



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: August 20, 2020

To: Humboldt County Planning Commission

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

Subject: **Holly Carr, Conditional Use Permit**
Record Number: PLN-12913-CUP
Assessor's Parcel Numbers (APN's): 223-016-017; 223-016-010;
223-071-004; & 223-071-018
Garberville area

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Please contact Christopher Alberts, Planner, at (707) 268-3771, or by email at calberts@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date August 20, 2020	Subject Conditional Use Permit	Contact Christopher Alberts
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Project Description: A Conditional Use Permit for the continued operation of 23,300 square feet of existing outdoor cannabis cultivation. Water for irrigation is sourced from two existing wells located on the subject parcel. Water is stored in hard tanks with a total of 72,000 gallons of available water storage serving the project. The applicant anticipates two cultivation cycle per year. Annual water usage is estimated at 220,850 gallons. Four employees are required during peak operations. Processing such as drying will take place on-site in two existing Agricultural Tents one (1) 1,980-square-foot and one (1) 1,431-square-foot. Trimming will take place offsite at a licensed facility. Electricity is sourced from generators.

Project Location: The project is located in Humboldt County, in the Garberville area, on the southwest side of Alderpoint Rd, approximately 10,500 feet southeast from the intersection of Alderpoint Rd and Toby Rd, on the property known to be in Section 28 of Township 04S, Range 04E, Humboldt Base & Meridian.

Present Plan Land Use Designations: Agricultural Grazing (AG), 2017 General Plan, Density: 20-160 acres per unit, Slope Stability: High Instability (3)

Present Zoning: Agricultural Exclusive (AE), Special Building Site B-5(160)

Record Number: PLN-12913-CUP

Assessor Parcel Numbers: 223-016-017; 223-016-010; 223-071-004; & 223-071-018

Applicant Holly Carr PO Box 53 Alderpoint, CA 95511	Owner Dylan & Holly Carr PO Box 53 Alderpoint, CA 95511	Agent N/A
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Environmental Review: An addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration pursuant to Section 15164 of the CEQA Guidelines.

State Appeal Status: The proposed cultivation area is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Major Issue: None.

Holly Carr, Conditional Use Permit

Record Number: PLN-12913-CUP

Assessor's Parcel Numbers (APN's): 223-016-017; 223-016-010; 223-071-004; & 223-071-018

Recommended Commission Action:

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

Find that the Planning Commission has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the proposed Holly Carr Conditional Use Permit subject to the recommended conditions.

Executive Summary

The proposed Conditional Use Permit would allow the continued operation of an existing 23,300 square foot outdoor commercial cannabis cultivation operation on an 86-acre parcel (assessed lot size) in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The subject parcel is Assessor's Parcel Numbers (APN's) 223-016-017; 223-071-004; 223-016-010; 223-071-018. The project site contains existing cultivation operations in rural Humboldt County.

The property assessed is an 86-acre parcel located on Tooby Ranch Road. Structures involving cannabis include twelve (12) 125'x8' (13,000 square feet) greenhouses, three (3) 10'x60' (1,800 square feet) greenhouses, one (1) 85'x8' (680 square feet) greenhouse, one (1) 105'x8' (840 square feet) greenhouse, five (5) 130'x8' (5,200 square feet) greenhouses, one (1) 110'x8' (880 square feet), one (1) 100'x8' (800 square feet) greenhouse, one (1) 75'x8' (600 square feet) greenhouse, one (1) 50'x8' (400 square feet) greenhouse, and one (1) 25'x8' (200 square feet) greenhouse, one (1) 22'x90' (1,980 square feet) Ag tent, one (1) 27'x53' (1,431 square feet) Ag tent, and one (1) 12'x12' (144 square feet) shed.

Structures in Nexus to Cannabis	Size (sq ft)
Cultivation Structures	
Greenhouses (13)	125'x8' (13,000 sf)
Greenhouses (3)	10'x60' (1,800 sf)
Greenhouse (1)	85'x8' (680 sf)
Greenhouse (1)	105'x8' (840 sf)
Greenhouses (5)	130'x8' (5,200 sf)
Greenhouse (1)	110'x8' (880 sf)
Greenhouse (1)	100'x8' (800 sf)
Greenhouse (1)	75'x8' (600 sf)
Greenhouse (1)	50'x8' (400 sf)
Greenhouse (1)	25'x8' (200 sf)
Ag Tent (1)	22'x90' (1,980 sf)
Ag Tent (1)	27'x53' (1,431 sf)
Shed (1)	12'x12' (144 sf)
Water Structures (gal.)	
Hard Storage Tank (8) 5,000 gal.	40,000 gallons
Hard Storage Tank (3) 1,500 gal.	4,500 gallons

Hard Storage Tank (11) 2,500 gal.	27,500 gallons
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There will be two cultivation cycles per year. Cultivation activities extend from March to November. Propagation will occur in the three 10'x60' greenhouses. The applicant proposes to construct and relocate propagation into 8'x60' greenhouses in the future. Processing such as drying and curing, will occur in two Ag Tents, one (1) 22'x90' and one (1) 27'x53'. Further processing such as trimming will occur off-site by a licensed third-party processor. Holly Carr is an agricultural employer. There will be three employees during peak of operations. Power is sourced by generators. To ensure noise attenuation, the applicant has constructed a generator shed for secondary containment. Noise will be kept at 50 decibels or less at 100-feet away from the generator. Due to the size of the subject parcel, the requirement to keep noise below 60 decibels at the property line, Staff does not believe that it is likely that noise will propagate outside of the parcel lines resulting in a cumulative impact.

An onsite relocation totaling 23,300 square feet of outdoor cultivation was moved to APN 223-016-017 from former APN's 223-016-004, and 223-071-018, which make up one legal parcel. According to the agent, the cultivation relocation will allow for removal and proper disposal of plastic waterline previously spread around the hillsides along with other cultivation waste materials in which will prevent unwanted materials from being transported by animals/ weather to sensitive locations or impacting habitat. The agent also states decommissioning/relocation of cultivation will prevent ongoing habitat fragmentation and reduce the total disturbance footprint from agricultural activity. The restored cultivation areas will undergo natural succession and will remain undisturbed thereby enhancing habitat for native flora and fauna. The relocation site is located on less than 15 percent slopes with prime agricultural soils.

Water for irrigation is sourced from two onsite existing permitted wells. Water is pumped from the wells into seventeen (17) storage tanks: three (3) 2,500-gallon tanks, six (6) 3,000-gallon tanks, and eight (8) 5,000-gallon tanks totaling 72,000 gallons of available water storage. The applicant estimates 220,850 gallons of water will be used for irrigation annually.

The subject parcel is accessed via Tooby Ranch Road from Alderpoint Road. Per Road Evaluation prepared by the applicant, Alderpoint Road is a county-maintained road on the "approved list". After that it is privately maintained. Public Works request the applicant to pave the surface at the location of the access road for minimum width of 20 feet and a length of 50 feet where it intersects the county road. Public Works also request that all fences and gates shall be relocated out of the county right of way.

The CDFW resource map does not identify any threatened or endangered species on the subject parcel. The nearest Northern Spotted Owl (NSO) Activity Center is located 3.9 miles of the cultivation site and the nearest NSO observation is 5.71 miles southeast from the project site. The nearest Marbled murrelet habitat is located approximately 4.73 miles east from the project site.

According to the Site Management Plan (SMP) and WebGIS, no cultivation and appurtenant facilities are located within a Streamside Management Area buffer zone. The SMP identifies a Class III tributary located west of the southern cultivation site. Runoff from this site was found potentially discharging into the riparian setbacks of the Class III watercourse and potentially hydrologically connected to the watercourse during periods of saturation. The applicant has decreased the amount of cultivation being located on the southern cultivation site in order to increase the riparian setback. The applicant is proposing to move half of it to the northern cultivation site on the subject parcel.

The subject parcel is under Williamson Act Contract that has been non-renewable recorded, exit date 2/1/20127, by the county. The county Williamson Act Committee and Board of Supervisors have determined that cannabis cultivation is a compatible use within Williamson Act lands and the proposed project does not affect the non-renewable of the existing Williamson Act Contract. The subject parcel is one legal parcel created by Parcel Map 10 (Lot 4) recorded in Book 58 of Parcels Maps Page 21. The property is not subject to an approved land use permit or subdivision to which terms and conditions apply to new development. The proposed development is located on a property where one or more violations of the Humboldt County Code.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the project are consistent with the Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance due to the fact that this is existing cultivation that is being brought into conformance with county and State requirements. No additional development other than that which was contemplated under the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the conditional use permit.

Alternatives: The Planning Commission could elect not to approve the project, require the applicant to submit further evidence, or modify the project. These alternatives could be implemented if the Commission is unable to make all required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning Commission staff does not recommend further consideration of the alternatives.

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

Resolution Number 20-

**Record Number: PLN-12913-CUP
Assessor's Parcel Number: 223-016-017**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approve Holly Carr, Conditional Use Permit request.

WHEREAS, Holly Carr, submitted an application and evidence in support of approving the Conditional Use Permit to permit an existing twenty-three thousand and three hundred (23,300)-square-foot outdoor commercial cannabis cultivation site. Water for irrigation is sourced from two existing wells located on the subject parcel. Water is stored in hard tanks with a total of 72,000 gallons of available water storage serving this project. The applicant anticipates two cultivation cycle per year. Annual water usage is estimated at 220,850 gallons. Four employees are required during peak operations. Processing such as drying will take place on-site in an existing 1,980 square foot Agricultural Tent. Trimming will take place offsite at a licensed facility. Electricity is sourced from generators.

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Record Number PLN-12913-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on August 20, 2020.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes the findings for approval in Attachment 2 of the Planning Division staff report for Record Number PLN-12913-CUP based on the submitted substantial evidence; and
3. Conditional Use Permit Record Number PLN-12913-CUP is approved as recommended and conditioned in Attachment 1.

