



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: July 15, 2021

To: Humboldt County Planning Commission

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

Subject: **Big Sun Farms, LLC Conditional Use Permit**
Application Number PLN-11457-CUP
Assessor's Parcel Number (APN) 216-073-007
4095 Road A (off Bell Springs Road), Harris, CA 95542

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Please contact Sarah Faraola, Planner (Harris & Associates) at 831-346-7028 or by email at sarah.faraola@weareharris.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 15, 2021	Conditional Use Permit – Type I	Sarah Faraola

Project Description **Project Description:** Big Sun Farms (PLN-11457-CUP) seeks a Conditional Use Permit to permit 27,500 square feet (SF) of existing outdoor cultivation. Cultivation occurs in eleven (11) greenhouses, including five (5) 130' x 22' greenhouses (14,300 SF total) and six (6) 100' x 22' greenhouses (13,200 SF total). Propagation occurs in three (3) nursery areas (3,280 SF total).

The source of water for irrigation is a rainwater catchment pond with a storage capacity of 1.5 million gallons that has been in use since 2017. The catchment pond is located on the adjacent parcel under the same ownership (PLN-11458-CUP, APN 216-073-002), and currently supplies water for agricultural activities on both parcels. A water easement document has been prepared to define this agreement to share the pond water.

Total estimated annual water use for the subject parcel is 365,000 gallons (13.27 gallons/SF). Water is stored in eight (8) hard plastic tanks that include: six (6) 5,000-gallon tanks for irrigation and two (2) 2,500-gallon tanks for fire suppression. Total hard tank storage for irrigation use is 30,000 gallons.

Drying occurs on the neighboring parcel (PLN-11458-CUP, APN 216-073-002) in an existing 5,000-SF metal building that is pending a Building Permit. The project requires ten (10) to twelve (12) employees to oversee drying activities in the 5,000-SF metal building, which is used for both this project (PLN-11457-CUP) and the adjacent parcel (PLN-11458-CUP). The applicant is proposing an additional 30' x 40' drying facility on the subject parcel. This project is off grid with no PG&E service. Electrical Power is provided by two (2) 6,500 kw generators that are used primarily for exhaust fans during the late summer months. A solar array battery system, with 15 KW Generator backup is proposed for the project, and is conditioned to be installed and operational by January 1, 2026 (**Condition 19**), as well as a proposed 120-SF shed to house the battery system.

Project Location: The project is located on both sides of Road A, approximately 1.76 miles west from the Road A/Bell Springs Road intersection (on the property known to be in the east half of Section 06 and in the northwest quarter of the southwest quarter of Section 05, Township 05 South, Range 05 East), in the unincorporated New Harris area in southern Humboldt County.

Present Plan Land Use Designations Residential Agriculture (RA); 2017 General Plan; Density: 40 acres per unit; Slope Stability: High Instability (3)

Present Zoning: Unclassified (U)

Record Number: PLN-11457-CUP

Assessor's Parcel Number: 216-073-007

Applicant

Big Sun Farms Inc.
Gregg Stefani
368 Sprowel Creek Rd Unit 1012
Garberville, CA 95542

Owner

Harris Asset Holdings LLC
Gregg Stefani
368 Sprowel Creek Rd Unit 1012
Garberville, CA 95542

Agents

Timberland Resource
Consultants
C/O David Spinosa
Fortuna, CA, 95540

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

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

Major Issues: No major issues/concerns were identified for this project.

Big Sun Farms

Record Number: PLN-11457-CUP

Assessor's Parcel Number: 216-073-007

Recommended Commission Action

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

Adopt the Resolution to:

1. Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO), as described by Section §15164 of the State CEQA Guidelines;
2. Make the required findings for approval of the Conditional Use Permit; and
3. Approve the Big Sun Farms, Inc. Conditional Use Permit (11457) as recommended by staff subject to the recommended conditions.

Executive Summary

Big Sun Farms seeks a Conditional Use Permit (PLN-11457-CUP) to permit 27,500 square feet (SF) of existing outdoor cultivation. Cultivation occurs in eleven (11) greenhouses, including five (5) 130' x 22' greenhouses (14,300 SF total) and six (6) 100' x 22' greenhouses (13,200 SF total). Propagation occurs in three (3) nursery areas that total 3,280 SF, including: one (1) 12' x 60' nursery (720 SF) and two (2) 16' x 80' nurseries (1,280 SF total).

