoring BMPs. Implementation of the proposed project would not substantially alter the existing drainage pattern of the site, nor would it result in substantial on- or off-site erosion or siltation.

- d) Finding: The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. *Less than significant impact.*

Discussion: As previously mentioned, the project site is relatively flat and the surface water features on the project site would not be affected by the proposed project. Grading associated with the proposed project would be minimal (less than 15,000 square feet), and the proposed project would not result in significant modifications to the existing topography of the site. The proposed rainwater catchment system and landscaping would minimize runoff. The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

- e) Finding: The project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. *Less than significant impact.*

Discussion: The project site does not drain to a municipal storm water drainage system, nor are any storm drainage systems proposed. The proposed project would not result in a substantial increase in stormwater runoff. There would be no impact on existing or planned municipal storm water drainage systems.

The proposed project would not provide substantial additional sources of polluted runoff. All cultivation activities associated with the proposed project would be indoors, and a hydroponic system would be used, which would minimize runoff of irrigation water. As previously mentioned under Question a, the proposed project would introduce impervious surfaces to the site; however, runoff would be minimized because the proposed approximately 20,000-square-foot nursery and water storage tanks would feature rainwater catchment systems and landscaping would be installed around the border of the developed area. The WRPP would be updated to address water quality violations or waste discharge requirements associated with the proposed project, and would include corrective actions including implementing and monitoring Best Management Practices (BMPs). Therefore, project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Potential impacts would be less than significant, and no mitigation would be necessary.

- f) Finding: The project will not otherwise substantially degrade water quality. *Less than significant impact.*

Discussion: There are no conditions associated with the proposed project that could result in the substantial degradation of water quality beyond what is described in the responses to subsections a) – c) and e).

Therefore, the proposed project would not otherwise substantially degrade water quality.

- g) Finding: The project would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. *No impact.*

Discussion: The FEMA Flood Insurance Rate Map for the project area indicates there are no 100-year floodplains overlapping the project site. While the planned farm dwelling on the site may be periodically occupied by the workers, the structure would not be affected by a 100-year flood hazard. No impact would occur and no mitigation would be necessary.

- h) Finding: The project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows. *No impact.*

Discussion: There are no 100-year flood hazard areas in the project site. No structures associated with the proposed project would be located in a 100-year flood hazard area. No impact would occur and no mitigation would be necessary.

- i) Finding: The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. *No impact.*

Discussion: The proposed project does not involve the construction of levees or dams and the project site is not located in a dam failure inundation zone (Humboldt County 2017a). The proposed project would not expose people or structures to risks from flooding as a result of the failure of a levee or dam. No impact would occur and no mitigation would be necessary.

- j) Finding: The project would not result in inundation by seiche, tsunami, or mudflow. *No impact.*

The project is not in an area that is at risk from seiche, tsunami or mudflow. The project is not located near a large body of water capable of producing a seiche, is not located near the coast in a tsunami inundation area. While there are steep slopes along portions of the waterways through the site, mudflows are commonly associated with exposed, primarily clay soils which the site generally lacks. The structures on the site are not near the steep slopes. Therefore, the proposed project would not result in inundation by seiche, tsunami, or mudflow. Potential impacts would be less than significant and no mitigation would be necessary.

Findings:

a) The project will not violate any water quality standards or waste discharge requirements: **Less than significant impact.**

b) The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted): **Less than significant impact.**

- c) The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site: **Less than significant impact.**
- d) The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site: **Less than significant impact.**
- e) The project will not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff: **Less than significant impact.**
- f) The project will not otherwise substantially degrade water quality: **Less than significant impact.**
- g) The project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map: **No impact.**
- h) The project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows: **No impact.**
- i) The project will not expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam: **No impact.**
- j) The project will not result in inundation by seiche, tsunami, or mudflow: **No impact.**

FILE COPY

SUPPLEMENTAL INFORMATION #4

For Planning Commission Agenda of: January 18, 2018

- Consent Agenda Item
- Continued Hearing Item
- Public Hearing Item #10
- Department Report
- Old Business

Re: **Quantum Genetics Special Permit**
Application Number 11840
Case Numbers SP 16-328
Assessor's Parcel Number 203-231-003
210 Triple K Place, Fortuna, CA 95540

- Letter from City of Fortuna – received 1/18/2018, in opposition to the project.



January 18, 2018

Elanah Adler, Planner
Humboldt County, Planning & Building Department, Current Planning Division
3015 H Street
Eureka, CA 95501

RE:Special Permit for Cannabis Nursery (APN 203-231-003; Case No. SP 16-328)

Dear Ms. Adler:

This is in response to a permit request for a wholesale commercial nursery building and other structures for large-scale commercial cannabis located on the above-referenced parcel. The City has reviewed the project and objects to project approval based on the following comments and concerns.

We appreciate that the County planning commission staff report presents certain findings, and an initial study was prepared and adoption of a mitigated negative declaration of environmental impact is recommended. However, specific project-related issues that will impact City residents and which will create blight for the City in general and in particular for immediate neighbors includes, at a minimum, impacts resulting from odor, crime, traffic-related dust and noise, and aesthetics. The proposed activities will result in impacts that are in conflict with City policy and cannot be fully mitigated, and will have a huge negative impact on the quality of life of the City and nearby residents.

The proposed project is in proximity to the City limits and is located within the City's Sphere of Influence. The County's Ordinance 1689 identifies "protection of the surrounding residential areas ... from inappropriate development of the subject property". The City has adopted a ban on cannabis activities within the City and is opposed to cannabis activities within the City's sphere of influence. The City has completed three of the four areas of annexation identified in the City's General Plan 2030, and is taking steps necessary to complete the annexation of the airport area including a circulation planning grant to be carried out in 2018. Permitting cannabis cultivation in this area will allow uses that are inconsistent with City policies, create challenges to future annexation, and result in nonconforming uses upon City annexation.

The County's Marijuana Land Use Ordinance has failed to fully consider impacts to the City and failed to recognize that impacts cannot be fully mitigated and will continue to impact residents. Therefore, the City has requested a cannabis prohibition within the City's sphere of influence. Given that the Board of Supervisors has not yet acted on the draft cannabis ordinance and may

adopt a ban or an increased setback or buffer, the City is requesting that the proposed special permit be denied. Please contact me if you have any questions or need any additional information.

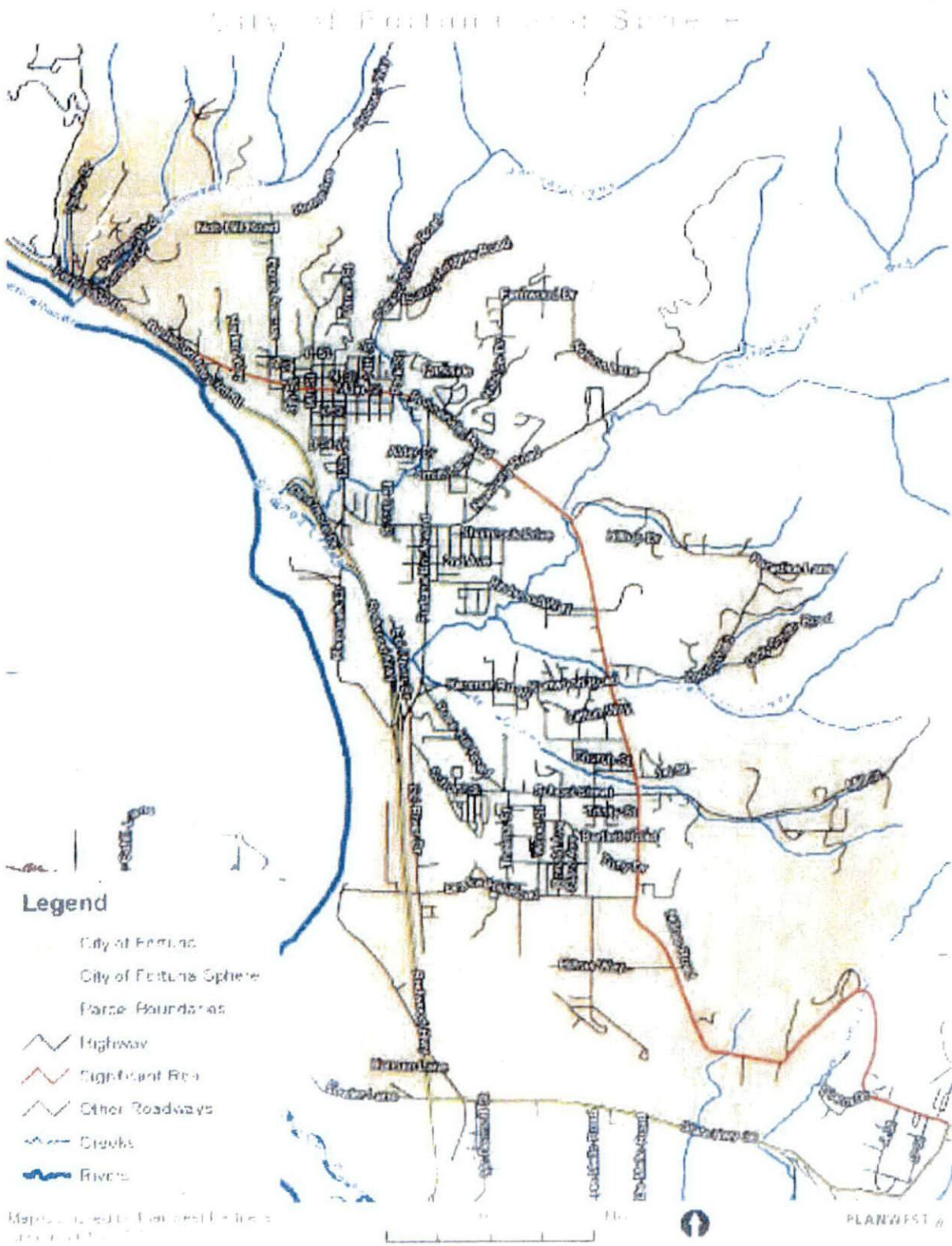
Sincerely,

A handwritten signature in blue ink that reads "Liz Shorey". The signature is written in a cursive, flowing style.

Liz Shorey, Deputy Director of Community Development

Copy: Mark Wheatley, City Manager
Merritt Perry, Director of Public Works

Figure 1. City of Fortuna - City Boundary and Sphere of Influence



SUPPLEMENTAL INFORMATION #5

For Planning Commission Agenda of: February 1, 2018

- Consent Agenda Item
- Continued Hearing Item #4
- Public Hearing Item
- Department Report
- Old Business

Re: **Quantum Genetics Special Permit**
Application Number 11840
Case Numbers SP 16-328
Assessor's Parcel Number 203-231-003
210 Triple K Place, Fortuna, CA 95540

- Letter from Steve Watson – received 1/18/2018, in opposition to the project.

1/18/2018

Steve Watson
P.O. Box 308
Fortuna, CA 95540

Humboldt County Planning Commission
825 Fifth Street
Eureka, CA 95501

Dear Members of the Planning Commission:

Thank you for the opportunity to present testimony and challenge the proposed action before you regarding Quantum Genetics, Inc.'s special permit application for a two-story (24-foot-tall), 20,000 square-foot (100x100 foot) whole sale commercial nursery building. (Case Numbers SP16-328, Application Number 11840, Assessor Parcel Number 203-231-003.)

My wife and I moved into our dream home in the Rohnerville area in August of 2016 where we are now raising our 5 children. We are a close neighbor to this cannabis business' current 9,792 square-foot mixed light cultivation operation. Quantum Genetics' permit and Zoning Clearance Certificate (ZCC) were issued after we had already purchased the property and moved into our new home. Our quality of life has already been negatively impacted by their current operation.

Our residence and this cannabis business, located at 210 Triple K Place, are located well within the City of Fortuna's "Sphere of Influence" and also within the Rohnerville Airport zone. The City of Fortuna and its City Manager, Mark Wheatley, have written several letters to the Humboldt County Planning Commission and the Humboldt County Planning and Building Department expressing opposition to and/or concerns about the negative effects of cannabis cultivation activities on citizens within the City's Sphere of Influence. The City of Fortuna has also notified the County of its plan to annex this area under the Fortuna General Plan 2010-2030. As noted in a letter from Mark Wheatley to Steven Lazar (Humboldt County Planning and Building Department), dated May 9, 2017, Fortuna has adopted a City-wide prohibition on all marijuana activities, except for those that are preempted by State law. The County's existing ordinance and proposed amendments are in conflict and inconsistent with the City's ordinance. The City of Fortuna has also repeatedly requested the establishment of a buffer encompassing the City's entire complete Sphere of Influence. Once the annexation has been completed, which I have been told will likely be in the near future, this commercial cannabis operation will be in direct opposition to the City's ordinances. This could reasonably be expected to result in the business' annual permit being revoked at great financial cost.