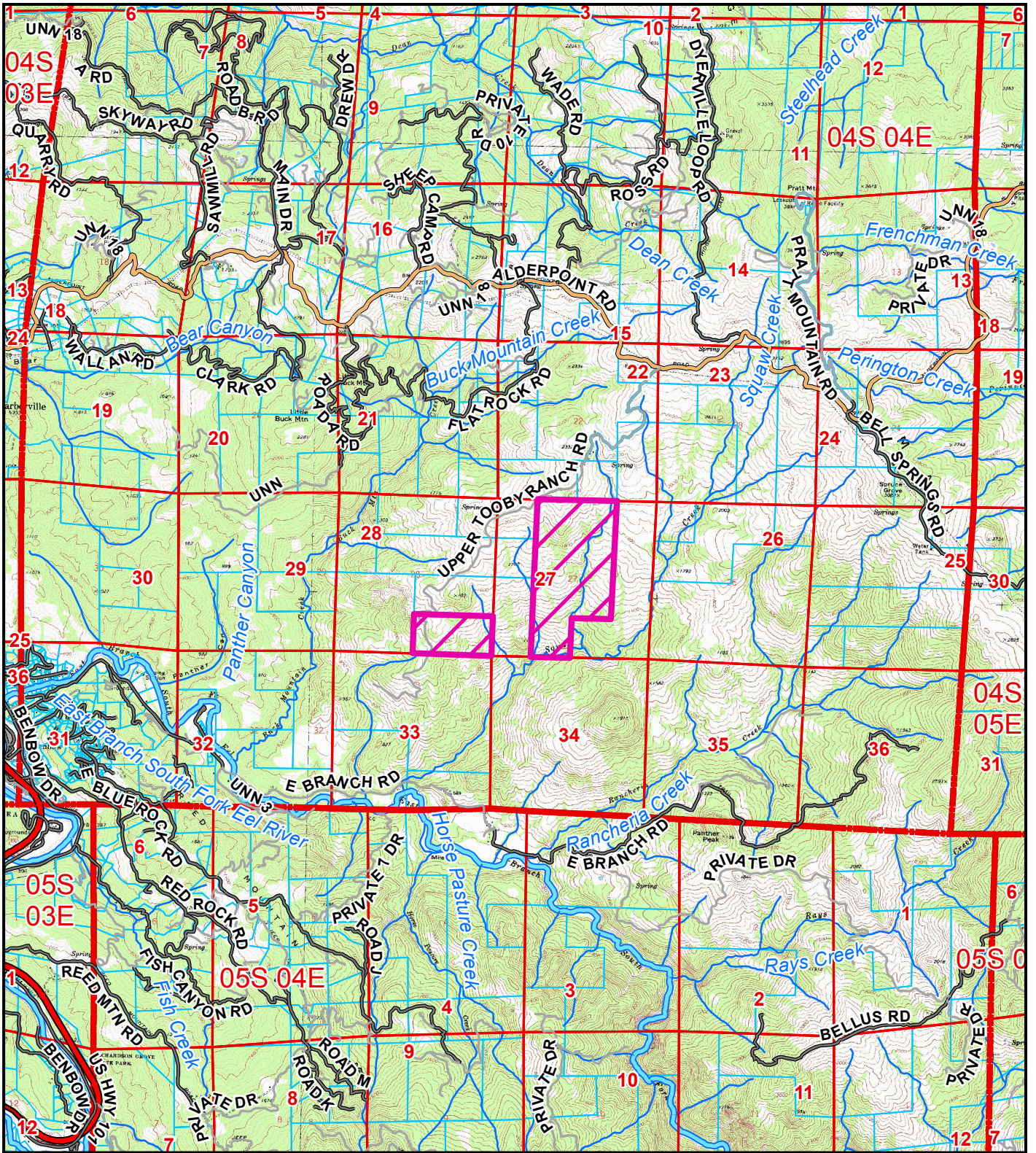
Adopted after review and consideration of all the evidence on August 20, 2019.


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

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


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

John Ford
Director, Planning and Building Department

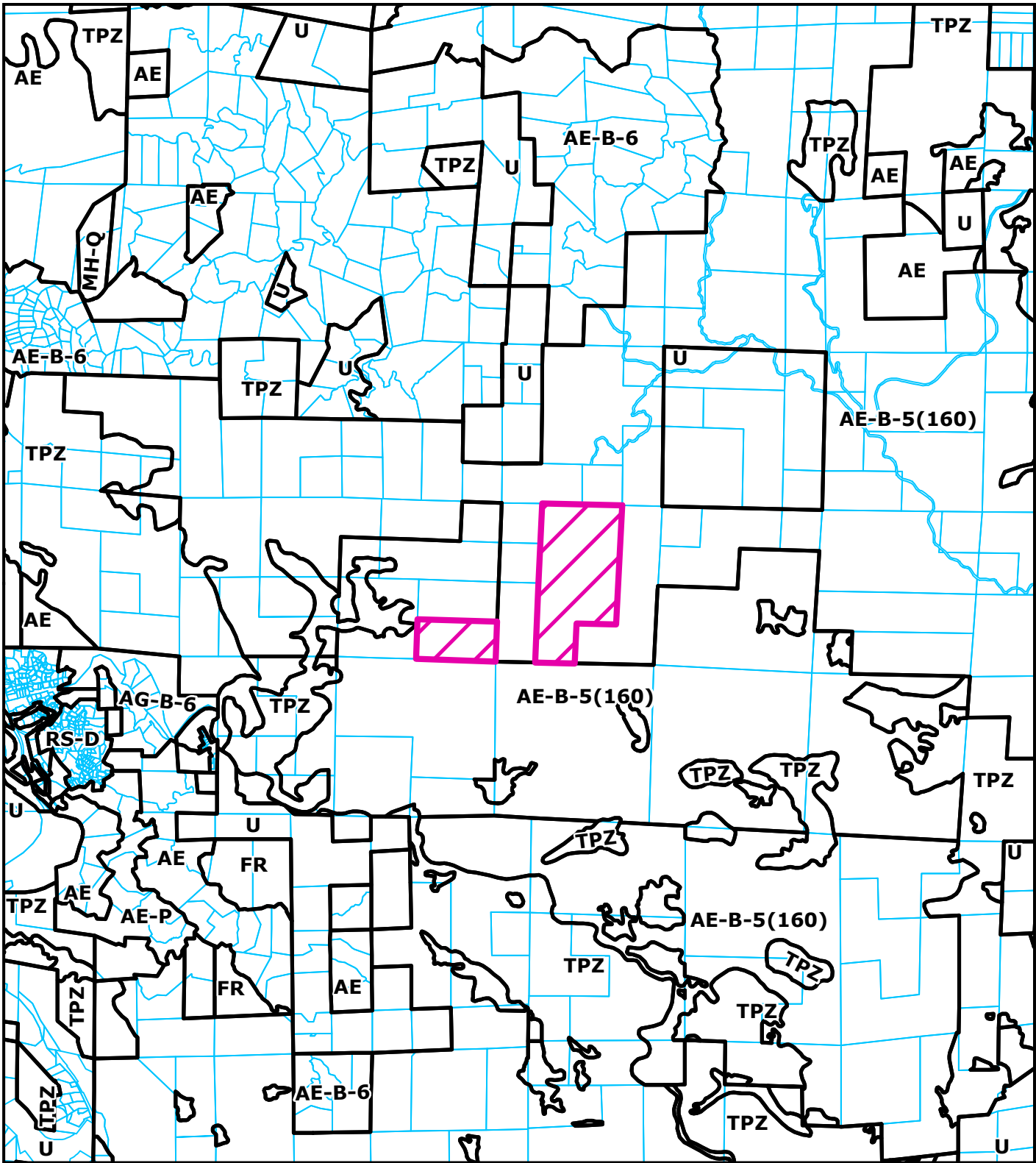


Project Area = 

**TOPO MAP
PROPOSED HOLLY CARR
GARBERVILLE AREA
CUP-16-912; CUP-16-913
APN: 223-071-016-000; ET AL.
T04S R04E S28; S27 HB&M (HARRIS)**

N

0 0.5 1 2 Miles

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

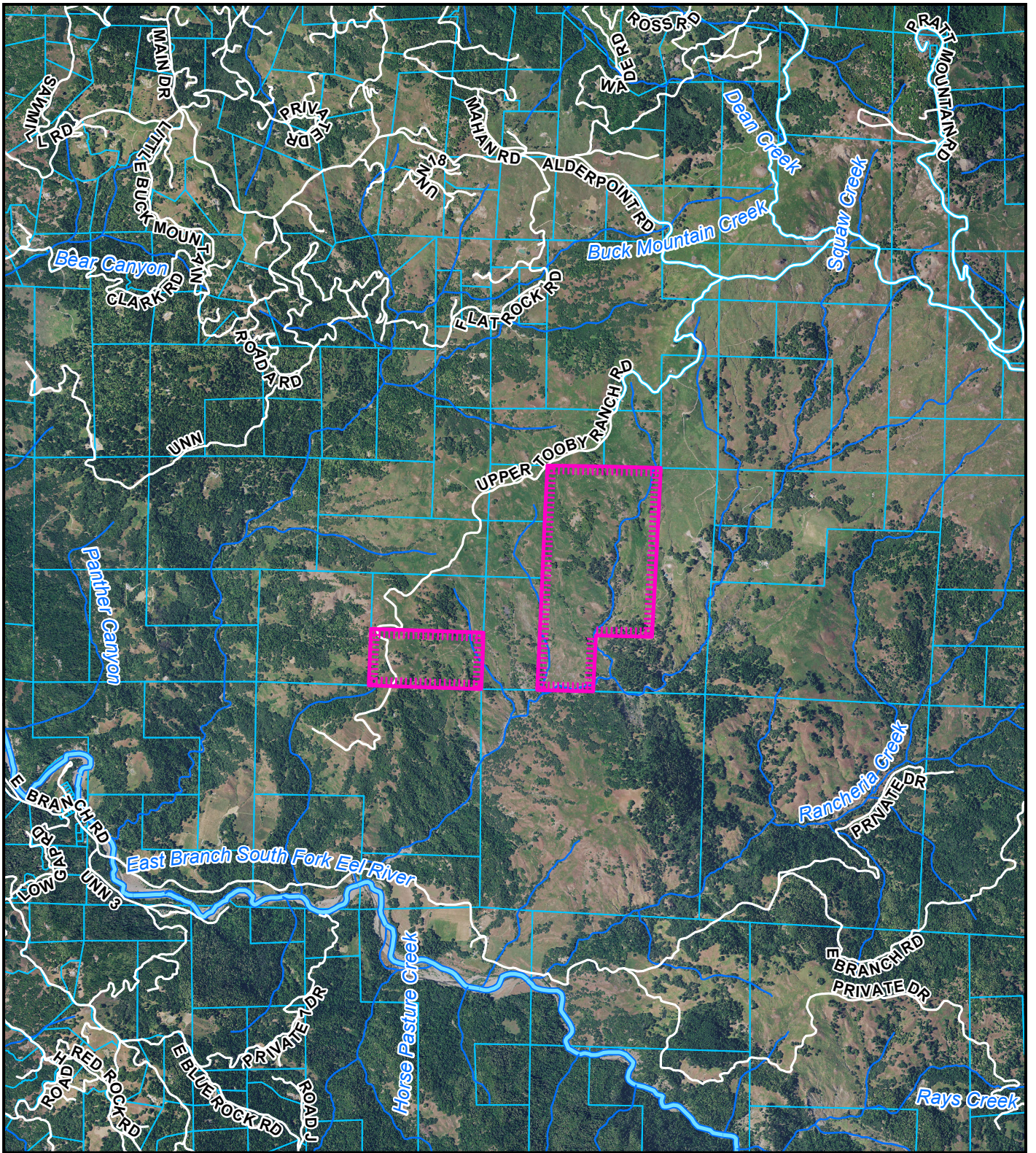


Project Area = 

ZONING MAP
PROPOSED HOLLY CARR
GARBERVILLE AREA
CUP-16-912; CUP-16-913
APN: 223-071-016-000; ET AL.
T04S R04E S28; S27 HB&M (HARRIS)