The subject site is 114 acres and consists of native oak woodlands and Douglas fir timberland with mixed hardwood species. The present land use designation is Residential Agriculture (RA), as defined in the Humboldt County 2017 General Plan Update, and the zoning designation is Unclassified (U).

The medical cannabis permit application is in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site has been issued a Zoning Clearance Certificate for Interim Permit (IP), based upon the Cultivation Area Verification (CAV) developed for the site. The cultivation area for this Conditional Use Permit is based upon the CAV prepared for the IP.

Drying occurs in an existing 5,000-SF metal building that is pending a Building Permit, once the CUP has been approved and a building inspection is conducted by Humboldt County. The project requires ten (10) to twelve (12) employees for drying activities within the 5,000-SF metal building, for both projects (PLN-11458-CUP and PLN-11457-CUP).

Domestic wastewater is disposed through the interim use of portable toilets until development of a professionally designed onsite wastewater treatment system is completed. Electrical power is provided by two (2) 6,500 kW generators that are used primarily for exhaust fans during the late summer months. The generators are used for approximately fifteen (15) days out of the year, from 11 a.m. to 4 p.m. The applicant is planning to install a new solar array battery system to be the primary power source for the project, and is conditioned to be installed and operational by January 1, 2026 (**Condition 19**), as well as a proposed 120-SF shed to house the battery system.

Water Resources

The source of water for irrigation is a rainwater catchment with a storage capacity of 1.5 million gallons that has been in use since 2017. All requirements for the proposed development have been completed by the applicant. The pond is located on the adjacent parcel under the same ownership (PLN-11458-CUP, APN 216-073-002), and will supply irrigation to both parcels. Water from the pond is delivered by gravity flow through a 1-inch-diameter PVC pipe to storage tanks on the subject parcel. Irrigation from the storage

tanks is provided by gravity flow drip lines that are regulated by timers and monitored to ensure proper function and efficient water use. Total estimated annual water use for the subject parcel is 365,000 gallons (13.27 gallons/SF), as shown below in **Table 1**.

January	February	March	April	May	June
0 gallons	0 gallons	0 gallons	0 gallons	40,000 gallons	60,000 gallons
July	August	September	October	November	December
85,000 gallons	80,000 gallons	65,000 gallons	35,000 gallons	0 gallons	0 gallons

Table 1. Annual Water Use

Water is stored in eight (8) hard plastic tanks that include: six (6) 5,000-gallon tanks for irrigation and two (2) x 2,500-gallon tanks for fire suppression. Total hard tank storage is 30,000 gallons.

There is one (1) surface water diversion (S027170) on this parcel, registered under the project's Lake and Streambed Alteration Agreement (No. 1600-2019-0699-R1) and used for domestic purposes. The LSAA states that no more than 150 gallons per day shall be diverted by the applicant during the forbearance period, April 1 – October 31 (**Condition 9**). There is one (1) unpermitted solar-pump well on the subject parcel for domestic use. The Department of Health and Human Services Environmental Health Division (DEH) will require the applicant to provide documentation to either verify legal nonconforming status of the wells, retroactively permit the wells, or complete a well destruction permit for each well (**Condition 20**).

The project area is located within the Eel River watershed and contains eight (8) unnamed Class II tributaries that all drain into Tom Long Creek, which is a tributary to the east branch of the South Fork Eel River. There are no cultivation activities located within any Streamside Management Areas (SMA).

A Site Management Plan (SMP) was created in order to protect the water resources within the project area through annual site inspection, monitoring, and reporting of Tier 2 discharges to the North Coast Regional Water Quality Control Board (NCRWQCB). The project is enrolled with the NCRWQCB under the water quality identification number (WDID) 1_12CC417086, which covers the subject project parcel (APN 216-073-007) and the adjacent parcel under the same ownership (APN 216-073-002). This SMP has established a project baseline, based on a site assessment conducted in 2019. A site assessment of project activities determined that the project is moderate risk, based on roads, disturbed areas, and cultivation areas. Onsite monitoring shall occur during the following activities: 1) Before and after alteration or upgrade to a stream crossing, road segment or sediment discharge site; 2) Prior to the start of the water season on October 15 and December 15, in order to evaluate site winterization and preparedness for stormwater runoff; and 3) Following any rainfall event with an intensity of 3 inches of precipitation within 24 hours (**Condition 10**).