Comments on Quantum Genetics Special Permit
County Case number SP16-328
APN 203-231-003

1. A mitigated negative declaration (“MND”) is inadequate as a CEQA document for the project because the record supports a fair argument of potentially significant environmental impacts. Further the MND fails as an informational document in various areas.
2. The MND fails to analyze the “whole of the action.” (CEQA Guidelines, § 15378). The whole of the action includes elements of the overall project that were previously approved ministerially, outside of CEQA review, with issuance of a ZCC. In fact, the MND acknowledges that the project “will be part of a larger existing and approved operation on the project site.” (MND, p. 116.) These additional project elements requiring analysis include: 30-45 foot dwelling; 30x20 foot garage; 500,000-gallon pond; 12 foot high chain-link security fence with cameras (“ZCC Component”). The staff report acknowledges that none of the ZCC Components have yet been constructed, and so they are not yet part of baseline conditions. Further, the County performed no CEQA review for the ZCC Component so there is no prior CEQA document that the County may tier from or incorporate by reference to cure the MND’s failure to perform the necessary analysis. Failing to analyze the ZEE Component is classic “piecemealing.”
3. Staff report explains that the Project will require 60,000 gallons of water per year, yet the record fails to establish that this can be supplied by “rainwater/fog/dehumidifier harvesting.” The MND acknowledges that the Project will rely on groundwater as a backup, but fails to identify how much groundwater realistically will be required, or whether that amount can be satisfied by groundwater pumping on-site. Pumping groundwater for the Project may result in project-level and/or cumulative groundwater impacts, particularly when one includes the undisclosed amount of groundwater that will be used for the ZEE Components.
4. The Project’s potentially significant impact to groundwater is exacerbated by the Project’s reduction in groundwater recharge due to: (i) increasing impervious surfaces on the site, and (ii) capturing stormwater runoff from the nursery building.
5. The staff report also notes that the groundwater well on site may be hydrologically connected to surface water. The MND fails to adequately analyze the potential impact on surface water supplies and any negative impacts associated with diverting water connecting to surface water supplies.

6. It is noted that the California Department of Fish and Wildlife has requested a streambed alteration agreement for the Project. This would be a responsible agency action under CEQA, and yet the MND fails to provide information necessary to evaluate the impacts of this action. The MND fails to explain why deferral of any such analysis is necessary.
7. The MND improperly defers analysis and mitigation for impacts to biological resources.
8. The MND fails as an informational document with respect to cumulative impacts. The MND's cumulative impact analysis improperly characterizes the ZCC Component as a "cumulative project" and not properly as the "whole of the action" as CEQA requires. The cumulative impact analysis fails because the only identified cumulative project is the ZCC-Component. No other cannabis projects in the area are identified as cumulative projects, even though many of these will also rely on a combination of groundwater and surface water supplies, biological resources, transportation and air quality. The MND fails to identify cumulative projects using either an accurate "list approach" or a "summary of projections" approach. The MND also fails to identify the geographic scope of cumulative analysis for each resource area as CEQA requires. (CEQA Guidelines, § 15130 (b)(3) ("Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used".))
9. The project application documents fail to comply with the County's mandate to demonstrate adequate source of water supply for the project, both with and without consideration of the ZCC-Component.

December 12, 2017

John Ford, Planning Director
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501

SUBJECT: APN: 203-211-016, 203-211-014 and 203-211-017

Dear John:

Thank you for taking the time to meet with City of Fortuna staff regarding our concerns for proposed commercial cannabis activities on the above referenced parcels.

The City disagrees with the interpretation that a use permit may be issued on parcel 203-211-016, because it is inconsistent with the City's cannabis prohibition and there is no way to ensure that there will not be impacts to the Cities residents. The County's Ordinance 1689 identifies "protection of the surrounding residential areas ... from inappropriate development of the subject property". Although you can address some of the impacts related to traffic, utilities, etc., fundamentally the City is opposed to commercial cultivation within the City and in particular in the areas that have been planned for annexation.

The City has completed three of the four areas of annexations identified in the City's 2010 General Plan, and is taking steps necessary to complete the annexation of the airport area in the future including a circulation planning grant to be carried out in 2018. Permitting cannabis cultivation in this area will allow uses that are inconsistent with City ordinances, impact residents, create challenges to future annexation, and result in nonconforming uses upon City annexation.

Additionally, the uses are clearly identified in County Ordinance 1689 and the MLQB-5 zone assigned to the parcel has narrowly defined principal and conditionally permitted uses (cabinet making shops, clothing manufacture, contractors' yards, dry cleaning, laundry plants, handicraft manufacture, lumber yards, metal-working shops, wholesale outlet stores, painters and decorators yards, printing and lithographing). Cannabis related business and any other non-listed uses are explicitly prohibited within that zone.

The City will oppose any expansion or interpretation beyond what is specifically allowed in this zone. We request that you do not proceed with the processing of a conditional use permit for any cannabis-related businesses on parcel 203-211-016, as it is not possible to address the City's concerns.

City Hall
(707) 725-7600
Fax: (707) 725-7640
601 H Street

Police Department
(707) 725-7770
Fax: (707) 725-7524
601 H Street

Parks and Recreation
(707) 725-7620
Fax: (707) 725-7730
Park Street

Public Works
(707) 725-7650
Fax: (707) 725-7654
180 Dinsmore Drive

October 19, 2017

Humboldt County Planning Commission
825 Fifth Street
Eureka, CA 95501

Dear Members of the Planning Commission:

Thank for the opportunity to respond to the County draft environmental impact report on the proposed commercial cannabis ordinance. The City is deeply concerned about the negative effects of cannabis cultivation on its citizens and we've previously requested establishment of a buffer encompassing the City's entire complete Sphere of Influence.

Odor from marijuana cultivation is one of the most significant issues that impacts Fortuna's residents who live along the County boundary. Marijuana odor is strong, persistent, and overbearing, and already emanates from the County's several permitted cultivation sites as well as from illegal cultivation sites in the vicinity. Residents have reported health and quality of life issues.

The draft environmental impact report identifies odor as a significant impact to the City's residents and acknowledges that implementation of the proposed ordinance would result in a significant impact that cannot be mitigated. Impact 3.3-4 of the draft environmental impact report acknowledges that "cultivation and processing of cannabis generates odors associated with the plant itself, which during maturation can produce substantial odors. Setbacks are provided as part of the proposed ordinance; however, they do not preclude the generation of odorous emissions in such quantities as to cause detriment, nuisance, or annoyance to a substantial number of people. This would be a significant impact".

It is unacceptable that County would propose adopting a statement of overriding considerations and recommend adoption of standards that would continue to impact City residents. While it is recognized that the draft EIR recommends a special permit for any commercial cannabis activity that would be located within the sphere of influence or within 1,000 feet of the city limit boundary of any city, the special permit process would not be a guarantee against the creation of objectionable odors, which only an outright ban would accomplish. Therefore, the City recommends that the County adopt Alternative #3: prohibit outdoor and mixed-light cultivation, and that the County further protect the City's citizens through a complete ban on cultivation and related activities within the Sphere

If you have any questions or wish to discuss this further, please do not hesitate to call.

Sincerely,



City Manager
707.775.2572

Police Department
(707) 775-2550
Fax (707) 775-2509
671 Hill Street

Parks and Recreation
(707) 775-7670
Fax (707) 775-7576
5 Park Street

May 9, 2017

Steven Lazar
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501

RE: Notice of Preparation of an Environmental Impact Report for Amendments to Humboldt County Code Regulating Commercial Cannabis Activities

Dear Mr. Lazar:

Thank you for the opportunity to respond to the Notice of Preparation for the Environmental Impact Report for Amendments to Humboldt County Code Regulating Commercial Cannabis Activities. The City and County share a common jurisdictional boundary, and as a result, the County's codes allowing cannabis activities within the boundary area have a heavy influence on City residents and City infrastructure. In addition, Fortuna has adopted a City-wide comprehensive prohibition on marijuana activities, banning all activities except for those uses that are specifically allowed by AUMA, and the County's codes and activities are in conflict with the City's codes. Due to the project's proximity to the City, it is anticipated that traffic, noise, odors, and a host of other issues will affect City residents. The City would like to request that the following items be addressed in the EIR.

Land Use

Fortuna has adopted a City-wide prohibition on all marijuana activities, except for those that are preempted by State law. The County's existing ordinance and proposed amendments are in conflict with and inconsistent with the City's ordinance. The County's ordinance affects all of the City residents along the City/County jurisdictional border, and it affects all of the County residents within the City's Sphere of Influence that may be considered for annexation in the future. The County's ordinance also affects the City's residents where cannabis is allowed on adjoining roadways (in particular, Rohnerville Road, Drake Hill Road, and Loop Road), and they will experience visual impacts on a daily basis.

The County's cannabis ordinance and proposed expansion are proposed within the City's Sphere of Influence, which is considered a potential annexation area. Fortuna has completed three annexations under the Fortuna General Plan 2010-2030, and it is likely that additional areas will be annexed in the future. The County's cannabis ordinance impairs the City's ability to expand into the sphere of influence and limits the City's ability to grow over time in accordance with the General Plan as those properties will be permanently committed to commercial agricultural activity. Based on an estimated number of 10,000-15,000 cultivation sites County-wide, and the

	Police Department	Parks and Recreation	Public Works
1000 1st St	1000 1st St	2070 12th St	1700 1st St
1000 2nd St	1000 2nd St	1320 10th St	1800 2nd St
1000 3rd St	1000 3rd St	5 Park Street	1800 Division Drive

agricultural land uses surrounding the City, expanding the permits could result in a significant number of sites around the City that could be placed in cultivation. Without a limit to the number of permits, it could result in nearly all of the vacant land around the City being converted, changing the landscape, reducing development potential, and converting prime agricultural land to developed greenhouses and commercial processing buildings. With the increase in commercial cultivation sites, there will be conflicts between the City's land use designation and the commercial development allowed by the commercial cannabis permits. This will result in unsuccessful annexation attempts, or commercial cannabis developments having to be removed upon annexation.

While the County maintains land use authority over the sphere, the City is sensitive to the fact that the sphere is part of the City's General Plan planning area. The City provides many public services to it, and the Sphere has ties to the City on social and economic levels. The NOP project description includes a statement that the County is considering, among other things, "special requirements/limitations for projects located within spheres of influence or community areas". The City is pleased to see that the urban areas most affected by the County's activities are being considered with regards to impacts. The draft EIR should consider land use impacts to the City's Sphere of Influence. In addition, Fortuna requests that a complete marijuana prohibition be adopted within Fortuna's Sphere of Influence, and that the County cease issuance of any pending County cultivation permits.

It is difficult to estimate the long-term impacts of allowing cannabis cultivation and processing at thousands of locations throughout the county. Inevitably, not all the impacts will be able to be predicted. The City of Fortuna would suggest that the County limit the permits to the existing applications and assess the impacts from those permits that have already been initiated prior to accepting new permit applications. If the County decides it must allow new permit applications the City would urge the county to limit new applications to set number every year and to limit the huge change to the landscape that appears to be happening, as it is causing conflicts between residential development and commercial cannabis cultivation. During the development of the County's Draft General Plan, many members of the public indicated their desire for more parcels rural residential or traditional residential agricultural types of development. The competition from commercial cannabis development on agricultural, timber and residential agriculture parcels will result in fewer parcels being available to those who wish to live in a country environment and practice traditional types of agriculture. It is also increasing property values for rural properties suitable for cannabis cultivation. Such pricing does not allow many people who currently live in Humboldt County to be able to afford to purchase land, and also results in an influx of developers from across the country buying land in Humboldt County.

Aesthetics

The proposed expansion of the number of permits will result in visual blight by increasing the construction of greenhouses and other buildings on agricultural land that has historically been used for open space and pastureland. Where development has previously been limited to agricultural accessory structures limited in size, under the County's proposed cannabis expansion without limit to the number of permits, development will involve an increase in building coverage. For example,

several of the sites with submitted permit applications in the City's sphere propose up to 50,000 square feet in new greenhouses.

The County should consider the visual impacts of this intensification of building development. In addition, nuisances will include interior greenhouse lighting leaking into the night sky, outdoor/security lighting, fencing, and razor wire as visual blight. Because of the visibility of the cultivation sites directly from adjacent City residences, the aesthetic impacts are significant and cannot be fully mitigated, through typical means such as screening, fencing, etc. For this reason, the aesthetic impact cannot be mitigated relative to the residents of Fortuna, and the City requests that it be banned along the City's borders and that the County adopt a prohibition throughout the Sphere of Influence.

The glow from nighttime lighting will potentially impact the view of the eastern sky in the greater Fortuna area. The County's existing cannabis performance standards do not contain a measurable or enforceable standard for light emissions, but leaves the determination to subjective interpretation. The City would like to see a greater measure of guarantee that no lighting will not emanate from the greenhouses.

Air Quality/Odor

The odor from large-scale cultivation and processing will have an ongoing, daily negative impact on the quality of life of the nearby residents. The draft EIR should analyze the impacts and unequivocally demonstrate that all structures containing cannabis, for both cultivation and processing, will have odor-reduction equipment installed that prevent the release of any odor emissions to neighboring residents.

Public Safety

It has been demonstrated that cultivation, processing, and dispensary activities attract crime to the sites through an increase in burglary, robberies, and possession of weapons. Home invasion robberies have become more prevalent and violent crime including homicide are reaching an all-time high in Humboldt County. City of Fortuna police are called out to assist County law enforcement on these crime incidents, impacting public safety resources within the City of Fortuna and delaying response times within the City.