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

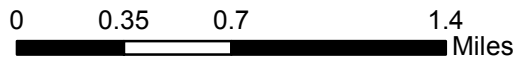


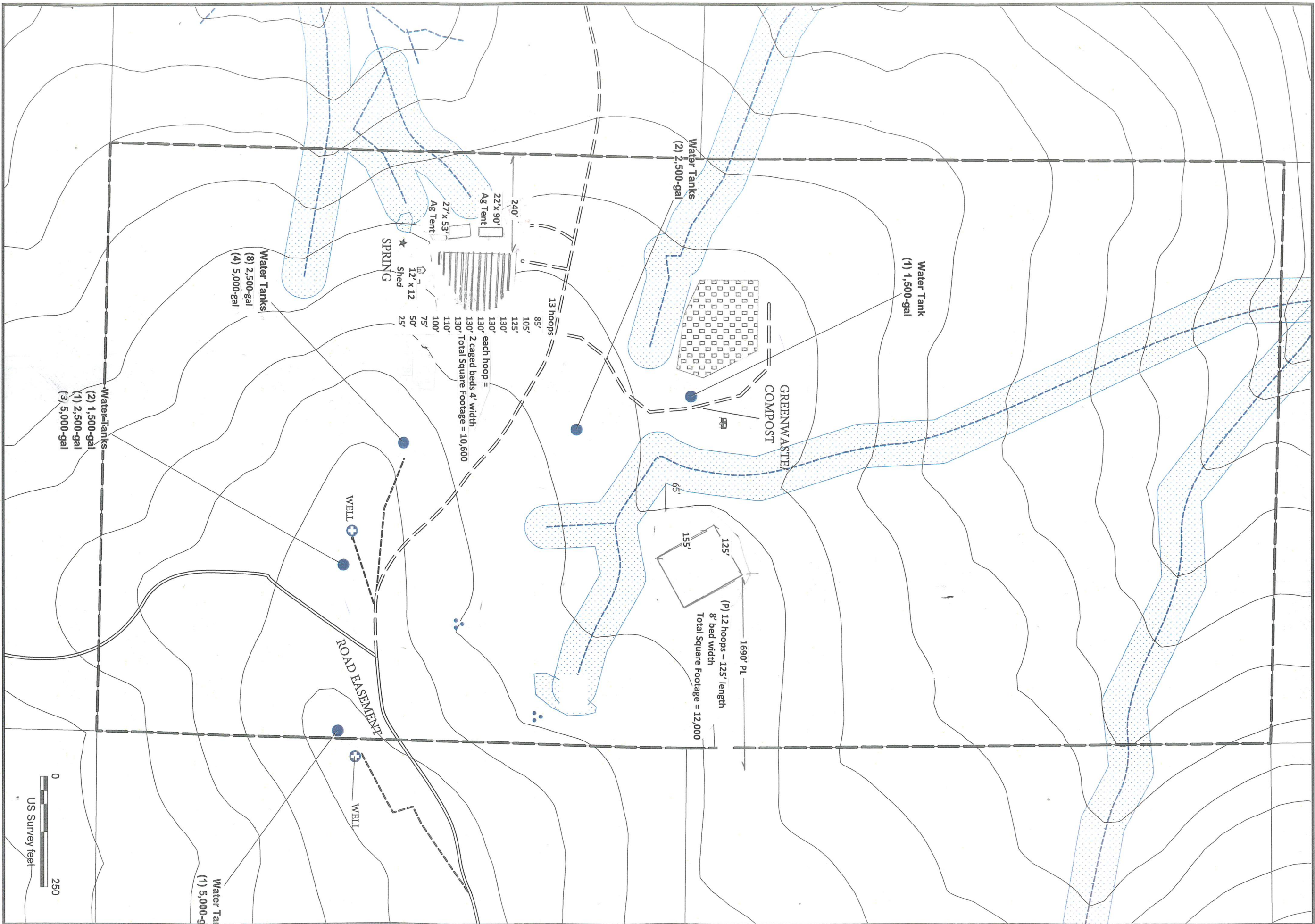
Project Area = 

AERIAL MAP
PROPOSED HOLLY CARR
GARBERVILLE AREA
CUP-16-912; CUP-16-913
APN: 223-071-016-000; ET AL.
T04S R04E S28; S27 HB&M (HARRIS)



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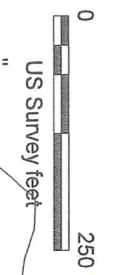


- Residence
- Structure
- Trailer
- Crossing
- Groundwater
- Well Water Tank
- Spring
- Watercourse
- Stock Pond
- Trail
- Seasonal Road
- Permanent Road
- Cultural area

Application No.	12913
APN	223-016-017
Owner	Dylan & Holly Carr
Applicant	Holly Carr
Zoning	AE-B-B(160)
Cultivation Area	23,300 ft ² Outdoor

There are no schools, bus stops, places of worship Parks and/or public facilities within 600 feet of Cultivation area(s)

SITE DIRECTIONS south 101 to Garberville exit Proceed north to Alderpoint Rd. Go 13.2 miles Out Alderpoint Road and turn right onto Toohey Ranch Road – go 2 miles take right Road at fork – you're there.



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 THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 –10. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall be responsible for obtaining all necessary County and State permits or licenses and for meeting all the requirements as set forth by other regulatory agencies.
3. The applicant shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
4. The applicant shall submit a revised Site Plan to Humboldt County Planning for the review and approval of the Planning Director. The revised Site Plan shall show the following:
 - a) Propagation greenhouses;
 - b) Structures used for drying cannabis.

Final sign off by the Planning Department will satisfy this condition.

5. The applicant shall pave the surface at the location of the access road (Tooby Ranch Road) from Alderpoint Road for a minimum width of 20 feet and a length of 50 feet where it intersects the county road. Public Works also request that all fences and gates shall be relocated out of the county right of way. Confirmation from the Department of Public Works will satisfy this condition.
6. The applicant shall implement all corrective actions found within the Site Management Plan prepared by Timberland Resource Consultants, dated July 16, 2019.
7. The applicant shall remediate site AA-09-19 identified in the Cultural Resources Investigation Report prepared by Arsenault & Associates. The applicant shall consult with the Bear River Band of Rhonerville prior to conducting any remediation work to AA-09-19. Confirmation from the Bear River Band of Rhonerville that the work has been done will satisfy this condition.
8. The applicant shall execute and file the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) with the Planning Division as required by the HCC and available at the Planning Division.

9. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
10. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$125.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.

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

1. 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.
2. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
3. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
4. 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.
5. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
6. Comply with the terms of the applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife. The applicant shall abide by the Avoidance and Minimization Measures outlined in the signed Lake and Streambed Alteration Agreement (1600-2016-0018-R1) approved by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
7. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.

8. Any on-site lighting existing or proposed in the future shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). On-site lighting shall be fully shielded and designed and installed to minimize off-site lighting and direct light within the property boundaries.
9. The Applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the summer months. The applicant shall install additional water storage tanks if needed. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month. The water use for cultivation is limited to the amount of water available in storage tanks and ponds.
10. 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.
11. 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).
12. 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.
13. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.
14. 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).
15. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
16. Pay all applicable application and annual inspection fees.
17. 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 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.
18. 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.
19. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

20. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
21. 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

22. Pursuant to the MAUCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall “provide a statement declaring the applicant is an ‘agricultural employer,’ as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.”
23. 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).
24. Cultivators engaged in processing shall comply with the following Processing Practices:
 - ii. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment;
 - iii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis;
 - iv. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function; and, Employees must wash hands sufficiently when handling cannabis or use gloves.
25. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; andPersonal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts; and
 - (c) 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.
26. 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; and
 - IX. On-site housing, if any.

27. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP 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 permittee(s) and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittee(s) or site do not comply with the conditions of approval, the inspector shall serve the CUP 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.

28. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
29. 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.
30. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - c. The specific date on which the transfer is to occur;

- d. Acknowledgement of full responsibility for complying with the existing Permit; and
- e. Execution of an Affidavit of Non-diversion of Commercial Cannabis.

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

Informational Notes:

1. Pursuant to section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Conditions of Approval and the On-Going Requirements /Development Restrictions, above.

If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) 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.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground-stone 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.

3. 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.

ATTACHMENT 2
Required Findings for Approval

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 Conditional Use Permit:

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

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 Humboldt County General Plan, 2017, Open Space Plan, and Open Space Action Plan.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Agricultural Grazing (AG): This designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation, and other non-prime agricultural lands. Residential uses must support agricultural operation. Density range is 20 -160 acres/unit.</p>	<p>The project includes approximately 23,300 square feet of outdoor cannabis cultivation on an 86-acre parcel, APN 223-016-017. General and intensive agriculture are allowed use types for this designation.</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, 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 Making Decision.</p>	<p>Access to the site is provided via Tooby Ranch Road from Alderpoint Road. The applicant completed a Road Evaluation Report showing an aerial image with the 2-mile public roadway segment branching southward off of Alderpoint Road. The aerial also shows seven separate locations along the 2-mile road segment which allow for vehicles to pull-out. The proposed project is expected to utilize 4 employees during the peak season and is not anticipated to generate significant additional vehicle trips or road use. The project was reviewed by the Department of Public Works, which recommended conditional approval with the request that the applicant pave the surface at the location of the access road for minimum width of 20 feet and a length of 50 feet where it intersects the county road. Public Works also request that all fences and gates shall be relocated out of the county right of way.</p>