A network of seasonal roads and trails are present throughout the property, most of which are remnants of historic logging and found to be in good condition. Roads are monitored during the winter months to ensure existing conditions do not result in erosion and degradation of water quality, as stated in the State Water Resources Control Board (SWRCB) Cannabis policy. Roads throughout the project are classified as having moderate erodibility, based on observations of native rock and surface erosion relative to surface drainage areas. The access road to the greenhouses is conditioned to be rocked, with a minimum 4-inch base and 6-inch depth. The seasonal road that provides primary access to the cultivation area is bordered by waterbars (located at sites 2 and 3), which capture surface runoff from the area. The SMP recommends re-grading the area where water bars are currently located (site 2 and 3) into rolling dips. A ditch relief culvert and rocked headwall is planned to be installed (between site 3.1 and 3.3), in order to better drain the ditch that is actively down-cutting the road surface (**Condition 10**).

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (No. 1600-2019-0699-R1). The LSAA establishes specific mitigation measures that the applicant must apply to offset potential impacts to the five (5) waterways within the project area. There is one (1) surface water diversion for domestic use that requires infrastructure upgrades, and three (3) stream crossings that require maintenance work. The

mitigation measures are summarized as follows: 1) Document all activities that occur within waterways at the project site; 2) All work (excluding the water diversion) shall be confined to the dry weather period of June 15th through October 1st of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; 4) Erosion and runoff protection measures shall be placed and maintained along stream banks prior to any construction activities; and 5) The completed project shall be inspected by Timberland Resource Consultants to ensure the stream crossings were installed as designed, and a copy of the inspection report shall be submitted to CDFW within 90 days of project completion (**Condition 9**).

Biological Resources

A list of special status species that could potentially occur in the project area was generated in April 2021 using the CDFW California Natural Diversity Database (CNDDDB), which includes the California Native Plant Society (CNPS) and the Northern Spotted Owl (NSO) Database. There were no special status species identified within a 5-mile diameter of the project area. Upland Douglas fir forest occurs northwest and well outside of the project area. Therefore, project activities are not expected to have detrimental or adverse impacts to biological species within the project area.

Consolidated Cultivation

Historic cultivation areas, that occurred outside of the primary cultivation area and referred to as 'peripheral satellite cultivation', have been decommissioned to comply with North Coast Regional Water Quality Control Board (NCRWQCB) Order R1-2015-023. The Order addresses the detrimental impacts on water resources caused by cannabis cultivation practices. The decommissioned peripheral cultivation areas have been restored and consolidated into a single cultivation location in the southeast quadrant of the parcel (Cultivation Site 1). The consolidation consists of improving the cultivation areas with updated engineering plans in order to upgrade cultivation activities to an environmentally superior condition, through reducing the use of access roads to remote locations in the project area, thus significantly reducing the impacts of erosion and sediment transport into surface waters.

Grading & Erosion Plan

A Grading and Erosion Plan was created to identify conditions present within the project area that may adversely affect water quality and water resources within the project area, and to achieve the following: 1) Minimize the volume of sediment leaving the project area and 2) Ensure any sediment erosion has a less than significant impact downstream. The project has silt fencing and straw wattles installed around the perimeter of all cultivation areas, in order to minimize erosion caused by cultivation-related runoff. The following erosion control measures are currently implemented annually by the applicant over any bare ground within the project area, and will be utilized during future development for any bare ground area resulting from earth-moving activities: 1) Re-seeding; 2) Straw spreading at a rate of 2 tons per acre; and 3) Straw stabilization by emulsion (**Condition 10**).

Timberland Conversion Evaluation

A Less-Than-3-Acre Timberland Conversion Evaluation Report was developed to address the conversion of unauthorized converted timberland within the project area. A field inspection of the conversion area, conducted by Chris Carroll (Registered Professional Forester 2628) of Timberland Resource Consultants on August 20, 2019, found that the total unauthorized acreage is 1.08 acres, which is below the 3-acre maximum Conversion Exemption. Mr. Carroll agrees with the applicant's choice to relocate all pre-existing cultivation to Cultivation Site 1, which is an environmentally superior area located on the southeastern edge of the project area. The applicant is conditioned to restock 0.78 acres of timberland located at legacy Cultivation Sites 2-7, in accordance with the Restocking Plan attached (pages 17-19 in the Timberland Conversion Evaluation) (**Condition 11**).