Although it is now legal in the State of California, marijuana is still a Schedule I drug with the potential for abuse and as such it can attract crime, and the residents of Fortuna have expressed objection to it being in their backyards and in the immediate vicinity of their families and children. Transient populations have increased in the urban areas nearest to the outlying cultivations sites, bringing crime and social instability, affecting the housing shortage, and increasing rents, land costs, and demand on services.

The City is requesting that the EIR investigate and identify the potential increase in crime rates, safety impacts to neighborhoods, and financial impacts to the City's law enforcement resources.

Watersheds

The County proposes to focus cultivation “to areas with slopes less than 15% and to the lower portions of the County’s watersheds will concentrate cannabis activities into developed areas of the County”. Currently the outskirts of the incorporated areas, such as around Fortuna, Eureka, Arcata and other urban areas, fit this description and therefore commercial cannabis growing and impacts will be intensified in those areas, and will increase the potential for commercial cultivation in those areas. This will lead to cumulative impacts within the lower areas around Fortuna and Fortuna will be unfairly burdened with cumulative impacts. These impacts should be addressed in the draft EIR.

The location of cannabis grows throughout the watersheds of Humboldt County will continue to have significant impacts. It will be difficult or near impossible to monitor the water usage of grows that are dependent on forbearance or rainwater collection as there will never be enough code enforcement to do regular inspections. In the event of a system failure and loss of stored water, growers will be forced to find water in other ways, most likely illegal surface water diversions or trucking water from far away. When water is pumped from surface creeks it has a direct impact to salmon, steelhead and other aquatic species and has the potential to harm the recreational and commercial fisheries of Humboldt County. Similarly, trucking water in will result in increased greenhouse gas and traffic impacts on small rural roads, thereby diminishing the quality of life for those in the outlying areas.

Storm Water

Because of local topography, cultivation sites in the vicinity of Fortuna will result in stormwater runoff being directed into the City’s watersheds. Development of cultivation sites will increase the impervious surface on each site which will result in increased off-site flows to City drainage facilities if not fully mitigated.

City of Fortuna policies include protections from increased runoff, including that all new development complies, to the extent reasonably possible, with the recommendations of the 2005 Storm Drain Master Plan (SDMP). The City requests that all cannabis permit requests be accompanied by drainage reports and/or calculations that specifically include consideration of the recommendations within the SDMP. Specific provisions that should be incorporated into any development design, and/or addressed within the SDMP include, but are not necessarily limited to: 1) Incorporation of onsite and regional storm drainage detention; and 2) New development shall not increase the estimated existing 25-year peak runoff volume from the site. Any increase beyond the peak 25-year event resulting from new development shall be retained or detained at the expense of the developer/owner.

The City of Fortuna requests that drainage reports for each cannabis site be completed and identify stormwater volumes and recommend improvements to mitigate any off-site impacts to City drainage facilities. The City of Fortuna would like to review and approve each report for projects within the sphere of influence prior to approval of the proposed project and request that the County require the recommended drainage improvements presented in the final drainage report.

Groundwater

One of the most critical deficiencies of the County's Initial Study/Mitigated Negative Declaration for the existing ordinance is the failure to project a water demand for the intense use of water that is involved with marijuana cultivation. Cultivation may have a significant effect on the water supply of existing development, with any new development having the potential to significantly increase demands from a diminishing resource. A thorough and detailed water demand analysis must be provided by the EIR as well as alternatives that could use less water.

The County should analyze the cumulative effects of both groundwater consumption and its impact on surface water. The County should review the groundwater basin management plan to determine if the project will have impacts on the ability to maintain sustainable levels.

Local Roads

The NOP states that a proposed objective is to limit cultivation sites to within 1 mile of county-maintained roads, or on category 4 private roads. This standard will concentrate development in existing urban areas where such roads already exist, including the City of Fortuna. For example, City residents are being exposed to a cultivation site of 50,000 square feet of greenhouses located on Nelson Drive, a substandard road that is maintained by local residents. This standard will also encourage construction of new roads, and resulting sediment load being placed in creeks within the lower watersheds. The EIR should analyze the water quality requirement for road building and maintenance, and should consider limitation of the number of permits issued as an EIR alternative.

Traffic

The increase in the number of cannabis permits issued will result in an increase in traffic volumes on all roads in the surrounding area, thereby impacting City roadways. There two primary highway access points to the areas east of Fortuna (where we are seeing increased cannabis development) including at Kenmar Road and 12th Street. Currently there are intersections at both interchanges that are either operating at, or below an acceptable level of service, or are expected to with the planned growth of the City. The increased development caused by the proposed project will contribute to the traffic at key intersections within the City and will result in more traffic on narrow, substandard, or partially developed residential roads. The Fortuna General Plan identifies intersections impacted by future growth. The City would like to see a requirement for a traffic study on all projects greater than 10,000 square feet so that site-specific impacts may be identified and local roadway impacts can be mitigated.

Fortuna Municipal Code Chapter 17.05 and the City's General Plan require that "5. A traffic study shall be prepared by a qualified professional and submitted to the public works department for new residential development with more than 30 dwelling units, or commercial, office, or industrial uses with more than 10,000 square feet of floor area." Therefore, the City requests that the County require that cannabis permit applicants complete a traffic study for each development project and submit for review and approval by the City of Fortuna and that the County include any proposed improvements recommended in the traffic study as conditions to be completed by each project applicant.

Each traffic study shall be prepared using the Caltrans Traffic Impact Analysis methodology when evaluating the City and/or City/County intersections. The study shall also address the cumulative impacts generated by cannabis developments and include the level of service analysis for affected intersections. If traffic signals or other mitigation measures are warranted at affected intersections, the developer shall mitigate or determine their proportionate share of mitigation costs and submit this information to the City of Fortuna public Works Department for review and approval.

On-grid power or alternative energy

The use of generators is not an appropriate method of providing energy to the cannabis sites, and the City urges adoption of stricter standards. Accidental fuel spills will affect water quality and fisheries. As City of Fortuna land is located downstream from the County's jurisdiction on the north, east, and south sides of the City, city streams will be directly impacted by the use of generators. In addition, impacts that should be analyzed include impacts of noise and odors on adjacent residential uses.

Impacts from all proposed alternative energy sources should be considered in the analysis. It is questionable that there would not be significant impacts from the use of alternative energy at the estimated approximately 10-15,000 cultivation sites. Cumulative impacts should be studied. Due to potential impacts from alternative energy sources (loss of farmland from use of solar panels, impacts to biological resources, and aesthetics from the use of wind turbines), cannabis sites should be required to operate on the grid.

Enforcement

The county estimates that there may be over 14,000 commercial grows within Humboldt County. Currently the County is understaffed with regard to code enforcement. As a part of the analysis of the EIR the county should anticipate code enforcement staffing levels and provide estimates of how many full time staff will be required in order to regulate commercial cannabis activity throughout the county. Some aspects of enforcement will be difficult, if not impossible and could lead to unavoidable impacts. For example, if water tanks are accidentally left opened at a location where rainwater collection or forbearance is the primary source of water, cannabis operators could be left with a decision to illegally divert water from nearby streams or lose their financial investment. Inevitably, this will lead to surface water diversions and impacts to aquatic resources. Therefore, the County should not consider allowing rainwater collection or forbearance as an acceptable water source, and acknowledge that no level of code enforcement will be sufficient to avoid impacts.

Summary

The project description states that changes to the existing ordinance may occur; we propose such changes, establishing a substantial and effective buffer between the City limits and the area in the County where cannabis activities may be allowed. The City has concerns with the County's consideration of repealing the permit deadline and expanding cultivation areas. Many of the criteria for expanded cultivation areas will focus development and impacts in developed areas, including the City of Fortuna.

The City requests the establishment of a more significant buffer that would protect all of the City's residents. Such a buffer would need to encompass the entire City Sphere of Influence in order to create an appropriate buffer given the irregular City/County jurisdictional boundary. The City objects to the approval of any marijuana activities within the Sphere of Influence. Adoption of performance standards will not mitigate the aesthetic or safety impacts to City residents. The cumulative effects of the County's ordinance in the immediate vicinity will have a negative impact on local residents.

Fortuna has adopted a City-wide prohibition on all marijuana activities, except for those regulations that are preempted by State law. The County's existing ordinance and proposed amendments expanding the number of permits without limit are inconsistent with the City's ordinance. City residents bordering cultivation sites will be subject to increased noise, odors, dust, traffic, crime, and groundwater depletion, and the City will be affected by stormwater and water quality issues as well as housing impacts and land use conflicts. The issues listed in this letter should be analyzed and addressed in the draft environmental impact report.

In our opinion, the County's adopted program failed to meet the intent and requirements of the California Environmental Quality Act (CEQA) regarding the range of cultivation activities, in scope and standards. We anticipate that the review being undertaken through the EIR process will address these impacts and will result in the inclusion of a buffer that is contiguous with the Sphere of Influence boundary, or that the County considers other buffer alternatives with an equal measure of protection. The City would like to work with the County to develop appropriate measures to mitigate these and other potential impacts.

The City of Fortuna appreciates your consideration of these comments and would like to receive a copy of the Draft EIR. We would be happy to meet with you to discuss these matters.

Sincerely,


Mimi Wheeler
City Manager



May 3, 2017

Elanah Adler, Planner
Humboldt County, Planning & Building Department, Current Planning Division
3015 H Street
Eureka, CA 95501

RE: Project Referral for Cannabis Cultivation Permit at APN 203-231-003

Dear Ms. Adler:

This is in response to the permit referral dated April 11, 2017, for a wholesale cannabis nursery and other structures located on APN 203-211-016. The City has reviewed the referral and is requesting that the following items be addressed.

1. The odor from large-scale cultivation and processing will have a huge negative impact on the quality of life of the nearby residents. Please demonstrate that all structures containing cannabis, for both cultivation and processing, will have odor-reduction equipment installed that prevent the release of any odor emissions.
2. The glow from nighttime lighting will potentially impact the view of the eastern sky in the greater Fortuna area. The County standards do not contain a measurable or enforceable performance standard for light emissions, but leaves the determination to subjective interpretation. We would like to see a greater measure of guarantee that no lighting will not emanate from the greenhouses.
3. The City is concerned that the development of a septic system for this commercial development may impact domestic wells that lie within the City in close proximity to the proposed project. The City does not have a record of nearby residential wells, but we are aware that some exist that are in use in the adjacent development. Therefore, the City requests that the County review the location of all nearby wells and ensure that they are adequately protected and a safe distance from the on-site treatment system proposed for the subject development.
4. Access to the proposed project will be via City of Fortuna streets. It is expected that a majority of the project-related traffic will go through the intersection of South Fortuna Boulevard /Ross Hill Road/Kenmar Road as well as the Highway 101 Interchange at Kenmar Road. Currently the intersections in that vicinity are operating below an acceptable Level of Service as defined by the City's General Plan 2010.

Fortuna Municipal Code Chapter 17.05 and the City's General Plan require that "6. A traffic study shall be prepared by a qualified professional and submitted to the public works department for new residential development with more than 30 dwelling units, or commercial, office, or industrial uses with more than 10,000 square feet of floor area." Therefore, the City requests that the County require the applicant to complete a traffic study for the proposed development and submit it for review and approval by the City of Fortuna and that the County include any proposed improvements recommended in the traffic study as conditions to be completed by the developer.

5. The City recently awarded a construction contract to construct walking and biking improvements around Toddy Thomas School, which is located less than three blocks from the proposed project. The City is concerned that additional trips from commercial vehicles could increase the number of conflicts with bikes and pedestrians on Thelma Street and Drake Hill Road. Therefore the City requests that the County condition the project to limit the potential conflicts of new commercial traffic by requiring the delivery hours or routes to the proposed project site to hours outside of normal school hours or to other routes that do not cause increased mode conflicts during school hours.
6. Runoff from the proposed development drains from a detention basin on site that was constructed to attenuate flows to a city maintained drainage easement that runs northerly between several private residences. This detention basin has not been maintained and currently contains large boulders and is overgrown with brush and no longer detains the design volume. The proposed development will increase the impervious surface on the site which will result in increased off-site flows to City drainage facilities if not mitigated.

City policy requires that all development shall comply, to the extent reasonably possible, with the recommendations of the 2005 Storm Drain Master Plan prepared by Winzler and Kelly, a copy of which is available for purchase at City Hall or can be provided electronically. The City requests that a Drainage Reports and/or calculations shall be completed that specifically include consideration of the recommendations within this report. If recommendations per the Master Plan are not included within the proposed development design, the Drainage Report and/or calculations must address specific justification for omission thereof. Specific provisions that should be incorporated into any development design, and/or addressed within the project Drainage Report include, but are not necessarily limited to:

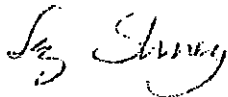
- Incorporate onsite and regional storm drainage detention.
- New development shall not increase the estimated existing 25-year peak runoff volume from the site. Any increase beyond the peak 25-year event resulting from new development shall be retained or detained at the expense of the developer/owner.