<p>Housing Chapter 6</p>	<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. However, the project will not preclude any future residential development. The 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.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The proposed project is located on a parcel planned Agriculture Exclusive (AE), therefore it is within the Open Space Land Plan. The proposed project is considered an agricultural product and is consistent with the Open Space Plan because it is consistent with the allowable uses of the Land Use Designations. The proposed project is consistent with the use of Open Space Land for management and production of resources, the proposed project is consistent with the preservation of natural resources within open space. See Section 10.3 Biological Resources for additional information.</p> <p>The subject parcel is under Williamson Act Contract that has been non-renewable recorded, exit date 2/1/20127, by the county. The county Williamson Act Committee and Board of Supervisors have determined that cannabis cultivation is a compatible use within Williamson Act lands and the proposed project does not affect the non-renewable of the existing Williamson Act Contract.</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) Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The project site consists of variable topography with slopes from less than 15% to 50%. Cultivation areas are located on slopes less than 15%. The majority of the parcel consist of large open grassland areas. The CDFW resource map does not identify any threatened or endangered species on the subject parcel. The nearest Northern Spotted Owl (NSO) Activity Center is located 3.9 miles south of the cultivation site and the nearest NSO observation is 5.71 miles southeast from the project site. The nearest Marbled murrelet habitat is located approximately 4.73 miles east from the project site. Power for the project is provided by a portable generator. According to the Operations Plan, there will be no lights or fans used for cultivation. The generator will be used to operate tools or machinery. In the referral comments, the California Department of Fish and Wildlife (CDFW) recommended conditional approval of the project, which includes habitat scoping surveys for NSO, prohibition on the use of monofilament netting and leaving wildlife unharmed. Conditions of approval require containment for any generators used on the subject parcel. The maximum allowable generator and fan noise exposure level is 50 dB when measured from the source at a distance of 100 feet or at the edge of habitat, whichever is closer. The applicant shall shield light from the greenhouses between sunset and sunrise and must demonstrate that the noise can be attenuated below 50 dB sound output at 100 feet from the generator or at the edge of the nearest forest habitat, so that protected species are not harassed.</p> <p>The cultivation area on APN 223-016-017 is 23,300 square feet.</p>
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		<p>The proposed project is approximately 2 miles north from the East Branch South Fork Eel River and is approximately 1,435 feet greater in elevation. Buck Mountain Creek is approximately 0.4 miles west from the project site and a class II tributary to Buck Mountain Creek crosses through the north portion of the parcel. According to the Site Management Plan (SMP) prepared by Timberland Resource Consultants (see Attachment 4), the applicant is out of compliance in the following areas: land development and maintenance, erosion control, and drainage features; stream crossing installation and maintenance; water storage and use; fertilizers, pesticides, and petroleum products; and cultivation-related wastes. The project is conditioned for the applicant to implement all recommendations and corrective actions found within the SMP.</p> <p>The applicant estimates 220,850 gallons of water is required to meet operational needs. The water source for the project are two permitted wells (16/17-1178 & 16/17-1188). There is currently 65,500 gallons of water storage in hard sided tanks. Both wells are located on the subject parcel.</p> <p>According to the Well Completion Reports for wells (16/17-1178 & 16/17-1188) (see Attachment 4), the wells were drilled to a depth of 200 feet through solid blue sandstone with streaks of quartz. Because the well appears to be hydrologically disconnected from surface waters, the applicant is not required to obtain appropriative rights from the State Water Resources Control Board. However, conditions of approval require the applicant to monitor water use to show that sufficient water is produced by the well to support operations. The water use logs must be submitted to the Planning Department during annual inspection. Should water from the well be insufficient to cover irrigation needs, the applicant will need to increase water storage to cover the deficiency or the cultivation area will be reduced.</p>
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		<p>To ensure waste is handled appropriately and reduces the impact on biological resources, the project is conditioned on all refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.</p> <p>The project was referred to the California Department of Fish and Wildlife (CDFW) on October 10, 2019. No response was received. Staff contacted CDFW on April 13, 2020, to request project comments (see Attachment 5). CDFW reached out to the Planning Department on June 29, 2020 regarding amending the LSAA. Staff responded to CDFW on July 7, 2020.</p> <p>An onsite relocation totaling 23,300 square feet of outdoor cultivation was moved to APN 223-016-017 from former APN's 223-016-004, and 223-071-018, which make up one legal parcel. According to the agent, the cultivation relocation will allow for removal and proper disposal of plastic waterline previously spread around the hillsides along with other cultivation waste materials in which will prevent unwanted materials from being transported by animals/ weather to sensitive locations or impacting habitat. The agent also states decommissioning/relocation of cultivation will prevent ongoing habitat fragmentation and reduce the total disturbance footprint from agricultural activity. The restored cultivation areas will undergo natural succession and will remain undisturbed thereby enhancing habitat for native flora and fauna. The relocation site is located on less than 15 percent slopes with prime agricultural soils.</p>
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Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Conservation and Open Space Chapter 10 Cultural Resources	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	The project was referred to the Bear River Band of Rohnerville Rancheria Tribal Historic Preservation Officer (THPO). A Cultural Resource Study was conducted by Arsenault & Associates on August 19, 2019. The study found a prehistoric archaeological site (AA-09-19) located within the project's area of direct impact. The report recommends that the site is

<p>Section 10.6</p>	<p>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>evaluated for eligibility for California Register of Historical Resources (CRHR). The report also recommends avoiding future impacts to AA-09-19 by moving cannabis cultivation activities within ESA to another location. The applicant is proposing to move the cannabis cultivation approximately 355 feet south and approximately 520 feet east where no cultural resources were found during a second cultural resources investigation conducted on June 23, 2020. The Bear River Band Rancheria approved this new relocation site with the following conditions: the applicant must consult with the Bear River Band of Rohnerville prior to conducting any remediation work to AA-09-19. The applicant shall also consult with the Bear River Band prior to conducting anymore remediation on the relocation sites.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4, Light and Glare.</p>	<p>The proposed project includes 21,000 square feet of outdoor cannabis cultivation. The applicant will be utilizing light deprivation techniques in greenhouses. The project will not be visible from of any scenic highways. The CMMLUO requires cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. These standards are included in the conditions of approval for the project.</p>
<p>Water Resources Chapter 11 Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including</p>	<p>The applicant has enrolled in the North Coast Regional Water Quality Control Board's (NCRWQCB's) Cannabis Waste Discharge Regulatory Program as a Tier 2, Low Risk. The site WDID is 12CC416311. Conditions of Approval require the applicant to implement all corrective measures from the Site Management Plan submitted to the County on July 23, 2019. The SMP identifies unnamed Class III watercourses that flow through the property that drain to Buck Mountain Creek and Squaw Creek, which is tributary to South Fork Eel River. The SMP has been prepared to describe and address the required elements</p>

	<p>water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>and compliance with the 12 Standard Conditions established by the Order (11 of which are applicable to the project). The SMP identified areas where the project site does not meet all 11 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. Areas where the standard conditions are not met include site maintenance, erosion control and drainage features, stream crossings, fertilizers, pesticides, and petroleum products, cultivation-related waste, water storage and use, petroleum products, and cultivation related waste. Specifically, the SMP requires the property owner to mitigate for all the areas where standard conditions are not met. As a condition of approval, the applicant must implement all of the corrective actions listed in the Mitigation Report found in the SMP submitted to the county on July 23, 2019.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The parcel will be serviced by a portable toilet that will be serviced once a month. As a condition of approval, the applicant will be required to provide an invoice, or equivalent documentation to the Department of Environmental Health to confirm the continual use of the portable toilet to serve the needs of the farm operators and no processing on-site is authorized by this permit until the commercial facilities are constructed.</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 CDFW resource map does not identify any threatened or endangered species on the subject parcel. The nearest Northern Spotted Owl (NSO) Activity Center is located 3.9 miles southwest of the project site. The nearest mapped Marbled murrelet habitat is located approximately 4.73 miles east from the project site. Power for the project is provided by a portable generator. According to the Operations Plan, there will be no lights or fans used for cultivation. The generator will be used to operate tools or machinery. All generators</p>

		on the parcel are secured in secondary containment in order to ensure noise levels do not exceed over 60 decibels. Any generators, fans, and dehumidifiers used in the cultivation operation will be conditioned to operate at less than 50 dB at 100-foot from the noise source or edge of habitat, whichever is closer.
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 County's GIS shows the site in an area designated as High Instability (3). The majority of the site is mapped by USGS having slopes between 15 and 30 percent. All cannabis is proposed on slopes 15% or less. There are historic landslides on the parcel. No proposed cannabis cultivation is located on any of the mapped historic landslides. Staff does not believe the project will pose a threat to public safety related from exposure to natural or manmade hazards.
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 County's GIS shows that the project site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 18.7 miles distance from the coast and approximately 1,855 feet above mean sea level and is outside the areas subject to tsunami run-up. The subject project is also outside the mapped flood hazard area for the East Branch South Fork Eel River.
Safety Element Chapter 14 Fire Hazards	IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgement of available emergency	To implement this policy, conditions of approval for the proposed project required the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION

	response and fire suppression services from the local fire agency, including ant recommended mitigation.	SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4). Related policies: AQ-P4, Construction and Grading Dust Control; AQ-P7, Interagency Coordination; AQ-S1, Construction and Grading Dust Control.	The project is an existing operation, with no proposed construction other than the replacement of culverts and site maintenance and erosion control activities per the SMP. The proposed project would not result in generation of particulate matter or greenhouse gases inconsistent with state and federal requirements. If grading is required for any future development on the site, the applicant will be required to obtain a permit from the Building Inspection Division and the North Coast Air Quality Management District (NCAQMD) as a condition of project approval. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all 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 That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The subject parcel is a legal parcel per DS-16-031 the configuration of APN's 223-015-012, 223-016-009 and 223-071-018 combined comprise one legal parcel (parcel 1) as described in Certificate of Subdivision Compliance 2017-014925.
§314-7.1 Agricultural Exclusive §314-55.4.8.2 §314-17	Agriculture-Related Recreation and Intensive Agriculture are principal permitted compatible uses. In all zones consisting of agriculture. Permits for existing outdoor cultivation in zoning districts including AE may be issued when possible to bring them into compliance with all applicable standards. The total	The applicant is seeking a Conditional Use Permit for an existing 23,300 SF outdoor commercial cannabis cultivation operation on property zoned AE. The proposed use is specifically allowed with a Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO. Special Building Site Combining Zone B-6 refers to adjustments to the minimum lot

Special Building Site Combining Zone	cultivation area shall not exceed 1 acre for outdoor cultivation. Special building Site Combining Zone (B Zones) are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified.	size. The proposed project does not include a subdivision of the subject parcel.
Minimum Parcel Size:	160 acres; or 40 acres if provisions of §51119.5 are met	771 acres
Max. Lot Coverage:	None specified	<5%
Min. Yard Setbacks	Front: 20' Rear: 30' Side: 30' 30 feet from all property lines based on provisions of §314-55.4.11	Front: >20 feet Rear: >30 feet Side: >30 feet Minimum setbacks for all cultivation areas are greater than 30 feet as indicated on the applicant-provided plot plan.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Max. Building Height:	None specified	<30 feet
§314-61.1 Streamside Management Area Ordinance (SMAO)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) such as natural ponds, springs, vernal pools, marshes, and wet meadows (exhibiting standing water year-long or riparian vegetation) to implement the County's Open Space Element of the General Plan.	According to the Site Management Plan (SMP) and WebGIS, no cultivation and appurtenant facilities are located within a Streamside Management Area buffer zone. The SMP identifies a Class III tributary located west of the southern cultivation site. Runoff from this site was found potentially discharging into the riparian setbacks of the Class III watercourse and potentially hydrologically connected to the watercourse during periods of saturation. The applicant has decreased the amount of cultivation being located on the southern cultivation site in order to increase the riparian setback. The applicant is proposing to move half of it to the northern cultivation site on the subject parcel.
§314-109.1.3: Off-Street Parking	Off Street Parking for Agricultural use*: One parking space per	4 spaces

	<p>employee at peak shift. A minimum of two parking spaces are required.</p> <p><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></p>	
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314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2 Timberland Conversion	<p>Commercial cannabis cultivation is allowed on parcels zoned TPZ, that are one acre or larger and have been designated in the General Plan for agricultural development. 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>The subject project does not involve any timberland conversions. The Project was referred to CalFire on October 10, 2019. CalFire responded to the project on October 19, 2019 with no concerns.</p>

§314-55.4.8.2.2 Existing Outdoor and Mixed Light Cultivation Areas	<p>A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in [...] TPZ districts (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted. The total cultivation area allowed on a single parcel shall not</p>	<p>Based on review of historic imagery on GoogleEarth®, the site was used for cannabis cultivation prior to January 1, 2016.</p> <p>The proposed project includes permitting up to 23,300 square feet of outdoor cannabis cultivation on parcel zoned AE. The cultivation area is consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval. With approval of the Conditional Use Permit and fulfillment of the conditions of approval the existing cultivation operation will be in compliance with all applicable standards of the ordinance.</p>
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	exceed one acre for outdoor cultivation.	
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Processing such as drying and curing is proposed to occur onsite in one 22'x90' Ag tent and one 27'x53' Ag tent identified on the site map (see Attachment 4). Holly Carr is proposing to hire a maximum of four employees during the peak season of harvest.
§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 holds one other cannabis activity permit, and is entitled to four. If approved the applicant will hold two cannabis activity permits.