Mr. Carroll also completed an Oak Restoration Report to evaluate the project area for oak woodland habitat, ecological values of the cultivation area prior to conversion, and provide recommendations for oak woodland restoration locations. The field visit identified approximately 86 acres of timberland, predominantly Douglas fir and native hardwoods, with approximately 20 acres of oak woodland with various stages of encroachment, and 8 acres of natural grasslands, log landings and cultivation areas. The

applicant has submitted a proposal to restore oak woodland that has been encroached upon at a ratio of 10:1 to the post-2016 conversion area, which has been accepted by the County (**Figure 1**). A minimum of 10.8 acres shall be restored by February 2, 2022 (**Condition 11**).

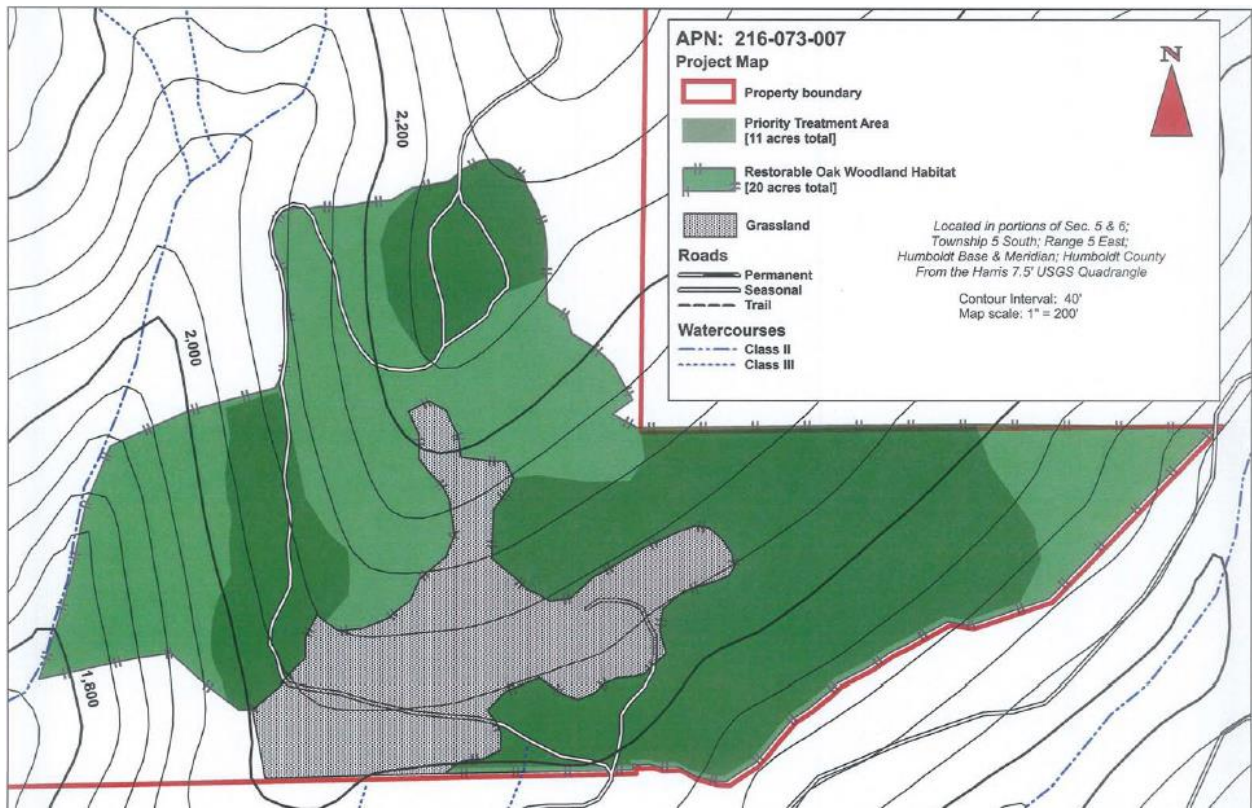


Figure 1. Restoration Priority Treatment Area, Restorable Oak Woodland Habitat

Tribal Cultural Resource Coordination

The project area is located within the *Shelter Cove Sinkyone* ethnographic territory of Humboldt County. A Cultural Resource Investigation was conducted by Mark Arsenault (Registered Professional Archaeologist) to determine if there was evidence of any cultural resources within a 22-acre study area. The Cultural Resources Investigation included: contacting the Native American organizations identified on the Native American Heritage Commission (NAHC) list, contacting the Northwest Information Center (NWIC), and conducting a field survey and a historical background search of existing maps and publications relevant to the study area.