The City of Fortuna requests that a drainage report be completed identify and recommend improvements to mitigate any off-site impacts to City drainage facilities. The City of Fortuna would like to review and approve this report prior to approval of the proposed project and request that the county require the recommended drainage improvements presented in the final drainage report.

7. There are no limits of grading shown on the proposed site plan. If the project will include grading of over one acre it will require a Storm Water Pollution Prevention Plan (SWPPP). to comply with the requirements of the State of California State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ, NPDES No. CA S000002 (General Order). This General Order became effective on July 1, 2010. If proposed construction activity will disturb less than one (1) acre of land, BMP's shall be implemented to eliminate, minimize and/or treat stormwater discharges from the site. These BMP's shall be monitored for effectiveness throughout construction activities. If proposed construction activity will disturb one (1) acre of land or more, the General Order requires that the Legally Responsible Person (LRP) (usually the property owner or leasehold interest) is required to obtain permit coverage under the General Permit through the submittal of Permit Registration Documents (PRD's) *prior to the commencement of construction activities*. Permit Registration Documents include, but are not limited to, a Notice of Intent (NOI) and a Storm Water Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer (QSD), certified by the State Water Resources Control Board (the Board). The General Order requires all PRD's to be electronically submitted and the appropriate fee paid to the Board prior to the Board issuing a Waste Discharge Identification Number (WDID).

The proposed project's western boundary is in proximity of the City limits and within the City's Sphere of Influence, will utilize City streets and services, and will negatively impact city residents. The City is concerned with a range of issues, and we are concerned that the project under review, or in fact the County's Marijuana Land Use Ordinance, has failed to consider impacts to Fortuna residents. The issues identified and concerns expressed are directed towards every cannabis cultivation site under consideration within the City's Sphere of Influence. The City hopes that the County will consider establishment of a buffer encompassing the entire City Sphere of Influence. City staff is in discussion with County personnel regarding creation of a buffer or other appropriate measure to eliminate impacts to City residents. In the meantime, please ensure that the above-provided comments are incorporated into the County's review process for this project and that the listed concerns are addressed. Please contact me if you have any questions or need any additional information.

Sincerely,



Liz Shorey, Deputy Director of Community Development

Copy: Mark Wheelley, City Manager
Merritt Perry, Director of Public Works

City of Fortuna

P.O. Box 541 • Fortuna, CA 95540
www.friendlyfortuna.com

April 7, 2017

Estelle Fennell, Second District
Humboldt County Board of Supervisors
825 5th Street, Room 111
Eureka, CA 95501

Dear Supervisor Fennell:

In response to several projects being processed by the County Planning & Building Department, the City of Fortuna has identified numerous concerns with proposed cannabis cultivation activities under consideration by the County within the City's Sphere of Influence.

The City requests the establishment of a more significant buffer that would protect all of the City's residents. Such a buffer would need to encompass the entire City Sphere of Influence in order to create an appropriate buffer given the irregular City/County jurisdictional boundary. A map of the Sphere of Influence is attached.

City residents bordering cultivation sites will be subject to increased noise, odors, dust, traffic, etc. These environmental impacts do not otherwise affect the agricultural lands located further from urban areas. These issues could have been identified and addressed with completion of an environmental impact report which would have benefitted from greater public notification and more robust public input.

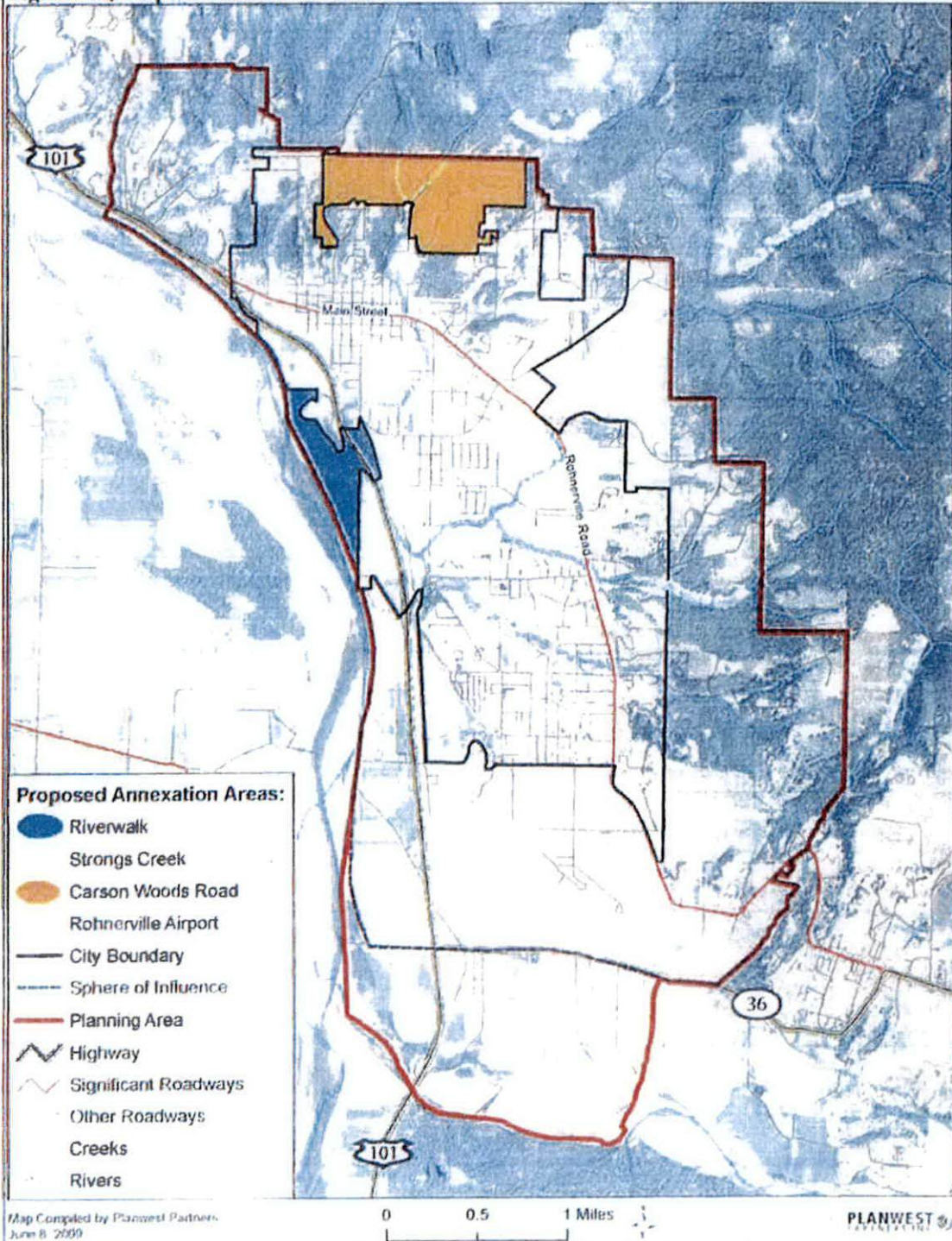
We realize that the County has adopted standards for its cannabis permits program and that an environmental impact report is now underway. In our opinion, the County's adopted program fails to meet the intent and requirements of the California Environmental Quality Act (CEQA). We anticipate that the review being undertaken through the EIR process will address these impacts and will result in the inclusion of a buffer that is contiguous with the Sphere of Influence boundary, or that the County considers other options with an equal measure of protection. The City would like to work with the County to develop appropriate measures to mitigate these and other potential impacts.

In conclusion, the City strongly urges that an immediate moratorium be imposed on issuing any approvals on any cannabis cultivation permits under consideration by the County within the City of Fortuna's Sphere of Influence until a complete and comprehensive environmental review and a detailed analysis of the potential cumulative impacts of these proposed activities can be completed. In addition, the City of Fortuna proposes the formation of a joint task force between the City and the County to address our concerns and to discuss potential strategies to resolve these issues. I look forward to working with you. If you require any further clarification or have additional questions, please direct them to Mark Whitley, Fortuna City Manager at (707) 775-1410.

Sincerely,


Sue Lone
Mayor, City of Fortuna

Fortuna General Plan 2030
Figure 2-5, Proposed Annexation Areas



6800

SUPPLEMENTAL INFORMATION #6

For Planning Commission Agenda of: February 1, 2018

- Consent Agenda Item
- Continued Hearing Item
- Public Hearing Item #4
- Department Report
- Old Business

Re:

Quantum Genetics Special Permit

Application Number 11840

Case Numbers SP 16-328

Assessor's Parcel Number 203-231-003

210 Triple K Place, Fortuna, CA 95540

- Attachment 1, Revised Recommended Conditions of Approval
- Attachment 1 Exhibit A, Revised Mitigation Monitoring Report
- Attachment 2, Revised Staff Analysis of the Substantial Evidence Supporting the Required Findings.
- Revised Plot Plan, received February 1, 2018
- Draft Lake or Streambed Alternation Agreement, signed by applicant, received on February 1, 2018

ATTACHMENT 1
REVISED - Recommended Conditions of Approval

Approval of the ~~Conditional Use~~ **Special** Permit is conditioned on the following terms and requirements, which must be satisfied before release of the Building Permit and initiation of operations

1. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures and grading related to the cannabis cultivation and other commercial cannabis activity. The applicant/owner shall submit plans by a California-licensed engineer for the building permit and grading permit. All building and grading plans submitted for approval shall be consistent with those approved by the Planning Commission.
2. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
3. The applicant shall submit one copy of the final Water Resource Protection Plan (WRPP) to the Planning and Building Department. The applicant shall implement all corrective actions detailed within the final WRPP developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program, including those measures determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition.
4. The applicant shall obtain a Streambed Alteration Agreement from CDFW ~~and a Surface Water Diversion Permit from the State Water Resources Control Board, Division of Water Rights~~ for use of the well (see Mitigation Measure BIO-3 in Exhibit A). If deemed to be jurisdictional by CDFW, the well when used for cultivation will be subject to forbearance as specified in the LSAA or per the standard set forth in the CMMLUO.
5. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
6. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
7. The development and operation of the proposed wholesale nursery facility shall comply with mitigation measures set forth in the Mitigation and Monitoring Reporting Program (Exhibit A to Attachment 1).
8. Applicant is to obtain enrollment in PG&E's Solar Choice Plan or other qualified carbon off-set program for any portion of power used for the indoor nursery operation not from renewable sources for the life of the project. Evidence of enrollment and energy use shall be maintained for inspection by County.

9. ~~Prior to hearing~~ **Within five (5) days of the effective date of the approval of this Special Permit,** the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,330.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the \$2,280.75 Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2018, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DF&W by phone at (916) 651-0603 or through the DF&W website at www.dfg.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DF&W concurs, a form will be provided exempting the project from the \$2,280.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.
10. The applicant shall be responsible for ensuring that all exterior lighting be designed and maintained to eliminate any conflicts with the Rohnerville airport.
11. At least one water meter shall be installed on the water line providing irrigation flow to the nursery. The water meters shall have the capacity to measure at least 100,000 gallons of flow before resetting. The water meters shall be used to measure the amount of water provided to the cultivation area. **A second meter is to be installed on the water line connected to the well to show that no water is being drawn** during the forbearance period. The meter shall be installed at a point on the water line that provides an accurate measurement of the water used for irrigation. Household water use at the caretaker's residence shall be separately metered if required, **by the LSAA.**
12. **Water is primary sourced from the dehumidifiers and rainwater catchment system for irrigation for cannabis cultivation activities. The onsite well shall be the secondary source of water for irrigation use, subject to forbearance. The forbearance period shall be set forth in the approved LSAA (June 15th to October 1st).**
13. The applicant shall provide a revised plot plan which will indicate the location of the ADA-compliant bathroom, to be installed within the proposed cloning facility or as a separate stand-alone building adjacent to the Processing Building.
14. The applicant shall maintain Triple K Place from the intersection with Rohnerville Road to the driveway on the subject property to the predevelopment width and surface condition or better. This work is to ensure adequate access and road condition. The improvement work shall be maintained for the life of the project.
15. Ground disturbing construction and grading shall employ fugitive dust control strategies (e.g., watering or similar methods) to prevent visible emissions from exceeding NCAQMD regulations and prevent public nuisance.
16. **The approved building plans shall address odor management by incorporating a ventilation/air filtration system which limits potential adverse odor emission impacts to employees and/or properties located in the vicinity. The system shall be designed, signed, and stamped by a mechanical engineer for review and approval by the Building Official.**

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Plot Plan, the Plan of Operations, the Mitigated Negative Declaration 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, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MMRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. 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.
6. 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, Public Park, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
9. Comply with the terms of any applicable Streambed Alteration (1600) Agreement obtained from the California Department of Fish & Wildlife.
10. 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).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application and annual inspection fees.
13. Where surface water diversion (use of the well) provides any part of the water supply for irrigation of cannabis cultivation, permittee shall either: 1) forebear from any such diversion

during the period from May 15th to October 31st of each year and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated, or 2) comply with the approved water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period, if required, based upon local site conditions, or 3) adhere to the RWQCB approved Water Resources Protection Plan or other clearance issued by the agency. If the method of compliance changes during the term of the Conditional Use Permits, permittee shall notify the Planning and Building Department and furnish appropriate documentation of compliance with this standard.