314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	The applicant submitted the required registration form on December 27, 2016.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and collected after. 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. The area of cannabis cultivation and on-site processing shall be located at least 30 feet from any property line.	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, 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.	Water is pumped from two existing onsite wells into seventeen (17) storage tanks: three (3) 2,500-gallon tanks, six (6) 3,000-gallon tanks, and eight (8) 5,000-gallon tanks totaling 65,500 gallons of available water storage. The applicant estimates 220,850 gallons of water will be used for irrigation annually.

<p>§314-55.4.11.d Performance Standards- Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback 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 (TCRs).</p>	<p>The site plan shows that all cultivation facilities are located at least 30 feet from any property line. The site plan also shows that the cultivation area is not 600 feet of a school bus stop, school, public park, place of worship, or Tribal cultural resource.</p>
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<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>Due to the size of the subject parcel, the generator being kept in secondary containment, and the requirement to keep noise below 60 decibels at the property line, Staff does not believe that it is likely that noise will propagate outside of the parcel lines resulting in a cumulative impact.</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.</p>	<p>The application was submitted on December 29, 2016.</p>

4. Public Health, Safety, and Welfare: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
<p>§312-17.1.4 Permit Findings</p>	<p>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.</p>	<p>The Department finds that the proposed project will not be detrimental to the public health, safety and welfare. The project as proposed and conditioned is consistent with the general plan and zoning ordinances. All performance standards are required to be complied with throughout the timeframe of the permit and are included as conditions of approval.</p>

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 midpoint of the density range specified in the plan designation), except where: 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.	The project would not change the housing development potential of the site or surrounding properties.

6. Environmental Impact: The following section identifies the evidence which supports finding that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation site, for ancillary structures, and for two points of diversion. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3
CEQA Addendum

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

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

APN's 223-016-017; 223-016-010; 223-071-004; & 223-071-018, on the southwest side of Alderpoint Rd, approximately 10,500 feet southeast from the intersection of Alderpoint Rd and Toby Rd, on the property known to be in Section 28 of Township 04S, Range 04E, Humboldt Base & Meridian, Garberville, County of Humboldt

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

August 2020

Background

Modified Project Description and Project History

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

The modified project involves a Conditional Use Permit (CUP) for an existing 23,300 square feet of existing outdoor cannabis cultivation. There will be two cultivation cycles per year. Cultivation activities extend from March to November. Propagation will occur in the three 10'x60' greenhouses. The applicant proposes to construct and relocate propagation into 8'x60' greenhouses in the future. Processing such as drying and curing, will occur in two Ag Tents, one (1) 22'x90' and one (1) 27'x53'. Further processing such as trimming will occur off-site by a licensed third-party processor. Holly Carr is an agricultural employer. There will be three employees during peak of operations. Power is sourced by generators.

Water for irrigation is sourced from two onsite existing permitted wells. Water is pumped from the wells into seventeen (17) storage tanks: three (3) 2,500-gallon tanks, six (6) 3,000-gallon tanks, and eight (8) 5,000-gallon tanks totaling 72,000 gallons of available water storage. The applicant estimates 220,850 gallons of water will be used for irrigation annually.

An onsite relocation totaling 23,300 square feet of outdoor cultivation was moved to APN 223-016-017 from former APN's 223-016-004, and 223-071-018, which make up one legal parcel. According to the agent, the cultivation relocation will allow for removal and proper disposal of plastic waterline previously spread around the hillsides along with other cultivation waste materials in which will prevent unwanted materials from being transported by animals/ weather to sensitive locations or impacting habitat. The agent also states decommissioning/relocation of cultivation will prevent ongoing habitat fragmentation and reduce the total disturbance footprint from agricultural activity. The restored cultivation areas will undergo natural succession and will remain undisturbed thereby enhancing habitat for native flora and fauna. The relocation site is located on less than 15 percent slopes with prime agricultural soils.

According to the Site Management Plan (SMP) and WebGIS, no cultivation and appurtenant facilities are located within a Streamside Management Area buffer zone. The SMP identifies a Class III tributary located west of the southern cultivation site. Runoff from this site was found potentially discharging into the riparian setbacks of the Class III watercourse and potentially hydrologically connected to the watercourse during periods of saturation. The applicant has decreased the amount of cultivation being located on the southern cultivation site in order to increase the

riparian setback. The applicant is proposing to move half of it to the northern cultivation site on the subject parcel.

The subject parcel is under Williamson Act Contract that has been non-renewable recorded, exit date 2/1/20127, by the county. The county Williamson Act Committee and Board of Supervisors have determined that cannabis cultivation is a compatible use within Williamson Act lands and the proposed project does not affect the non-renewable of the existing Williamson Act Contract. The subject parcel is one legal parcel created by Parcel Map 10 (Lot 4) recorded in Book 58 of Parcels Maps Page 21. The property is not subject to an approved land use permit or subdivision to which terms and conditions apply to new development. The proposed development is located on a property where one or more violations of the Humboldt County Code.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, relocation of historic cultivation areas within Streamside Management Areas (SMAs), and proper storage of fertilizers and soil amendments.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize an existing Conditional Use Permit for the continued operation of an existing cannabis cultivation site

consisting of 23,300 square feet of existing outdoor cannabis cultivation, on-site drying, relocation of cannabis to an environmentally superior location on the subject parcel, and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 4 for a complete listing of supporting documentation):

- Operation Plan and Relocation Plan, prepared by Timberland Resource Consultants, dated May 4, 2020
- Road Evaluation Report for Jade Hass, prepared by Timberland Resource Consultants, dated July 23, 2019
- Site Plan, prepared by Timberland Resource Consultants, dated May 4, 2020
- Site Management Plan, prepared by Timberland Resource Consultants, dated July 23, 2019
- Cultural Resources Investigation, prepared by Arsenault & Associates, dated August 19, 2019
- Auger Testing Results for Relocation Area, prepared by Arsenault & Associates, dated June 24, 2020

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

Attachment 4 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. (Attached)
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)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – operations plan)
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 – enrollment documents)
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. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Attached)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (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. Road Evaluation Report, prepared by applicant and dated July 23, 2019. (Attached)
16. Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits. (On file)
17. Relocation Plan found within Operations Plan prepared by Timberland Resource Consultants dated May 4, 2020. (Attached)
18. Cultural Resources Investigation prepared by Arsenault & Associates, dated August 19, 2019. (On file)
19. Site Management Plan, prepared by Timberland Resource Consultants, dated July 23, 2019 (Attached)

20. Auger Testing Results for Relocation Area by Arsenault & Associates, dated June 24, 2020.
(On file)

CMMLUO SITE/OPERATIONS OVERVIEW

APPS # 12913

APN: 223-016-017

Project Description: The applicant is seeking a conditional use permit under the Humboldt County CMMLUO to allow **continued outdoor cultivation up to 23,300 ft²** (as recognized by Humboldt County Cannabis Services Division – email dated January 22, 2019). The application includes development of appurtenant infrastructure including a **2,000 ft²** propagation nursery and decommissioning/relocation of the following cultivation sites credited with the square footage indicated.

223-052-007 (Humboldt GIS) – 2,600 ft²

223-016-003 (Humboldt GIS) – 18,000 ft²

A Humboldt County GIS map image is included to show the spatial relationship of the three (3) former cultivation areas of concern. The three (3) former parcels were/are under the same ownership and make up a portion of a larger Ranch. A recently completed Lot Line Adjustment merged the aforementioned parcels resulting in a single larger parcel approximately 771 acres. The GIS map image demonstrates that the decommissioned cultivation areas on the two aforementioned parcels were located a great distance from the single environmentally superior site currently proposed.

The relocation of historic cultivation areas from the aforementioned parcels to an environmentally superior area of historic/existing cultivation located at the northwestern corner of the parcel will alleviate habitat fragmentation, increase effectiveness of water resource Best Management Practices (BMP's) including discontinuing use of long meandering roads to access remote site.

The applicant acknowledges that the commercial cannabis activity approval being sought is subject to compliance with all other applicable Humboldt County zoning and land use regulations, as well as other applicable provisions of the Humboldt County Code and applicable state laws and, may require site inspections by personnel from various governmental agencies.

If development and/or activities on the subject parcel are determined, for some reason, to be out of compliance with any applicable State or County code, regulation or policy, a compliance agreement can be formulated between the applicant and relevant agency or agencies, which includes a timeline whereby operations may continue under a “*Provisional Clearance or Permit*” and corrective action is initiated to achieve compliance under agreed upon terms.

Parcel Information: Key Parcel Number and Additional Parcel # shown on the Commercial Cannabis Permit Application Report (June 6, 2017) for Apps # 12913 are no longer used herein. The recently assigned parcel number **APN: 223-016-017** results from the merging of several parcels and comprises approximately 771 acres with **AE-B-5(160)**.

Topography/Landscape: The immediate ground surface surrounding proposed cultivation areas is less than 15%. The subject parcel is primarily hilly grasslands with watercourses traversing the depressions in low lying areas.

Surface Water Features: Class III watercourses are found throughout various locations within the ranch and are depicted on the site plan included. All cultivation and related activities will meet or exceed applicable setback requirements to watercourses and associated streamside management areas.

Roads/Stream Crossings/Easements: Upper Tooby Ranch Road passes through the subject parcel. Interior road conditions including stream crossings have undergone assessment in the development of a Site Management Plan (SMP). The SMP, included with this submission, prescribes corrective measures to address deficiencies identified and will establish a time frame in which to complete corrective work. Work prescribed within the SMP does not preclude the need to comply with other state and county road requirements applicable to the aforementioned permit application(s).

Utilities: The subject parcel is not developed for residential occupancy; the use is limited to seasonal cultivation activities. Generators will be used to supply electricity, portable toilets with hand wash stations will be provided near the cultivation areas. Well water will be available.