The NWIC responded that there are no known resources present in the project area, and that three (3) previous surveys were conducted within a ½ mile buffer of the project area, and no cultural resources were recorded. The Cultural Resources Investigation concluded that there was no evidence of existing archaeological resources, and recommended that the Inadvertent Discovery Protocol (PRC 15064.5 (f)) be implemented by a qualified professional archaeologist, if any previously unidentified cultural resources or human remains are encountered throughout project implementation (**Condition 12**).

Access

The project is located on both sides of Road A, approximately 1.76 miles west from the Road A/Bell Springs Road intersection in the unincorporated New Harris area in southern Humboldt County. There are approximately 2.2 miles of roads throughout the project area, including both the subject parcel (APN 216-073-007) and the adjacent parcel under the same ownership (APN 216-073-002), that have an average slope of 0-15%, and some isolated areas of up to 30%. The County Department of Public Works reviewed the project referral and determined that private Road A, which is the main access road to the project area and is maintained by the landowner, is not developed to the equivalent of a road category 4 standard.

The road was inspected on May 5th, 2019 and February 11th, 2020 by Kimberly D. Preston, P.E. of Omsberg and Preston Engineers. Ms. Preston inspected the access road from Bell Springs Road (County) to the subject parcel (2.0 miles) along the private Road A, and determined that the roadway can accommodate cumulative increased traffic from the project. DPW recommended standard conditions pertaining to driveway and private road intersection visibility (**Conditions 15 & 16**).

California Environmental Quality Act (CEQA)

Environmental review for this project was conducted in April 2021 by the County. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) adopted for the Commercial Medical Marijuana Land Use Ordinance on January 26, 2016. Accordingly, staff has prepared an addendum to this document for consideration by the Planning Commission. See **Attachment 2** for more information.

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

ALTERNATIVES: The Planning Commission could elect to 1) not approve the project, or 2) require the applicant to submit further evidence or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number: PLN-11457-CUP
Assessor's Parcel Number: 216-073-007**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Big Sun Farms, Conditional Use Permit.

WHEREAS, Big Sun Farms submitted an application and evidence in support of approving Conditional Use Permit PLN-11457-CUP for the continued operation of 27,500 square feet (SF) of existing outdoor cultivation within eleven (11) greenhouses, and 3,280 SF of appurtenant propagation activities;

WHEREAS, the County, prepared an Addendum to the Final Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana 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 MND. No new information of substantial importance that was not known and could not be known at the time was presented, as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **June 17, 2021**, and reviewed, considered, and discussed the application for the requested Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is for a Conditional Use Permit (PLN-11457-CUP) for the continued operation of 27,500 SF of existing outdoor cultivation in eleven (11) greenhouses. Propagation occurs in three (three) nursery areas (3,280 SF total). The applicant proposes the existing 8,511 SF of propagation on the adjacent property (APN 216-073-002) be permitted as a Commercial Nursery for the needs of the owners' adjacent properties under the same ownership. Electrical power is provided two (2) 6,500 kw generators that are used primarily for exhaust fans during the late summer months. The applicant is currently in the process of installing a new solar array and storage cell system that will be the primary power source for the project, to be completed within the next year (**Condition 19**). Irrigation water is sourced from a rainwater catchment pond (permit pending), located on the adjacent parcel under the same ownership, with a storage capacity of 1.5 million gallons (approximately 650,000-gallons available for this parcel) and additional storage is provided in six (6) 5,000-gallon hard plastic tanks (30,000 gallons) for a total water storage availability of 680,000 gallons. Total estimated annual water use for the subject parcel is 365,000 gallons (13.27 gallons/SF).

EVIDENCE: Project File: PLN-11457-CUP

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

- EVIDENCE:**
- a) Addendum to the MND prepared for the proposed project in compliance with CEQA.
 - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
 - c) A list of special status species that could potentially occur in the project area was generated in April 2021 using the following information systems: California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB), which includes the California Native Plant Society (CNPS) and the Northern Spotted Owl (NSO) Database. There were no special status species identified within a 5-mile diameter of the project area. Upland Douglas fir forest is located northwest and well outside of the project area.
 - d) A Site Management Plan (SMP) was prepared by Timberland Resource Consultants (January 2020) to show compliance with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023 and protect the water quality of waterways within the project area through annual onsite monitoring (WDID 1_12CC417086).
 - e) A Cultural Resources Investigation was conducted by Mark Arsenault (Registered Professional Archaeologist), and included a Northwest Information Center (NWIC) records search for cultural resources. The Cultural Resources Investigation concluded that there was no evidence of existing archaeological resources in the project area, and the lead investigator recommended the use of Inadvertent Discovery Protocol (PRC 15064.5 (f)) by a qualified professional archaeologist, if any previously unidentified cultural resources or human remains are encountered throughout project implementation (**Condition 12**).