14. The noise produced by a generator used for cannabis drying, curing, and processing shall not be audible by humans at neighboring residences. The decibel level for generators measured at the property line shall be no more than ~~50~~ **60** decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer **as required by the County of Humboldt Department Policy Statement No. 16-005.**
15. 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.
16. All signage shall comply with Section 314-87.2 of the Humboldt County Code.
17. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
18. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

19. Pursuant to the 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."
20. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
21. Cultivators engaged in processing shall comply with the following Processing Practices:
 - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.

- IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
22. All persons hiring employees to engage in commercial cannabis nursery activities shall comply with the following Employee Safety Practices:
- i. Cultivation 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.
 - ii. Cultivation operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
23. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.
 - iv. Employee Safety Practices.
 - v. Toilet and handwashing facilities.
 - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - vii. Drinking water for employees.
 - viii. Plan to minimize impact from increased road use resulting from processing.
 - ix. On-site housing, if any.

24. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

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 Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the

permit holder may take to cure the non-compliance, 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 non-compliance. Failure to request reinspection or to cure any items of non-compliance 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 of the CMMLUO.

25. 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.

~~(1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code Section 11362.5); and~~

~~(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 California Medical Marijuana Regulation and Safety Act 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 California Medical Marijuana Regulation and Safety Act.~~

~~(4) The above acknowledgements shall also apply to commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use conducted in compliance with the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94) and the Adult Use of Marijuana Act (AUMA) (Proposition 64).~~

26. 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:

- (1) Identifying Information for the new Owner(s) and management as required in an initial permit application;
- (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- (3) The specific date on which the transfer is to occur; and
- (4) Acknowledgement of full responsibility for complying with the existing permit; and
- (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.

27. 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. This 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 construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
2. If cultural resources are encountered during ground disturbing activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) (THPOs) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. 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 NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.

3. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. Any future re-use of the proposed 20,000-square-foot structure shall be limited to storage unless a modification to this project is approved to expand cannabis operations.
7. According to Cornell University Department of Animal Science, hemp and marijuana are considered toxic plants to goats. The applicant may consider this **advisory** as methods to handle waste cannabis product are implemented.

**ATTACHMENT 1
EXHIBIT A**

**HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENT
REVISED – MITIGATION MONITORING REPORT
For The Quantum Genetics Wholesale Nursery Operation
Special Permit**

Assessor Parcel Number: 203-231-003; Application Number: 11840; Case Number: SP16-328

Mitigation measures were incorporated into conditions of project approval for the above referenced project. The following is a list of these measures and a verification form that can be used to ensure that the conditions have been met. For conditions that require on-going monitoring, attach the Monitoring Form for Continuing Requirements for subsequent verifications.

AES-1 Lighting Plan

The applicant shall provide to the County Planning Division a lighting plan demonstrating that all indoor and outdoor lighting for the proposed project would not deliver or have the potential to deliver light pollution, from sunset to sunrise. The lighting plan shall be approved by the County Planning Division prior to issuance of the building permits.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit, and, during project operations.	Continuous		HCP&BD			

HCP&BD = Humboldt County Planning and Building Department

BIO-1 Water Storage Design, Approvals, and Maintenance Standards for Pond

The applicant shall coordinate with CDFW and the County Public Works Department regarding the water storage and transfer system proposed to be used at the pond site and the design of the system. No water storage and transfer system shall be installed for the pond site without prior approval from CDFW and the County Public Works Department. **It is unlikely that pond storage will be required, the applicant has demonstrated sufficient water availability and adequate storage to meet forbearance period requirements. The collection of dehumidifier water, rainwater catchment systems, along with an onsite well (as a secondary source), can be adequately stored within the 55,000 gallons of water tank storage (45,000 gallons existing and 10,000 gallons proposed).**

In the event that a pond is needed for additional water storage, prior to the installation of a pond, the applicant shall submit to CDFW and the Public Works Department for approval the engineer design plans including the proposed cap or other waterfowl deterrent method. The plans shall include specifications for how the design would avoid entrapment of wildlife, and would avoid attracting bird flocks.

Subsequent to the installation of the pond (open water feature) the following measures shall be implemented for the duration of project operations to prevent an increase in insect populations and invasive aquatic species such as bullfrogs. The following measures shall be implemented:

- o Maintain a high quality vegetative buffer around the pond.
- o Stock the pond with fish species such as minnows to control insect larvae.

- o Install aeration equipment in the pond to prevent stagnation of the water and improve water quality.
- o Prevent excess nutrients and pollutants from entering the pond through pre-treatment of stormwater and non-stormwater runoff.
- o Should bullfrogs colonize the pond, populations shall be controlled by draining the pond continuously through the summer until no water remains. This shall be repeated for two years to disrupt the life cycle of the species. If dewatering is ineffective in controlling the species, direct removal methods shall be used.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit, during construction activity and, during project operations.	Continuous		HCP&BD, DPW, and CDFW			

CDFW = California Department of Fish and Wildlife, DPW = Department of Public Works, HCP&BD = Humboldt County Planning and Building Department

BIO-2 Avoid Entrapment of Wildlife in Water Pumps

To prevent impacts to wildlife species, including amphibians and reptiles, from entrapment in water pumps, water pumps used for the operation shall contain screens that meet the CDFW fish screening criteria (http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp).

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit, during construction activity, and during project operations.	Once		HCP&BD and CDFW			

CDFW = California Department of Fish and Wildlife, HCP&BD = Humboldt County Planning and Building Department

BIO-3 Obtain Streambed Alteration Agreement and Surface Water Diversion Permits

As a condition of approval of the proposed project, the applicant shall successfully obtain a SAA from CDFW and a permit for diversion of surface water from the State Water Resources Control Board, Division of Water Rights. The applicant shall provide the County Planning Department with the issued permits prior to use of the well.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit.	Once		HCP&BD and CDFW			

CDFW = California Department of Fish and Wildlife, HCP&BD = Humboldt County Planning and Building Department

BIO-4 Avoid Impacts to Streambed Management Areas

Prior to initiation of ground disturbance for the farm dwelling, construction fencing shall be installed to delineate the 100-foot buffer (Streamside Management Area) from the seasonal wetland and wetland swale. No construction equipment, materials, or activities shall be permitted to occur within the protected SMA.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During project construction	Once		HCP&BD and CDFW			

CDFW = California Department of Fish and Wildlife, HCP&BD = Humboldt County Planning and Building Department

CUL-1 Inadvertent Discoveries of Cultural and Paleontological Resources, and Human Remains

If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

Prehistoric materials which could be encountered include: obsidian and chert debitage or formal tools, grinding implements (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic materials which could be encountered include: ceramics/pottery, glass, metals, can and bottle dumps, cut bone, barbed wire fences, building pads, structures, trails/roads, etc.

In the event that paleontological resources are discovered, work shall be stopped within 20 meters of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in State CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.

If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction activity and project operations.	Continuous		HCP&BD			

HCP&BD = Humboldt County Planning and Building Department

GEO-1 Foundation, Fill, and Water Tank/Water Storage Areas Design

The applicant shall comply with the recommendations from the Geotechnical Engineering Report (SHN 2016), which includes specifications for building foundations, fill, water tanks/water storage areas, and other considerations. The grading, foundation design, drainage plans and plan specifications shall be reviewed by a registered geologist prior to approval by the County.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to the issuance of building and/or grading permits for the project.	Once		HCP&BD			

HCP&BD = Humboldt County Planning and Building Department

NOI-1 Construction Related Noise

The following shall be implemented during construction activities:

- The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall be limited to between the hours of 8 A.M. and 5 P.M. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
- No heavy equipment related construction activities shall be allowed on Sundays or holidays.
- All stationary and construction equipment shall be maintained in good working order, and fitted with factory approved muffler systems.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction activities.	Ongoing		HCP&BD			

HCP&BD = Humboldt County Planning and Building Department

NOI-2 Generator Noise

Should generators be installed, the locations of the generators shall be provided to the County Planning Department on a site plan, and the projected use shall be provided. The generators shall be sited so that the decibel level for generators measured at the property line shall be no more than 5060 decibels.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During project operations.	Ongoing		HCP&BD			

HCP&BD = Humboldt County Planning and Building Department

ATTACHMENT 2

REVISED - Staff Analysis of the Substantial Evidence Supporting the Required Findings

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making all of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits), specifies the findings that are required to grant a Special Permit:

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

Staff Analysis of the Evidence Supporting the Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making all of the following required findings.

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory.</p>
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Urban land use planning should occur in areas of the County characterized by dense patterns of development.</p> <p>Fortuna Community Plan, Governance Policies and Growth Planning, Policy FCP-P5 reference the Land Use Plan Map</p>	<p>The subject parcel is located within the Fortuna Area Community Plan (FCP) area, and is not identified as within an urban development or urban expansion area. FCP Figure 1 Urban Development and Expansion Areas (South) Land Use Map show properties directly to the east as being included in the Urban Expansion Area, however the subject property is outside of Urban Expansion Area.</p>
<p>Land Use Chapter 4 Section 4.8</p> <p>Land Use Designations Agriculture Exclusive (AE)</p>	<p>This plan designation applies to bottomland farms and lands that can be irrigated; also used in upland areas to retain agricultural character. Typical uses include dairy, row crops, orchards, specialty agriculture, and horticulture. Residential subdivision is not supported. Residential uses must support agricultural operation. Density range is 20-60 acres/unit.</p>	<p>The CMMLUO provides for the cultivation and processing of medical cannabis within the zoning districts where agriculture is a principally permitted use, with limits and in compliance with performance standards that will preserve space for more traditional agricultural activities that supply food and fiber contributing to a diverse economic base.</p> <p>The current parcel size is inconsistent with the minimum parcel size as defined in the General Plan, but has been determined to be a legal parcel and the proposed project does not involve further subdivision.</p> <p>The proposed action would permit a 20,000 sf wholesale medical cannabis</p>

		nursery on a 9.9-acre parcel zoned AE, B-5(60). The land uses are consistent with the FRWK General Plan and FACP land use designation for the site and with the CMMLUO.
Safety Element Chapter 14 Flooding	Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3) Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas	The Flood Insurance Rate Map in which the project site is located shows the project site is outside of the FEMA mapped areas subject to flooding. There are no other risks associated with flooding.
Safety Element Chapter 14 Geologic & Seismic	Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2) Related policies: S-P11. Site Suitability, S-P7. Structural Hazards,	The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The Geotechnical Study prepared for the project site identified potential risks related to seismic instability. Mitigation measure GEO-1 is incorporated to reduce potentially significant impacts. The steep slopes in the southern portion of the parcel are subject to landslide, but the proposed project would be over 200 feet from the edge of the bluff and would not be affected.
Safety Element Chapter 14 Fire Hazards	Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential Related policies: S-P19, Conformance with State	The parcel is in an area designated as low wildfire risk. The analysis in the IS/MND identified fire hazards associated with the project to be less than significant. The subject property is in the Fortuna Fire Protection District, but is in the State Fire Responsibility Area for fire protection. CAL-FIRE provided a standard response comment letter for the project, which includes minimum requirements for development with

	<p>Responsibility Areas (SRA) Fire Safe Regulations;</p>	<p>regards to meeting fire safety standards. The requirements have been incorporated as conditions of approval to the permit. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in "state responsibility" designated areas. The Fortuna Fire Protection District reviewed and approved the road access in a letter dated June 9, 2017. The proposed nursery would be constructed of a metal building with slab-on-ground floors, which are non-flammable materials. There is an existing fire department connection with blue and white fire water reflective posts on the site, near the emergency-accessible turnaround on the site.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures, and does not include the use of generators. However, the applicant may install generators for back up use. The applicant would be required to conform to noise standards, and provide the County with the generator location and projected use information. This is included as Mitigation Measure NOI-2. No long-term noise impacts are anticipated as a result of the project.</p>

<p>Safety Element, Chapter 14 Airport Safety</p>	<p>Regulate and plan land use around airports according to the Airport Land Use Compatibility criteria matrix, and ensure that future development within the community is compatible with the airport and its associated noise and hazard nuisances.</p> <p>The subject parcel is in the Airport Approach Zone of Rohnerville Airport and is subject to restrictions on building height (34 feet), people per acre (60), and agricultural uses that attract bird flocks.</p>	<p>The project has been reviewed by the County Public Works Land Use Division, and has been determined to be consistent with the Airport Land Use Compatibility Zoning, and there is an existing aviation easement (agency comments attached). The proposed nursery building would be approximately 24 feet tall; with all projects on the site completed, the maximum number of people on the 10-acre property would be 11 4—(1.1 people/acre), which is consistent with the zoning requirements. As analyzed in the IS/MND for the project, excessive light from the nursery could pose a safety hazard. Mitigation Measure AES-1 has been incorporated to reduce the potentially significant impact. The pond permitted under ZCC 16-013 could pose a safety hazard with the airport by attracting birds and/or producing glare. The pond would be covered to discourage birds and prevent glare, or the water would be fully enclosed in water storage tanks. Mitigation Measure BIO-1 has been incorporated to reduce the potentially significant impacts.</p>
<p>Water Resources Element, Chapter 11 Water Resources</p>	<p>Maintain or enhance the quality of the County's water resources and the fish and wildlife habitat utilizing those resources. Maintain a dependable water supply, sufficient to meet existing and future domestic, agricultural, industrial needs and to assure that new development is consistent with the limitations of the local water supply.</p>	<p>CDFW has noted that the well on the property identified by the Applicant as a supplemental water source for cannabls irrigation is likely hydrologically connected to a surface stream waters and has requested that the applicant execute a Lake and Streambed Alteration Agreement for the well. The impact to water resources is that if a hydrologic connection exists and water withdrawals from the well are not managed appropriately, the surface waters and associated wetland habitat located approximately 100 feet north of the well could be affected. While the well is 240 feet in depth, the well driller's report log does not indicate the presence of sold bedrock and it may be assumed that it is hydrologically connected to the nearby drainage swale and wetland. The casing is slotted between 40 and 120 feet and between 160 and 220 feet.</p>