Water Supply: Agricultural water is sourced from two (2) water wells located east of the cultivation area. The permit/completion reports included for each well show assessor parcel numbers prior to completion of the Lot Line Adjustment.

Documentation which demonstrates and defines the legal authorization, terms and conditions for the ongoing use of the existing water source(s) and/or development of other potential water sources (applicable to activity/development proposed under the aforementioned permit application) shall be provided as it becomes available.

Water Storage: tank locations shown on site plan

# of tanks	Capacity (gallons)	Total Gallons
8	5,000	40,000
11	2,500	27,500
3	1,500	4,500
Total Storage		72,000

Cultivation Area(s): Relocation of **18,000 ft²** of outdoor cultivation from what was formerly APN: 223-016-003 and **2,600 ft²** of outdoor cultivation from APN: 223-052-007 to an environmentally superior area on what was formerly APN: 223-071-018 having legacy cultivation of **2,700 ft²** resulted in **23,300 ft²** outdoor cultivation located on what was formerly APN: 223-071-018 and is now (post LLA completion) the NW corner of APN: 223-016-017.

The decommissioning/relocation of the aforementioned cultivation areas to the current cultivation area is an **environmentally superior** approach to agricultural operations/activity in this specific context.

Previously cultivated areas at the aforementioned locations are visible on aerial imagery previously provided with the initial application submission. These areas consisted of three (3) separate gardens totaling 20,600 ft². The gardens were situated at remote hillside locations which are topographically tributary to Squaw Creek and, in the case of former APN: 223-071-018, located within an historic landslide.

RWQCB WDR Order R1-2015-0023 addresses historical cannabis cultivation practices impacting water resources/ environment. The Order calls for corrective action, implementation of BMP's and site monitoring. The implementation of BMP/site monitoring is much more efficiently executed at a single, appropriately designed area rather than multiple areas spread around hillsides.

In this particular case, use of extended lengths of substandard roads to attend three remote cultivation areas (on two parcels) can be discontinued upon relocation thereby significantly reducing the impacts of erosion/sediment transport into surface waters.

Cultivation relocation will allow removal and proper disposal of plastic water-line previously spread around the hillsides along with other cultivation waste materials which, in turn, will prevent unwanted materials from being transported by animals/weather to sensitive locations or impacting habitat.

The use of agricultural fertilizers and petroleum products associated with cannabis cultivation limited to a single cultivation location completely eliminates the risk of spillage and/or unwanted discharge from needlessly transporting to remote areas.

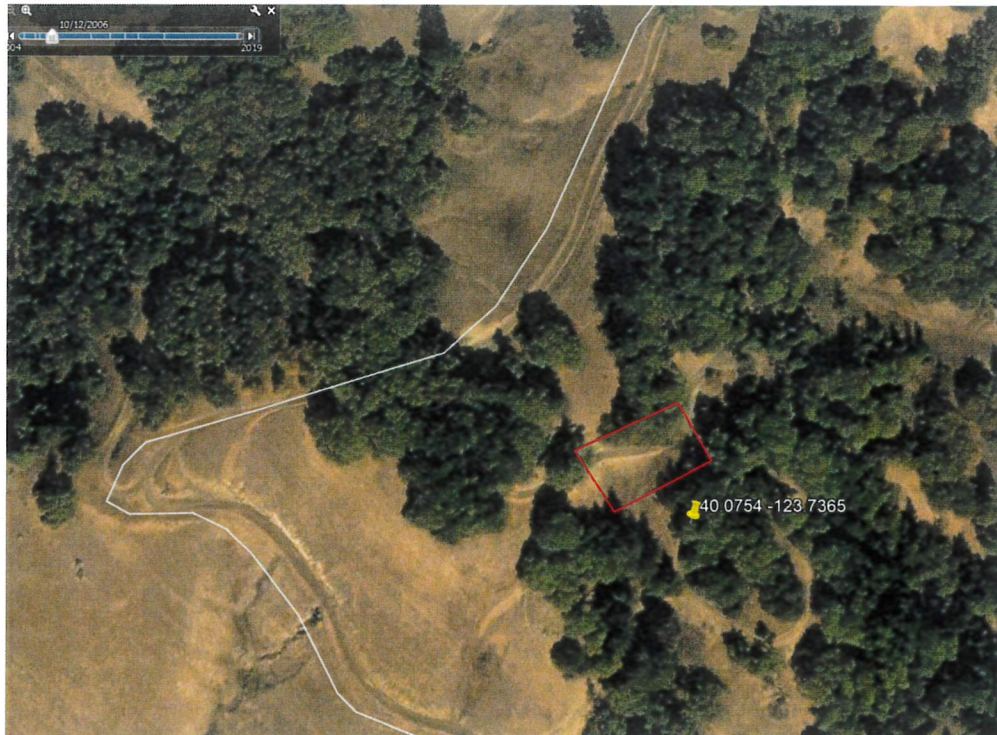
Decommissioning/relocation of cultivation in this particular case, prevents ongoing habitat fragmentation and reduces the total disturbance footprint from agricultural activity. Properly restored cultivation areas will undergo natural succession; they will remain undisturbed thereby enhancing habitat for native flora and fauna.

The **relocation site** is located in a natural grassland area with native ground slope less than 15 percent. This area was assessed by a licensed Geologist to delineate *Prime Agricultura Soils*; the assessment made no mention of any geologic or slope stability limitations. Proposed cultivation is **greater than 100 feet** from areas shown as **Historic Landslides** and the proposed cultivation meets applicable setback requirements. Continued cultivation on former APN: 223-016-003 (18,000 ft²) and APN: 223-052-007 (2,600 ft²) is not warranted given the **environmentally superior** conditions at the relocation site and the unnecessary risks posed by continued use of legacy sites.

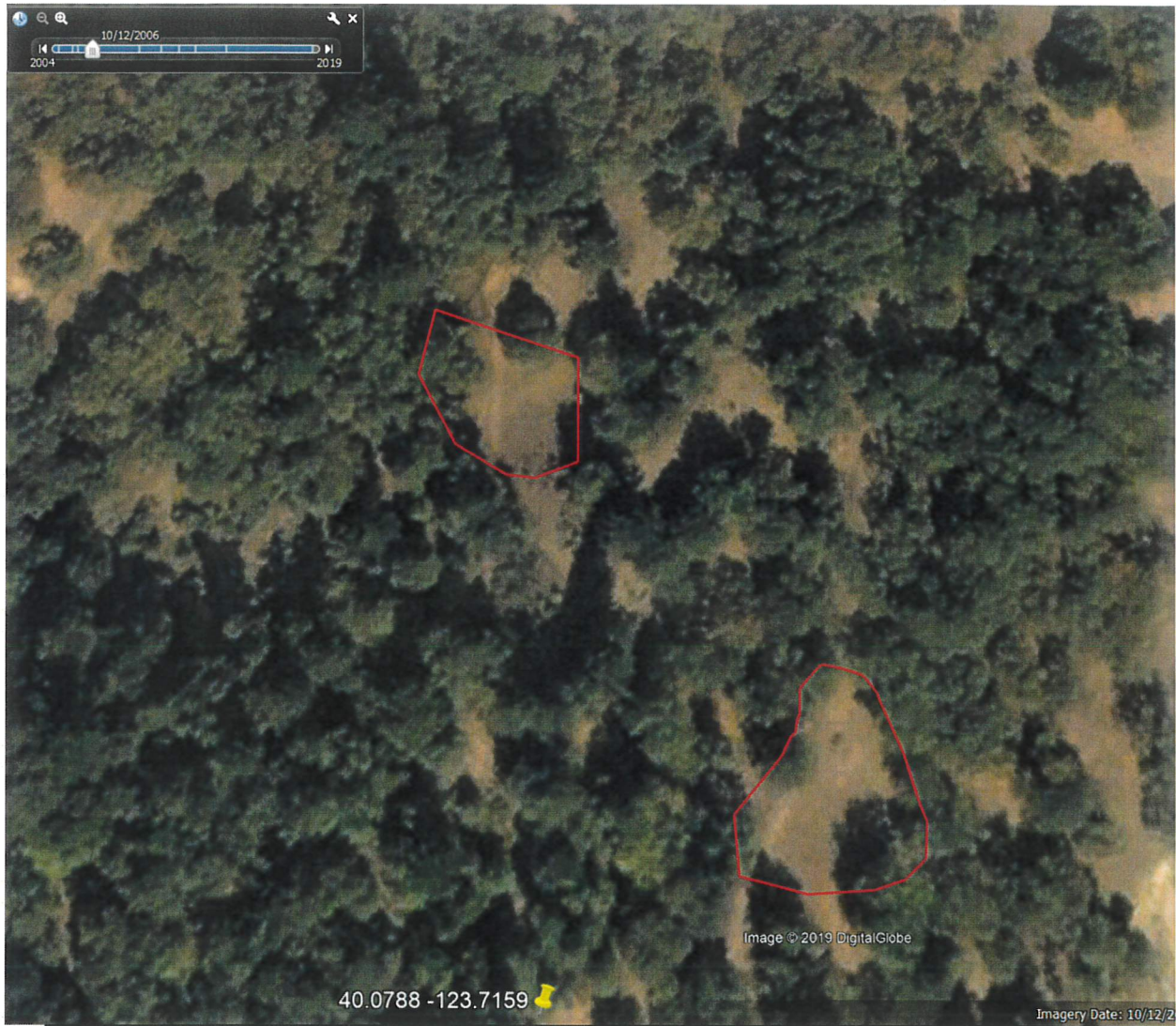
Restoration of Legacy Cultivation Areas: Each of the aforementioned cultivation areas on APN: 223-016-003 and APN:223-052-007 were decommissioned prior to a recent (06/06/2019) site assessment (development of a Site Management Plan).

The assessment revealed that cultivation related materials were removed and there were no features or characteristics observed which would cause improper drainage or sediment transport.

A comparative review of historic Google Earth imagery shows that the three (3) sites did not undergo any significant modification to accommodate cultivation. The cultivation was located in natural clearings such that no significant ground/forest disturbance occurred.



The above historic image from 2006 shows the natural clearing utilized for the decommissioned cultivation area on former APN:223-052-007.



The 2006 image above shows the natural clearings utilized for the two decommissioned cultivation areas on former APN: 223-016-003.

As stated previously, a recent site assessment at these decommissioned cultivation areas found no conditions requiring corrective measures.

Cultivation areas and surrounding ground surfaces were evaluated in the development of a site-specific Water Resources Protection Plan (WRPP) and a Site Management Plan. The Plans prescribe corrective measures to address conditions which may adversely impact water resources and establish a timeline in which to achieve compliance with Water Board Order(s). A copy of the Site Management Plan has been previously submitted

Corrective measures prescribed in the Plans do not preclude the need for Cultivation Areas and/or other manmade features to be brought into compliance with all applicable state and local grading, excavation and erosion/sediment control requirements.

Peak Water Demand: The peak monthly water demand anticipated to maintain cultivation during the warmest summer months is 48,450 gallons/month.

The “Monthly Water Use” table below shows water use at different growth stages during the grow season. Water usage will be monitored and recorded by use of in-line totalizing flow meters in accordance with applicable regulations.

	<i>Existing Outdoor 23,300 ft² Gallons used</i>	<i>Plant Stage</i>
<i>April</i>	<i>12,500</i>	<i>veg</i>
<i>May</i>	<i>29,075</i>	<i>veg</i>
<i>June</i>	<i>38,765</i>	<i>veg/flwr</i>
<i>July</i>	<i>48,450</i>	<i>flwr/veg</i>
<i>August</i>	<i>48,450</i>	<i>veg</i>
<i>September</i>	<i>33,920</i>	<i>veg/flwr</i>
<i>October</i>	<i>9,690</i>	<i>flwr</i>

Irrigation Method(s): Irrigation will be done by use of gravity flow drip lines. The flow to drip lines is regulated by timers and adjusted for maximum efficiency taking into consideration temperature, plant demand etc. Water delivery throughout the system is carefully monitored on a regular basis to ensure proper function and responsible water use. Mulch is carefully placed as a top dressing to optimize soil water retention. Occasional hand watering may be employed if needed.

Irrigation Runoff/Erosion control: The use of carefully regulated drip irrigation minimizes the chance of overwatering or residual discharge of irrigation solutions outside of the “targeted” root zone. In the unlikely event that residual discharge did occur it would contact permeable soil on nearly level ground in and around cultivation areas and be rapidly absorbed. **Movement or runoff** of any irrigation solution away from the point of ground contact is very unlikely. The ground surface in and around cultivation areas is proactively managed year-round to prevent any unwanted migration of entrained constituents such as fine sediment, fertilizer or other organic particles.

Watershed Protection: Watershed Protection is accomplished through implementation of BMP’s and corrective measures prescribed in a site-specific Water Resources Protection Plan and Site Management Plan (included with this submission).

Once enrolled under the mandated plans participants are required to engage in ongoing monitoring, reporting and maintenance including periodic site inspections and reviews of operational practices to ensure regulatory requirements related to the following items are being met.

<i>Site maintenance, erosion control, and drainage features</i>	<i>Stream crossing maintenance</i>
<i>Riparian and wetland protection and management</i>	<i>Spoils management</i>
<i>Water storage and use</i>	<i>Irrigation runoff</i>
<i>Fertilizers and soil amendments</i>	<i>Pesticides and herbicides</i>
<i>Petroleum products and other chemicals</i>	<i>Cultivation-related wastes</i>
<i>Refuse and human waste</i>	

Additionally, participants ensure that management measures and controls are effectively protecting water resources, and that any newly developing problems representing a water quality concern are identified and corrected quickly.

Generator usage shall be limited 3-4 hours/day during a period not to exceed three weeks occurring towards the end of April and the beginning of May depending on weather conditions; black out tarps will be utilized to prevent light spillage in accordance with Dark Sky standards. The tarps shall be secured with a cable tie system to ensure effectiveness preventing light escape between dusk and dawn.

Additional generator use will occur again, for a 7-10 day period in August and October at which time the generator may run 8-10/hours/day.

The use of portable Honda 3000 generators shall not occur any closer than 150 feet to any neighboring property line. Given the sound pressure level rating for the aforementioned generator at full load and the distance to the nearest property line the expected sound pressure level at the property line should not exceed 20 dB(A). The continued use of generators shall comply with all applicable state and county requirements associated with the aforementioned permit application including but not limited to containment measures prescribed in the accompanying Site Management Plan.

Fertilizers, Pesticides, and other Regulated products:

List and describe machinery and equipment used for cultivation and associated activities.

Rototiller, generators, fans, dehumidifier.

Describe equipment service and maintenance; including where it is done.

Oil changes may take place on site utilizing appropriately sized oil drip trays. Used Oil will be retained in plastic containers with secure caps and brought to Redway Transfer Station for recycling.

List and describe petroleum products and automotive fluids used onsite.

Gasoline is stored in conventional 10 gallon canisters which will be kept inside a water-tight storage container equipped with secondary containment along with spill kits. A few gallons of motor oil from retail sources retained in original containers may also be stored at times.

List and describe compressed gases, cleaners, solvents and sanitizers; indicate amounts normally stored and how/where they are stored. Propane Tank

Fertilizers, Pesticides, other Regulated products: The fertilizers/amendments listed below are used at the start of the grow season; only quantities needed are purchased and brought to the site. The applicant shall complete annual reporting/monitoring of usage in accordance with measures prescribed in the Site Management Plan.

Mixing of the products listed below takes place only within a small area near cultivation sites and the products are kept protected from accidental spillage or disturbance from wildlife while mixing takes place.

Products	The products listed are primarily used at the start of the cultivation season. Any product remaining after initial start-up is kept securely protected in original packaging/containers atop pallets inside the Ag shed/tents. Quantities of products stored should range from 50- 100 pounds total.
Diamond K's Sulfate of Potash	
Earth Juice SeaBlast Transition	
Peak Monopotassium Phosphate	
Brandt 6-30-30 Micro	
YaraLiva CALCINT 15 5-0-0	
Peters Professional 5-11-26 Hydroponic Special	

The applicant acknowledges that the storage and/or use of certain materials in specified volumes and/or weights will be subject to regulation through Humboldt County Division of Environmental Health CUPA and may require: submittal of inventories for those materials, documentation of emergency and training procedures, maintenance of hazardous waste disposal records, obtaining an EPA generator ID number and be subject to site inspection. The applicant will obtain verification of ongoing compliance with CUPA requirements.

Cultivation related wastes are sorted such that compostable materials are recycled/composted onsite within a small area equipped with perimeter and top containment to prevent unwanted movement of materials due to weather conditions or animals/pests. Other materials, unsuitable for composting, are stored in conventional trash containers with tight fitting lids and hauled to an approved transfer station as needed.

If it becomes necessary, exhausted soil will be removed from cultivation beds and carefully mixed and spread over native soils on level ground at select locations to initiate microbial reconditioning and prevent unwanted constituent migration. Spent growth medium containing inorganic substances such as perlite, will be stored in weatherproof containers and hauled to an approved waste facility as needed.

Human Waste: There is no residential development in the vicinity of the cultivation area(s); use is limited to intermittent occupancy over a single season. Cultivation areas shall be served by portable toilets equipped with hand-wash stations.

	Cultivation Practices: There will be four (4) individuals normally engaged in operations with seasonal increase to seven (7). Two harvests are planned	Back-Up Generator Hours/day	Lights On Hours/day
January	No cultivation activities, site monitoring and planning		
February	Implement control measures if needed, site preparation		
March	Prepare gardens and agricultural infrastructure, initiate plant (supplemental lighting) propagation if weather conditions allow.	4	4
April	Continue garden preparations and plant propagation (supplemental lighting). Ongoing site maintenance.	4	4
May	Ongoing garden care - finish supplemental lighting, continue overall property maintenance	2	2
June	General garden care, pull tarps		
July	Continue garden care and maintenance, initiate 1 st round harvest, set plants to dry		
August	1 st round harvest/dry complete, offsite processing, ongoing garden care.	8 drying	
September	Continue garden care and site maintenance		
October	Finish cultivation – initiate final harvest set plants to dry, offsite processing	8 drying	
November	Clean up cultivation sites, winterize roads etc.		

Processing: Plants are periodically inspected to ensure that any indication of pests, molds, mildews or disease are immediately addressed and crop quality is maintained. When ready, individual plants are hand harvested, placed inside clean transport containers and immediately transferred to the Ag Hoop Tent where they are set to dry. The drying area is cleaned thoroughly prior to placement of any harvested plants therein to minimize potential contaminant contact. Natural air flow may be supplemented with careful use of household fans and dehumidifiers to facilitate drying and maintain product quality control.

When plants have achieved optimal dryness, they will be removed from the drying section and carefully placed into clean containers/plastic bags for delivery to an approved off-site processing facility.

Security: Access to the subject parcel is restricted by placement of locked metal gates at entrance roads. Cultivation areas are fenced. There is usually one or more persons present at the cultivation area.

RECEIVED

MAY 19 2017

Environmental Health
 100 H Street, Suite 100, Eureka, CA 95501
 phone: (707) 445-6215 fax: (707) 441-5699

HUMBOLDT CO. DIVISION
 OF ENVIRONMENTAL HEALTH
WATER WELL APPLICATION

CONSTRUCTION – REPAIR – DESTRUCTION

The Well Permit will be returned to the property owner when approved by
 Humboldt County Division of Environmental Health (DEH)

Instructions:

1. Complete pages 1 and 2 of the application and submit the required fee with the Well Permit application, including Well Driller's signature and property owner's signature.
2. Work on the well shall not be started prior to approval of the Well Permit Application by DEH.
3. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
4. DEH shall be notified by the Well Driller a minimum of 24 hours prior to sealing the annular space.

Site Address	<u>500 TOOBY RANCH RD</u>	APN	<u>223 016 009</u>
City/State/Zip	<u>GARBERVILLE</u>	CA	<u>95542</u>
Directions to Site	<u>East on Alderpoint Rd to Tooby Ranch Rd</u> <u>RT on Tooby Ranch Rd thru gate to dirt</u> <u>road on the right</u>		
Applicant	<u>Bushnell ENTERPRISES</u>	Contact	<u>George</u>
Mailing Address	<u>649 Bearcreek rd</u>	Work Phone	<u>(707) 923-2104</u>
City/State/Zip	<u>Garberville, CA. 95542</u>	Cell Phone	<u>(707) 498-3437</u>
Property Owner	<u>DYLAN 2 Holly Carr</u>	Home Phone	_____
Mailing Address	<u>PO. BOX 53</u>	Work Phone	_____
City/State/Zip	<u>Alderpoint, CA 95511</u>	Cell Phone	<u>(707) 496-0849</u>
I hereby grant 'right-of-entry' for inspection purposes		<u>SG</u>	

Drilling C-57
 Contractor George Bushnell License # 403708
 I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 15 days after completion of work, I will furnish DEH a report of the work performed.
 Well Driller Signature: [Signature]
 Would driller like a copy of approved application? Yes No
 U.S. Mail address: 649 Bearcreek rd Garb, CA. 95542
 Email address: _____

DISTRIBUTED
12-11-17

Type of Application:	Construction:	Intended Use:
<input checked="" type="checkbox"/> Construction	Estimated Depth (ft.) <u>200</u>	<input type="checkbox"/> Domestic - private
<input type="checkbox"/> Destruction	Diameter (in.) <u>9"</u>	<input type="checkbox"/> Community Supply
<input type="checkbox"/> Repair/Modification	Depth of Seal (ft.) <u>20'</u>	<input type="checkbox"/> Irrigation
	Sealing Material <u>Bentonite</u>	<input type="checkbox"/> Other _____

Exhibit "D"

Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the green heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the red heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. This list will be updated frequently. Make sure you are using the most up to date list.