		<p>Accordingly, the applicant applied for a Streambed Alteration Agreement (LSAA) on September 27, 2017, and will confirm completion with the County as a condition of approval of this SP. Mitigation Measure BIO-3 requires that the applicant obtain a Lake and Streambed Alteration Agreement from CDFW and a Surface Water Diversion Permit from the State Water Resources Control Board. On January 31, 2018 the applicant executed a LSAA that if hydrologically connected, use of the well for cultivation including nursery operations will requires a forbearance period from June 15th through October 1st for water serving the nursery operation as specified in the LSAA or as provided in Section 314-55.4.11(i). Forbearance will substantially lessen the impact to surface waters by prohibiting water withdrawals during the drier months of the year. A clarification is necessary, however, as to Mitigation Measure BIO-3 in the IS/MND that imposes the additional requirement for the Applicant to secure a separate permit from the State Water Resources Control Board (SWRCB) for the well. The IS/MND states "...diversion of surface waters requires a permit from the State Water Resources Control Board, Division of Water Rights". However, this is erroneous in that the requirement applies only where a well is connected to a <i>known and defined subterranean stream</i>. This is not the case for the drainage swale and wetland feature on the property as confirmed by communication with the SWRCB that the well is not jurisdictional and a permit is not required (see attached exhibit). The SWRCB's conclusion is based on well depth, clear well drilling log, and location away from any streams; therefore there is no need for a water diversion permit per Water Code Section 5101. Therefore, this clarification is provided to Mitigation Measure BIO-3 and the Condition of Approval to more accurately address the impacts related to water usage as the potential impact to surface waters and the mitigation measure of imposing</p>
--	--	---

		<p>forbearance under the terms of the LSAA. Based on the forgoing, the clarification of the Mitigation Measure is an insignificant modification of BIO-3 that does not necessitate recirculation of the IS/MND ((CEQA§15073.5 (c) (4)).</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The Biological Resource maps of the Framework-Plan General Plan do not identify any sensitive or critical habitat areas on the project site.</p> <p>CDFW has expressed concern that the cover on the pond permitted under ZCC 16-013 may entrap wildlife, and that the pond may provide habitat for invasive bullfrogs (see agency comments, attached). CDFW has requested review of the design of the pond cover and that the applicant submit a bullfrog management plan. The applicant has not installed the pond, and may substitute water tanks. The IS/MND includes an analysis of the potential impacts associated with installation of the water storage system. Mitigation Measure BIO-1 requires coordination with CDFW and the County Public Works Department regarding the design of the storage structure, and includes maintenance standards to prevent and manage an increase in insect populations and bullfrogs. Mitigation Measure BIO-2 includes measure to avoid entrapment of wildlife in water pumps.</p> <p>There is a small wetland and an unnamed creek in the northern one-third of the property. The proposed nursery is >200 feet from those features, and the proposed location of the farm dwelling is 100 feet from the features. CDFW recommends that a 100-foot setback limit from the wetland/stream be fenced during construction of the dwelling that is contemplated for the property, but is not included in the proposed action. Mitigation Measure BIO-4 requires fencing be installed to prevent impacts to the Streamside Management Area.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation].</p>	<p>The project permitted under ZCC 16-013 was referred to the Northwest Information Center. The current project was not referred, as it is located on the same parcel; however, the County has consulted with the tribes for the proposed project. The findings of a cultural resources study conducted in October 2016 covering 100% of the project site identified no cultural, tribal, or historic resources within the project site. As noted in the IS/MND prepared for the project, potentially significant impacts could occur if previously unknown resources are discovered during construction or operation. The standard Inadvertent discovery condition is included as Mitigation Measure CUL-1.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making. C-G2); coordinated planning design, development, operations, and maintenance between the County and other</p>	<p>The subject parcel accesses Rohnerville Road, which is a County-maintained Road, via a private driveway and Triple K Road, which is not a County-maintained road. The applicant has submitted a Road Evaluation Report (received by the County on June 30, 2017) which confirms that Triple K Road can accommodate the expected vehicle traffic from the proposed project, and confirms that the private driveway is developed to Category 4 standards. The Fortuna Fire Protection District reviewed and approved the road access in a letter dated June 9, 2017.</p>

	<p>transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	
--	--	--

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

Zoning Section	Summary of Applicable Requirement	Evidence
§312-1.1.2	Section 314-107.2 allows for substandard lots to be developed when lawfully created.	The parcel was lawfully created through a Deed recorded on September 7 th 1883, in compliance with all applicable state and local subdivision requirements.
§314-7.1 Agricultural Exclusive (AE)	The Agricultural Exclusive is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.	Wholesale nurseries are an approved use in the AE zone. The proposed action would permit a wholesale nursery consistent with the AE Zone and the CMMLUO.
§314-17.1 Special Building Site Combining Zone (B-5(60)) Minimum Lot Size: 60 acres	The Special Building Site Combining Zoning modifies the building site area of the principal zone. The building site area for the B-5 Zone is as specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements.	The subject parcel is 9.9 acres. Humboldt County Code §314-107.2 allows for substandard lots to be developed when lawfully created, and when they have not been merged with an adjoining property. A review of the Department's records and documents of records do not indicate the subject parcel has been merged with an adjoining parcel.
Minimum Lot Width:	100 feet	Approximately 300 feet wide
Maximum Lot Depth:	None specified	N/A

Zoning Section	Summary of Applicable Requirement	Evidence
Max. Lot Coverage:	35%	Approximately 2.75 acres of coverage (28% of lot)
Min. Yard Setbacks (through the SRA requirements):	Front: 30 feet Rear: 20 feet Side: 10% of average lot width but not more than 20 feet shall be required.	Front: >30 feet Rear: >20 feet Side: 30 feet
Max. Building Height: §333-4 Airport Approach Zone Building Height	No structure shall be erected or altered to a height which would project above the approach surface.	In this case, the building height limit is 34 feet. The proposed action would permit a new building approximately 24 feet in height.
§314-61.1 Streamside Management Area (SMA)	Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance. Development within SMAs may include wildlife enhancement and restoration projects. The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.	There is a small wetland and an unnamed creek in the northern one-third of the property. The proposed nursery would be >200 feet from those features, and the proposed location of the farm dwelling would be 100 feet from the features. CDFW recommends that a 100-foot setback limit from the wetland/stream be fenced during construction of the dwelling that is contemplated for the property, but is not included in the proposed action. Mitigation Measure BIO-4 requires fencing be installed to prevent impacts to the Streamside Management Area.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required. <i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i>	There are three employees associated with the requested permit. The land use on the site is agricultural, and the Code is silent as to the requirement for agricultural employees. The most comparable standard for employees in this situation is one space for each employee at peak shift (per Section 314-109.1.3.4.2 - Manufacturing). The project includes two standard spaces and one ADA-compliant space. In addition, the project site would include additional spaces associated with the existing operations.

314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

§314-55.4.8.2	Commercial cannabis cultivation is allowed on parcels zoned AE, with no parcel size limitation. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area.	There are no existing trees on the project site. The proposed project will not result in the conversion of timberland.
§314-55.4.8.7 Nurseries	Nurseries producing commercial cannabis nursery products for bulk wholesale sale or to supply retail nursery outlets held under the same license shall be a permitted use in the AG or AE zoning district, subject to a Special Permit.	The proposed action would permit a new 20,000 sf commercial wholesale nursery on a parcel zoned AE. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant has applied for two cannabis activity permits, less than the maximum to which the applicant is entitled.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016. Deadline	The applicant filed the application on December 14, 2016.

4. Public Health, Safety, and Welfare: The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4 Special Permit Findings	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	All responding referral agencies have either provided no comment or recommended approval of the proposed use with conditions of approval. The proposed wholesale nursery use is consistent with the type of development in the area. There is no evidence that the project will be materially injurious to properties or improvements in the vicinity.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The parcel was not included in the 2014 Housing Inventory.

6. Environmental Impact:

Please see the attached draft Initial Study-Mitigated Negative Declaration.

As required by the California Environmental Quality Act (CEQA), the initial study conducted by the Planning and Building Department, Planning Division (Attachment 4) **with the clarification added to the Water Resources discussion above**, evaluated the project for any adverse effects on the environment. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues.

Because the project was found to be subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project. Within five (5) days of the effective date of the approval of this tentative map, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of 2,330.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus the \$50 document handling fee. This

fee is effective through December 31, 2018 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.wildlife.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,280.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. This requirement appears as Condition 9 of Attachment 1 (Section 1).

From: Parks, Jeff@Waterboards [mailto:Jeff.Parks@waterboards.ca.gov]
Sent: Thursday, January 18, 2018 11:32 AM
To: Stein Coriell
Cc: Werner, Steve; Adler, Elanah; 'Edward Wilkinson'
Subject: RE: Is a water rights filing required for this well in Humboldt County

Stein,

Thank you for contacting the State Water Board. The only case where a surface water diversion water right would be required for a well would be if the well is connected to a known and defined subterranean stream. I do not see this project well as connected to an underground stream, further evidenced by the LSA agreement that clearly identifies this project as a groundwater well.

The other concern we have in general, focused primarily on cannabis cultivation as it comes into compliance with new regulations, is that we see claims of groundwater wells that are 100 feet from a stream and 20-40 feet deep (just an example, these are not limiting numbers), which we would not consider groundwater, but rather a surface water diversion.

The project you have referred to in your email below is a 240 foot well with a clear well drilling log, located away from any streams. I do not see any need for a water diversion permit from the State Water Board per Water Code section 5101. Humboldt County staff may contact me directly if there are further questions about this.

If you have any further questions about cannabis related water rights, or on our Cannabis Policy for cultivation, please let me know.

Sincerely,

Jeffrey Parks

Water Resource Control Engineer
Cannabis Interim Flow Unit
Division of Water Rights
State Water Resources Control Board

(916) 341-5319

From: Stein Coriell [mailto:scoriell@shn-engr.com]
Sent: Thursday, January 18, 2018 10:58 AM
To: Parks, Jeff@Waterboards <Jeff.Parks@waterboards.ca.gov>
Cc: 'Werner, Steve' <SWerner@co.humboldt.ca.us>; 'Adler, Elanah' <EAdler@co.humboldt.ca.us>; 'Edward Wilkinson' <ed.wilkinson1990@gmail.com>
Subject: Is a water rights filing required for this well in Humboldt County

Jeff,

Thank you for the discussion this morning regarding wells and whether or not a water rights filing is needed. The 1600 application is attached which provides the project information. The draft condition of approval from the County is also attached. Can you please advise us whether this well is subject to CA

Water Code section 5101 and if it needs a water rights filing or not? And if possible, when a well would need such a filing in Humboldt County.