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderspoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceand Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Road to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg Honeydew Road	F5A010	All
Fiekle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6C090	Dyerville Loop Road to P.M. 1.0
McCellan Min Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C5M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Tinlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Holly Carr APN: 223-071-016/-018

Planning & Building Department Case/File No.: APPS: 12913

Road Name: TOOBY RANCH RD. (complete a separate form for each road)

From Road (Cross street): Alderspoint Road

To Road (Cross street): subject parcel

Length of road segment: 2 miles Date Inspected: 7-19-19

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

Check one of the following:

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

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

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

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

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

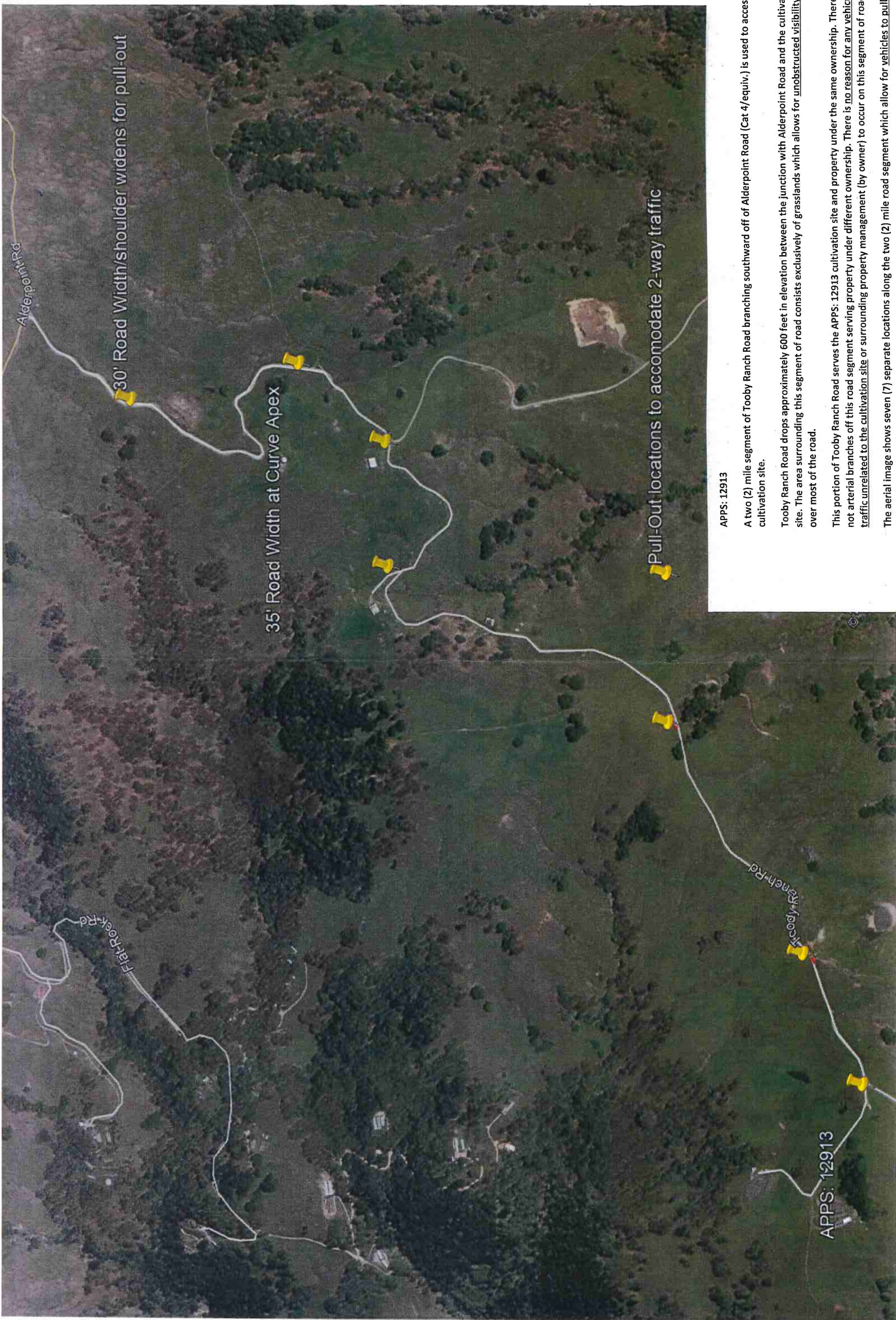
Holly Carr
Signature

7/19/19
Date

Holly Carr
Name Printed

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

\\pwrk\landdev\projects\referrals\forms\road evaluation report form (09-27-2017).docx



APPS: 12913

A two (2) mile segment of Tooby Ranch Road branching southward off of Alderpoint Road (Cat 4/equiv.) is used to access the cultivation site.

Tooby Ranch Road drops approximately 600 feet in elevation between the junction with Alderpoint Road and the cultivation site. The area surrounding this segment of road consists exclusively of grasslands which allows for unobstructed visibility over most of the road.

This portion of Tooby Ranch Road serves the APPS: 12913 cultivation site and property under the same ownership. There are not arterial branches off this road segment serving property under different ownership. There is no reason for any vehicular traffic unrelated to the cultivation site or surrounding property management (by owner) to occur on this segment of road.

The aerial image shows seven (7) separate locations along the two (2) mile road segment which allow for vehicles to pull-out should the need ever arise.

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Public Works/Land Use Division	✓	Conditional approval	Attached
Division Environmental Health	✓	Conditional approval	On file
CAL FIRE	✓	Comments	Attached
NWIC	✓	Further study requested	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Conditional approval – survey and Inadvertent Discovery Protocol	On file with Planning
Department of Fish & Wildlife	✓	Comments: email dated June 19, 2020	Attached
Humboldt County Sheriff		No response	
Building Inspection Division		No response	
Intertribal Sinkyone Wilderness Council		No response	
RWQCB		No response	
Humboldt County District Attorney		No response	
Humboldt County Ag Commissioner		No response	
Southern Humboldt Unified School District		No response	



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

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

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

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

ADMINISTRATION 445-7491	NATURAL RESOURCES 445-7741	LAND USE 445-7205
BUSINESS 445-7652	NATURAL RESOURCES PLANNING 267-9540	
ENGINEERING 445-7377	PARKS 445-7651	
FACILITY MANAGEMENT 445-7493	ROADS 445-7421	

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Meghan Ryan, Planner, Planning & Building Department

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

DATE: 10/17/2019

RE:

Applicant Name	HOLLY CARR
APN	223-016-010
APPS#	PLN-12913-CUP

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

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

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 07/19/19, with Part A –Box 2 checked, certifying that the road is developed to the equivalent of a road Category 4 standard.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS #12913

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

Lippre, Suzanne

From: Alberts, Chris
Sent: Tuesday, July 7, 2020 9:55 AM
To: Hollis, Jonathan@Wildlife; Johnson, Cliff
Cc: Sanville, Cheri@Wildlife; Phillips, Erin@Wildlife
Subject: RE: Request To Amend LSAA 1600-2019-0605-R1, Permittee Dylan Carr, PLN-12986-CUP
Attachments: Parcel Boundary Line.JPG; 12913_operations Plan_revised.pdf

Good Morning,

The attached site map appears to have incorrect boundary lines. Application No. 12913 and 12986 are located on separate parcels. Attached to this email is aerial imagery from the Humboldt County WebGIS showing the parcel boundary line that separates both projects.

The applicant retired the cultivation area due to archaeological resources being found on the site. The applicant is working with the Bear River Rancheria on how to safely remove the cultivation materials with the least amount of ground disturbance. The tribe will be onsite during the remediation process.

The County anticipates on approving the new development. According to what I have on file, the applicant is only proposing Ag exempt structures for the project.

A CEQA addendum is being prepared for the project.

Attached to this email is the Operations Plan for the project, however, within the operations plan is a Relocation and Remediation Plan. Please let me know if you have any questions regarding the project's remediation.

Please let me know if you have any questions regarding the information I have provided you. Also let me know if you would like me to provide you with any additional information. If there are any other concerns, please bring those forward as well.

Thank You,



Christopher Alberts
Planner I
[Planning and Building Department](#)
County of Humboldt
(707) 268-3771



Please consider your environmental responsibility before printing this e-mail

From: Hollis, Jonathan@Wildlife <Jonathan.Hollis@Wildlife.ca.gov>
Sent: Friday, June 19, 2020 8:15 PM
To: Alberts, Chris <calberts@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Cc: Sanville, Cheri@Wildlife <Cheri.Sanville@wildlife.ca.gov>; Phillips, Erin@Wildlife <Erin.Phillips@Wildlife.ca.gov>
Subject: Request To Amend LSAA 1600-2019-0605-R1, Permittee Dylan Carr, PLN-12986-CUP

Greetings,

This message pertains to LSAA #1600-2019-0605-R1 (Permittee Dylan Carr; APNs: 223-072-010, 223-072-006, 223-071-005, and 223-071-018). This LSAA is associated with PLN-12986-CUP, though it appears that recent changes to parcel configurations occurred in this area. These changes suggest that PLN-12913-CUP may now also be associated with this LSAA; please be aware CDFW made no evaluation of PLN-12913-CUP (APNs 223-016-003, 223-052-007, 223-071-004, and 223-016-010) during the preparation of LSAA #1600-2019-0605-R1.

The purpose of this message is to inform our County partners that CDFW recently received a Request to Amend the executed LSAA. The request proposes the new development and construction of a road, stream crossing, and cultivation area along Tooby Ranch Road, and states the following: "The Permittee has been required to relocate a cultivation site by the county. The proposed road and crossing will be the only access to the proposed relocation site." The site map provided in the Amendment Request is attached to this email for reference. CDFW seeks the following information:

- What were the circumstances surrounding the decision to retire the cultivation area and what specific actions (if any) is the County requiring of the Permittee?
- Has the Permittee informed County officials of the proposed new development and construction? If so, have County officials reviewed the proposal, and does the County anticipate approving or denying the new development?
- What type of environmental review will this project receive? Will the County require the project proponent to conduct their own CEQA analysis?
- What type of remediation will the Permittee need to conduct in the retired cultivation area?

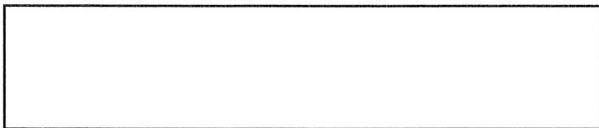
We appreciate any insight you may be able to provide. At this time, CDFW intends to defer our consideration of the Request to Amend until our County partners have completed their review of the Permittee's new proposal. Should you need any additional information from CDFW regarding this matter, please don't hesitate to contact me.

Thank you for your time. Take care and be well.

Sincerely,

Jonathan Hollis

Environmental Scientist



Habitat Conservation Planning Branch | Coastal Environmental Review & Permitting

619 Second Street, Eureka, CA 95501

Jonathan.Hollis@wildlife.ca.gov