If you'd like to speak with County planner Steve Werner his contact info is:

707-268-3726 swerner@co.humboldt.ca.us

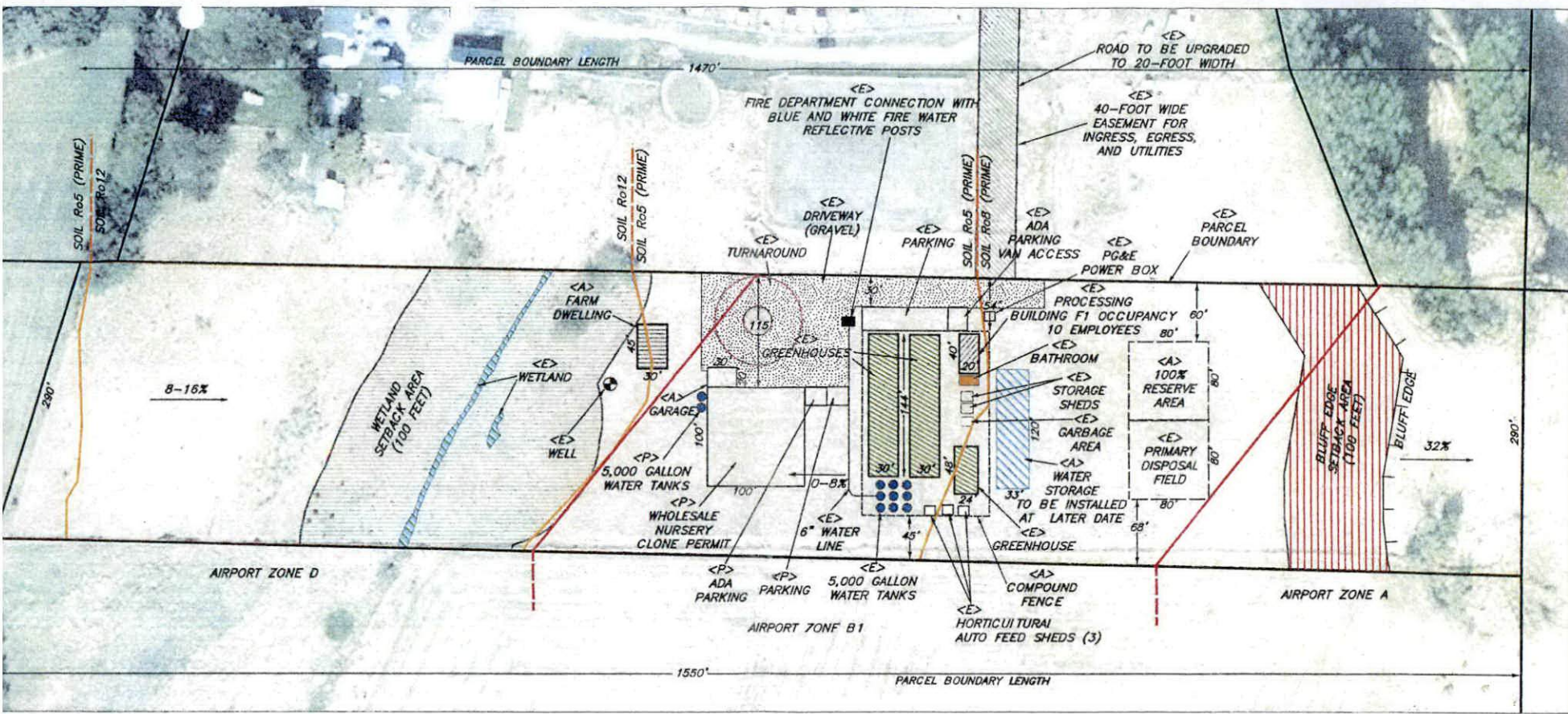
And Steve, Jeff's # is 916-341-5300.

Thank you.

Stein Coriell
Project Planner



Streamline Planning Consultants
A Division of SHN Engineers & Geologists
1062 G Street, Suite 1, Arcata, CA 95521
Phone: 707-822-5785
scoriell@shn-engr.com
www.shn-engr.com



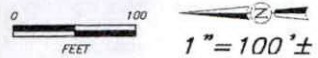
EXPLANATION

- <A> APPROVED ALREADY WITH CULTIVATION PROJECT BUT NOT YET CONSTRUCTED
- <P> PROPOSED
- <E> EXISTING
- 2% SLOPE GRADIENT
- SOIL TYPE BOUNDARY
- AIRPORT ZONE BOUNDARY

ED WILKINSON
 APN 203-231-03
 CARE OF: APEX REALTY
 927 MAIN STREET
 FORTUNA, CA 95540

NOTES:
 -NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES ARE KNOWN WITHIN 600 FEET OF THE CULTIVATION SITE.
 -NO OFFSITE RESIDENCE IS LOCATED WITHIN 300 FEET OF THE CULTIVATION SITE.
 -CLONING FACILITY (AG EXEMPT) WILL PROVIDE CLEAN, STABLE, GENETICALLY TESTED CLONES FOR WHOLESALE AND BULK ORDERS.
 -CLONES WILL BE DELIVERED TO CUSTOMERS/RETAILERS TO REDUCE TRAFFIC ON THIS SITE.

-NO TREES ARE PROPOSED TO BE REMOVED.
 -PROPOSED BUILDINGS WILL BE OUTFITTED FOR RAINWATER CATCHMENT.
 -THE NURSERY PROJECT WILL USE THE EXISTING ADA-COMPLIANT BATHROOM LOCATED NEXT TO THE EXISTING PROCESSING BUILDING.



DATA SOURCES: IMAGE SOURCE (ESRI, 2010);
 PARCEL BOUNDARY, AIRPORT ZONES, SOIL ZONES (COUNTY OF HUMBOLDT GIS, 2016)



Ed Wilkinson
 Plot Plan
 Rohnerville, California

Plot Plan
 SHN 016088



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
619 Second Street
Eureka, California 95501
(707) 445-6493
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



January 31, 2018

Ed Wilkinson
927 Main Street
Fortuna, CA 95540

Subject: Draft Lake or Streambed Alteration Agreement
Notification No. 1600-2017-653-R1
Wilkinson Water Diversion Project

Dear Mr. Wilkinson:

The California Department of Fish and Wildlife (Department) has determined that your project requires a Lake or Streambed Alteration Agreement (Agreement) because it could substantially adversely affect an existing fish or wildlife resource. Enclosed is a draft Agreement that includes measures the Department has determined are necessary to protect existing fish and wildlife resources.

Within 30 days of receipt of this draft Agreement, you must notify the Department in writing whether the measures to protect fish and wildlife resources are acceptable (Fish and Game Code section 1603). If you agree with the measures set forth in the draft Agreement, you or your authorized representative **must return the draft Agreement with original signature to the above address.**

If you disagree with any measures in the draft Agreement, please contact the Department staff identified below. In the event that mutual agreement is not reached, you may follow the dispute resolution process described in Fish and Game Code section 1603(a), Part III of the "Notification Instructions and Process." If you fail to respond in writing within 90 days of receiving the draft Agreement, the Department may withdraw the draft Agreement.

Please be advised the Department may not execute the Agreement until it has complied with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et seq.*) as the lead or a responsible agency. Please note that the draft Agreement may be subject to change upon receipt and review of the environmental document for the project.

After you receive a final Agreement executed by the Department, you may begin the project the Agreement authorizes provided you have obtained all other necessary local, state, and federal permits or other authorizations.

Conserving California's Wildlife Since 1870

Mr. Wilkinson
January 31, 2018
Page 2 of 2

For more information on the process described above, please refer to Part IV in the "Notification Instructions and Process" included with your notification materials, which is also available at www.wildlife.ca.gov/habcon/1600/notificationpackage.pdf.

If you have any questions regarding this letter, please contact Senior Scientist T.O. Smith at timothy.smith@wildlife.ca.gov.

Sincerely,



Cheri Sanville
Senior Environmental Scientist Supervisor

ec. Gary Rees
Streamline Planning
garry@streamlineplanning.net

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
REGION 1 – NORTHERN REGION
619 Second Street
Eureka, CA 95501



STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2017-0653-R1

Unnamed Tributary to Creek, Tributary to Barber Creek, Tributary to the Eel River and the Pacific Ocean

Mr. Ed Wilkinson
Wilkinson Water Well Diversion Project
1 Encroachment

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Mr. Ed Wilkinson (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) Section 1602, the Permittee initially notified CDFW on September 29, 2017, that the Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, the Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project to be completed is located within the Eel River watershed, approximately .25 miles south of the town of Rohnerville, County of Humboldt, State of California. The project is located in Section 13, T2N, R1W, Humboldt Base and Meridian; in the Hydesville U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 203-231-003; latitude 40.5511 N and longitude -124.1216 W at the point of diversion (POD).

PROJECT DESCRIPTION

The project is limited to 1 encroachments (table 1). One encroachment is for water diversion from a jurisdictional well that is hydrologically connected to an unnamed

tributary to Barber Creek. Water is diverted for cannabis cultivation. Work for the water diversion will include use and maintenance of the water well diversion infrastructure.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD #1	40.5511/-124.1216	Water well diversion and facility for cannabis cultivation

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include, Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Green Sturgeon (*Acipenser medirostris*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic, riparian and native plant species.

The adverse effects the project could have on the fish or wildlife resources identified above include:

Impacts to water quality:

- reduced instream flow

Impacts to natural flow and effects on habitat structure and process:

- cumulative effect when other diversions on the same stream are considered
- indirect impacts

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the Permittee shall implement each measure listed below.

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on September 29, 2017, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Work Period. All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.

Water Diversion

- 2.3 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water well shall not exceed **10 gallons per minute (gpm)** at any time.
- 2.4 Diversion Period. Water shall only be diverted in the wet months between November 1 and May 15 in any year for storage and cultivation of cannabis.
- 2.5 Measurement of Diverted Flow. Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
 - 2.5.1 The date and time diversion occurred.
 - 2.5.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
 - 2.5.3 Permittee shall make available for review at the request of the department the daily diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).
- 2.6 Water Management Plan. The Permittee shall submit a Water Management Plan no later than sixty days from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 2.7 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.8 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary

to prevent overflow of tanks resulting in more water being diverted than is used.

- 2.9 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

3. Reporting Measures

- 3.1 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.6) no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.2 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.5) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in 2018.

CONTACT INFORMATION

Written communication that the Permittee or CDFW submits to the other shall be delivered to the address below unless the Permittee or CDFW specifies otherwise.

To Permittee:

Mr. Ed Wilkinson
927 Main Street
Fortuna, California 95540
626-321-2119

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0653-R1

LIABILITY

The Permittee shall be solely liable for any violation of the Agreement, whether committed by the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require the Permittee to proceed with the project. The decision to proceed with the project is the Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide the Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against the Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), the Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, the Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule

(see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall **expire five years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of the Permittee, the signatory hereby acknowledges that he or she is doing so on the Permittee's behalf and represents and warrants that he or she has the authority to legally bind the Permittee to the provisions herein.

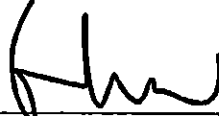
AUTHORIZATION

This Agreement authorizes only the project described herein. If the Permittee begins or completes a project different from the project the Agreement authorizes, the Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR Mr. Ed Wilkinson



Ed Wilkinson

1 | 30 | 18
Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Cheri Sanville
Senior Environmental Scientist Supervisor

Date

SUPPLEMENTAL INFORMATION #7

For Planning Commission Agenda of: February 1, 2018

- Consent Agenda Item
- Continued Hearing Item
- Public Hearing Item #4
- Department Report
- Old Business

Re: **Quantum Genetics Special Permit**
Application Number 11840
Case Numbers SP 16-328
Assessor's Parcel Number 203-231-003
210 Triple K Place, Fortuna, CA 95540

- Letter from Ann Carmack – received on February 1, 2018, in opposition to the project
- Letter from Soluri Meserve, Patrick Soluri – received on February 1, 2018, in opposition to the project
- Loop Net advertisement of 210 Triple K Place property sale – received on February 1, 2018, oppositional Material

January 15-19, 2018

To: The County of Humboldt Planning Commission
The County of Humboldt Planning Department
cc: The City of Fortuna



My name is Ann Carmack and my husband and I live on Triple K Place in Fortuna, CA. My husband is retired and I work as a Medical Professional in Humboldt County. We moved to Humboldt County to provide a positive influence for our Grandchildren. My husband built the home we live in and it has been a wholesome place for our Grandchildren. This home is a large part of our retirement and with surveys showing that the majority of people do not want a Commercial Cannabis business next door, we feel our property value has been compromised.

The neighborhood we live in is down a 16 foot wide dirt road with the families living here depending on low producing wells for their water. We are in the sphere of influence of Fortuna and after our well was compromised, we were hopeful that annexation would someday bring us a safe and tested water supply, but I don't believe annexation will happen for us with this Commercial Cannabis Business as a neighbor.

Unfortunately, we were never notified by the county that a Commercial Cannabis Business was joining our neighborhood because it was to be less than a 10,000 square foot grow. We were never able to voice our concerns. Now 10 days before the Planning Commission meeting which is to "consider" the proposal to triple the size of this business, we are sent a letter that essentially says come to our meeting on January 18th to speak now or forever hold your peace. We show up to this meeting and listen to 3 hours of banter and are not addressed, but the agenda says the expansion under consideration has been set for approval. Where is the consideration? It appeared that this matter had already been decided.

I have a few questions, upon a visit to the planning department, we were told that this expansion which will triple the size of this cannabis business as well as substantially increase the water consumption from our shared aquifers is all part of the original permit. If this is so, then why were we not notified initially?

I also have questions about what more is in store for us. The property in question is now on the market for between 10,000,000 and 18,000,000 depending on the advertisement. The real estate ad boasts the ability of the buyer to operate under a Micro business license allowing for level 1 manufacturing, distribution and retail all on site. Plans for a 4,000 sq.ft. house for a Bud BnB are already in place designed by an international Australian architect (although I'm not sure where as there are strict flight path restrictions.) Having both a micro business license and wholesale license won't be an issue with AB-133. The potential for tourism is huge with a Bud BnB, onsite retail and visitors center all on site. Is this what you have "planned" for our neighborhood, or is this a fraudulent ad?

Our entire neighborhood awaits answers and hopes that you will consider our concerns.
We also hope to be represented by the County of Humboldt governing bodies as the
Commercial Cannabis Business owners have been.

Ann Carmack
205 Triple K Place
Fortuna, CA. 95540

Respectfully,
Ann Carmack



tel: 916.455.7300 • fax: 916.244.7300
510 8th Street • Sacramento, CA 95814

February 1, 2018

SENT VIA EMAIL (eadler@co.humboldt.ca.us)

Elanah Adler, Planner
County of Humboldt
Planning and Building Department
Current Planning Division
3015 H Street
Eureka, CA 95501

**RE: County of Humboldt, Planning Commission
February 1, 2018 Meeting, Agenda 4 - Quantum Genetics
Special Permit (Case Number SP 16-328)**

Dear Ms. Adler:

This letter is submitted on behalf of the Triple K Place/Wilson Road Homeowners' Association ("Association") regarding Quantum Genetics' application for a Special Permit for a 20,000 square foot (100x100 ft) wholesale commercial nursery ("Project").

We understand that the Planning Commission had previously scheduled to consider the Project on January 18, 2018, and then continued the matter to February 1, 2018. On January 18, 2018, an Association member, Gary Trone, hand-delivered comments regarding the Project and the County's inadequate environmental review. These comments remain relevant, and a copy is resubmitted herein. (Exhibit 1.)

A major flaw in the County's review of the Project arises from the County's impermissible project segmentation by entitlement. As previously noted, the County violated CEQA because its Mitigated Negative Declaration ("MND") fails to include aspects of the "whole of the action" that are described in the County's zoning clearance certificate ("ZCC"). Exacerbating this flaw, we learned just recently that the MND fails to analyze yet another element of the "whole of the action," which is the so-called "bud-bnb." (See attached Exhibit 2.) A Century21 marketing brochure for the property explains:

Plans for a 4000sqft house for a bud-bnb house are already in place. An international Australian architect designs this house. Having both a

Elanah Adler, Planner
County of Humboldt, Planning and Building Department
February 1, 2018
Page 2 of 3

microbusiness license and a wholesale license on the same property won[']t be an issue since AB-133 just signed into effect 4 days ago by the governor, which allows for multiple licenses to be on the same premise. The potential for tourist income is also huge with a bud-bnb and onsite retail and visitors center once 100x100 building is installed.

(Exhibit 2.)

In other words, the "bud-bnb" is yet one more component of the "whole of the action" that is conspicuously omitted from any mention, much less analysis in the MND. This constitutes impermissible project segmentation under CEQA.

What is more, the MND's failure to analyze the impacts of the "bud-bnb" renders it inadequate as an informational document. The MND fails to describe operation of this "bud-bnb", much less analyze its impacts although there is no question that it will increase the Project's environmental impacts. For example, the "bud-bnb" will increase the Project's water consumption by an unspecified amount. The MND fails to explain how an adequate supply of potable water may be provided. Operation of the "bud-bnb" will also increase noise and light emitting from the property, including night-time operations. The MND fails to address these operational impacts.

The "bud-bnb" will also increase the Project's trip generation numbers and, by extension, the Project's impacts on local roadways. This additional vehicular traffic also calls into serious question whether Triple K Place can adequately support the Project. The Century21 brochure explains, "The potential for tourist income is also huge with a bud-bnb and onsite retail and visitors center once 100x100 building is installed." The MND has not in good faith estimated the vehicular traffic associated with this planned additional tourism to the property.

The Project's January 18, 2018 Staff Report ("Staff Report") claims that Triple K Place can accommodate the expected vehicle traffic, and that the private driveway meets Category 4 standards. However, our own information contradicts this finding, and suggests that Triple K Place in its current state does not meet Category 4 standards. Prior analysis of the state of Triple K Place indicated that the road met Category 2 standards. Further, Triple K Place does not meet the width, volume, or mobility requirements of Category 4 roads. Therefore, substantial evidence does not support the Staff Report's findings.

Elanah Adler, Planner
County of Humboldt, Planning and Building Department
February 1, 2018
Page 3 of 3

In light of the City of Fortuna's repeated objections to the Project because of the Project's occurrence within Fortuna's sphere of influence, the Planning Commission should either: (i) refrain from approving the Project until County Ordinance 17-02 ("Ordinance") is approved by the County Board of Supervisors; or (ii) substantively apply the requirements of the Ordinance to the Project.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By:



Patrick M. Soluri

PS/mre

Attachments: Exhibit 1, Comments on Quantum Genetics Special Permit originally submitted January 18, 2018

Exhibit 2, Century21 Marketing Brochure

cc (via email): Planning Commission Members via the Planning Commission Clerk (planningclerk@co.humboldt.ca.us)

PERMITTED PROPERTIES

Properties with fully permitted and operating for marijuana

Century 21

PROPERTY 1

**QUANTUM GENETICS,
INC 210 TRIPLE R PLACE
FORTUNA, CA 95540**



- Price: \$18,000,000
- Size: 10 Acres
- Zoning: Agricultural
- County: Humboldt
- Status: Mixed Lighting Marijuana Cultivation
- Marijuana Permit Status: Approved & Operating

DESCRIPTION:

Located on 210 Triple R Place just outside Fortuna, CA this 10 acre is fully compliant and just under 10,000sqft mix light grow facility. Including 9960sqft of Greenhouse space, processing and packaging facility, and more. This property is also going to be acquiring a Nursery License, which will include approval for a 100x100 metal building to be installed 2-stories, making it a 20,000sqft building.



This building will in 2018 when Humboldt County ordinance goes into effect will allow for a microbusiness license. Microbusiness license will allow includes manufacturing, distribution, and retail all on site. A 4000sqft house for a bud-bnb house are already in place. International Australian architect designs this house. both a microbusiness license and a wholesale license on same property wont be an issue since AB-193 just in effect 4 days ago by the governor, which allows for multiple licenses to be on the same premise. The potential for income is also huge with a bud-bnb and onsite visitors center once 100x100 building is installed.

510/510/1234567890

08

www.century21.com

PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.

Road Name: Triple Kn Road Date Inspected: 6/9/17 APN: 203-231-00
 From Road: Rahnerville Road (Post Mile N/A) Planning & Building
 To Road: _____ (Post Mile _____) Department Case File No.:
SP16-328

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations:
 (Contact the Planning & Building Department for information on other nearby projects.) None

ADT: 44 Date(s) measured: 6/7/17

Method used to measure ADT: Counters Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400? Yes No

IF YES, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400). Complete sections 2 and 3 below.

IF NO, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO A Policy on Geometric Design of Highways and Streets, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400) for guidance.)

A. Pattern of curve related crashes.

Check one: No. Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one: No. Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one: No. Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one: No. Yes (check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one: No. Yes.

F. Need for turn-outs.

Check one: No. Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

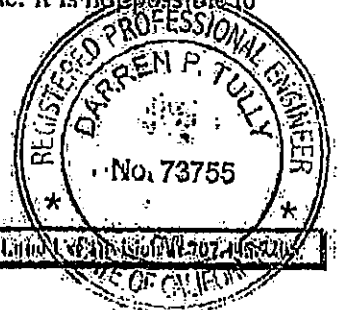
The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (check if a Neighborhood Traffic Management Plan is also required and is attached.)

The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

Signature of Civil Engineer: Darren P. Tully

Date: 6/13/17



Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works at (916) 227-1462.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Ed Williamson APN: 203-231-328

Planning & Building Department Case/File No.: _____

Road Name: Triple K place (complete a separate form for each road)

From Road (Cross street): Robersonville Rd

To Road (Cross street): _____

Length of road segment: _____ miles Date Inspected: 6/9/17

Road is maintained by: County Other P. No. A
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

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

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

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

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

Signature Ed Williamson

Date 6/20/17

Name Printed Ed Williamson

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707-435-7205.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Ed Wilkinson

APN: 203-231-328

Planning & Building Department Case/File No.:

Road Name: Triple K place

(complete a separate form for each road)

From Road (Cross street): Rohnerville Rd

To Road (Cross street):

Length of road segment:

miles

Date Inspected: 6/19/17

Road is maintained by: County Other

Private

(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1

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

Box 2

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

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

Box 3

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

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

Signature

Ed Wilkinson

Date

6/20/17

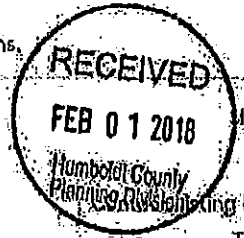
Name Printed

Ed Wilkinson

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

By searching on LoopNet, you agree to the LoopNet Terms and Conditions.

Menu



This Land Property Is For Sale.

210 Triple K Pl

Fortuna, CA 95540 · 10.00 AC · Land For Sale

\$10,000,000

Tawfiq Bist
(626) 673-

Share Watch Property Create Report Print

Get Financing



Watch This Property X
Get notified about changes to this listing to stay in the loop.
Watch Property

Already a member? Log In

First Name Last Name

Email Address

Phone Number

Please send me additional information about this prop

Contact Listing B

Presented by

New to LoopNet? No problem automatically create a free o for you. By clicking the button agree to LoopNet's Terms of l Privacy Policy.

Land For Sale

Price	\$10,000,000	Sale Type	Investment or Owner Use
Property Type	Land	Total Lot Size	10.00 AC
Property Sub-type	Agricultural	No. Lots	1

Listing ID: 9324722

Date Created: 10/16/2017

Last Updated: 01/11/2018



1 Lot Available

Lot

Price	\$10,000,000	Lot Size	10.00 AC
-------	--------------	----------	----------

Located on 210 Triple K Place just outside Fortuna, CA this 10 acre is fully compliant and operating a just under 10,000sqft mix light grow facility. Including 9960sqft of Greenhouse space, 800sqft processing and packaging facility, and more. See att

Description



Price: \$10,000,000.
 Size: 10 Acres
 Zoning: Agricultural
 County: Humboldt
 Status: Mixed Lighting Marijuana Cultivation
 Marijuana Permit Status: Approved & Operating

By searching on LoopNet, you agree to the LoopNet Terms and Conditions.

10,000sqft mix light grow facility; including 7700sqft of greenhouse space; 600sqft processing and packaging facility, and more. This property is also going to be acquiring a Wholesale Nursery License, which will include approval for a 100x100 metal building to be installed that is 2-stories, making it a 20,000sqft building.

This building will in 2018 when Humboldt County's new ordinance goes into effect will allow for a microbusiness license. Microbusiness license will allow includes a level 1 manufacturing, distribution, and retail all on site. Plans for a 4000sqft house for a bud-bnb house are already in place. An International Australian architect designs this house. Having both a microbusiness license and a wholesale license on the same property wont be an issue since AB-133 just signed into effect 4 days ago by the governor, which allows for multiple licenses to be on the same premise. The potential for tourist income is also huge with a bud-bnb and onsite retail and visitors center once 100x100 building is installed.

Attachments

 Humboldt, Fortuna Project Fina...  Offering Memorandum

Highlights

- Permitted in November 2016 + Fully automated
- Everything new, including commercial sewer system, ADA compliant bathroom, Greenhouses, computers, processing facility and more
- Cultivation Facility yearly projections should be 1500-3000lbs
- Wholesale Nursery license
- Tourism Potential Revenue is high due to easy access and beautifully designed
- Lowest taxes in the State \$2 per square foot for mixed light PLUS very low electricity bills

Sale Notes

Owner willing to consider Seller-Financing and creative deal structures.

Financial Summary (Actual - 2017)

	Annual	Annual Per SF
Gross Rental Income	\$2,568,000	5.90
Other Income	-	-
Vacancy Loss	-	-
Effective Gross Income	\$2,568,000	5.90
Taxes	-	-
Operating Expenses	-	-
Total Expenses	\$189,000	0.43
Net Operating Income	\$2,379,000	5.46

Contact Listing Broker

Contact Listing Broker

Presented by



First Name	Last Name
Email Address	
Phone Number	Ext.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director



January 17, 2018

Elanah Adler
Humboldt County
3015 H Street
Eureka, CA 95501

Subject: Quantum Genetics Special Permit #16-328
SCH#: 2017122043

Dear Elanah Adler:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on January 16, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Document Details Report (
State Clearinghouse Data Base

SCH# 2017122043
Project Title Quantum Genetics Special Permit #16-328
Lead Agency Humboldt County

Type MND Mitigated Negative Declaration

Description A special permit to construct and operate a proposed wholesale cannabis nursery operation. The project includes constructing an approx 20,000 sf two story nursery building, parking, and two to ten 5,000 gallon water storage tanks. The nursery would employ three staff members. Water use is 60,000 gallons per year, which would be primarily obtained through rainwater harvest and supplemented by an existing well. The proposed project would be part of an existing, previously approved operation on the site.

Lead Agency Contact

Name Elanah Adler
Agency Humboldt County
Phone (707) 445-7541
email
Address 3015 H Street
City Eureka
State CA **Zip** 95501
Fax

Project Location

County Humboldt
City
Region
Lat / Long 40° 32' 59.3" N / 124° 7' 15.5" W
Cross Streets Rohnerville Rd and Triple K Rd
Parcel No. 203-231-003
Township 2N **Range** 1W **Section** 13 **Base** HBM

Proximity to:

Highways 36
Airports Rohnerville
Railways
Waterways Van Duzen River
Schools Toddy Thomas, Hydsevi
Land Use GP: Ag exclusive, Fortuna Area community plan/Z: AE-B-5

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 1E; Department of Parks and Recreation; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 1; State Water Resources Control Board, Division of Drinking Water, District 1; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Board, Region 1; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Date Received 12/15/2017 **Start of Review** 12/15/2017 **End of Review** 01/16/2018