FINDINGS FOR CONDITIONAL USE PERMIT

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

EVIDENCE

- a) Unclassified is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING The proposed project is not within a Streamside Management Area (SMA). The proposed development is consistent with the purposes of the existing Residential Agriculture (RA) zoning district in which the site is located.

EVIDENCE

- a) The proposed development is consistent with the purposes of the existing Unclassified (U) zoning district.
- b) Unclassified (U) zoned parcels are intended to be combined with any principal zone, consistent with cultivation activities within the project area.

- c) Humboldt County Code section 313-106.6 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed light cannabis on a parcel over 1 acre, subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for a total of 27,500 SF of existing outdoor cannabis cultivation, which consists of eleven (11) greenhouses on a 114-acre parcel, is consistent with the Humboldt County Code and with the Cultivation Area Verification prepared by the County.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned Commercial Services (CS), Residential Agriculture (RA), and Residential Low Density (RL) (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations in place at the time of creation. The parcel was created in its current configuration by a deed recorded before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel. A document shows that the parcel was created in Book 216 of Parcel Maps, Page 7 on April 28, 2014.
- c) Irrigation water is sourced from a rainwater catchment pond with a storage capacity of 1.5 million gallons (permit pending). The pond is located on the adjacent parcel under the same ownership (APN 216-073-002, PLN-11458-CUP), and supplies water and storage for agricultural activities on both parcels.
- d) The slope of the land where cannabis will be cultivated is less than 15%.
- e) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any offsite residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

6. FINDING

The cultivation of 27,500 SF of cannabis and the conditions under which it may be operated and maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is accessed by a private road (Road A) that has been assessed by the Department of Public Works, which determined the main access road to the project area is not developed to the equivalent of a road category 4 standard. The road was inspected by Kimberly D Preston, P.E., Omsberg and Preston Engineers, who determined that the roadway can accommodate cumulative increased traffic from the project. DPW recommended standard conditions pertaining to driveway and private road intersection visibility (**Conditions 15 & 16**).
- b) The parcel is located in the rural, unincorporated Harris area of the county. The 114-acre parcel is both large enough and located far enough away from developed areas that cannabis cultivation activities would not present a negative impact to the community. Approving cultivation on this site and the other sites, which have been approved or are in the application process, will not change the character of the area due to the predominantly rural nature of the area.

- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest offsite residence.
- d) Estimated annual water use for the subject parcel is 365,000 gallons that will be used on 27,500 SF of cultivation area. The overall annual water usage is calculated to be approximately 13.27 gallons/SF.
- e) Total water storage for the project is 680,000 gallons, comprised of 650,000 gallons in the rainwater catchment pond on the adjacent parcel under the same ownership and 30,000 gallons in hard storage tanks onsite.
- f) Provisions have been made in the applicant's proposal to protect water quality through yearly site inspection, monitoring, and reporting to the NCRWQCB. As detailed in the SMP, the site shall be inspected and monitoring reports prepared for the following activities: 1) Before and after alteration or upgrade to a stream crossing, road segment or sediment discharge site; 2) Prior to the start of the water season on October 15 and December 15, in order to evaluate site winterization and preparedness for stormwater runoff; and 3) Following any rainfall event with an intensity of 3 inches of precipitation within 24 hours. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely affected. **(Condition 10)**.
- g) A Lake and Streambed Alteration Agreement (1600-2019-0699-R1) has been filed with CDFW to address all work to be done within the waterways within the project area. The LSAA establishes specific mitigation measures that the applicant must apply to offset any potential impacts to any of the five (5) waterways within the project area. The mitigation measures are summarized as follows: 1) Document all activities that occur within waterways at the project site; 2) All work (excluding the water diversion) shall be confined to the dry weather period of June 15th through October 1st of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; 4) Erosion and runoff protection measures shall be placed and maintained along stream banks prior to any construction activities; and 5) The completed project shall be inspected by Timberland Resource Consultants to ensure the stream crossings were installed as designed, and a copy of the inspection report shall be submitted to CDFW within 90 days of project completion **(Condition 9)**.

7. FINDING

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

EVIDENCE

The parcel currently contains no existing residential units. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential units on site.

DECISION

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

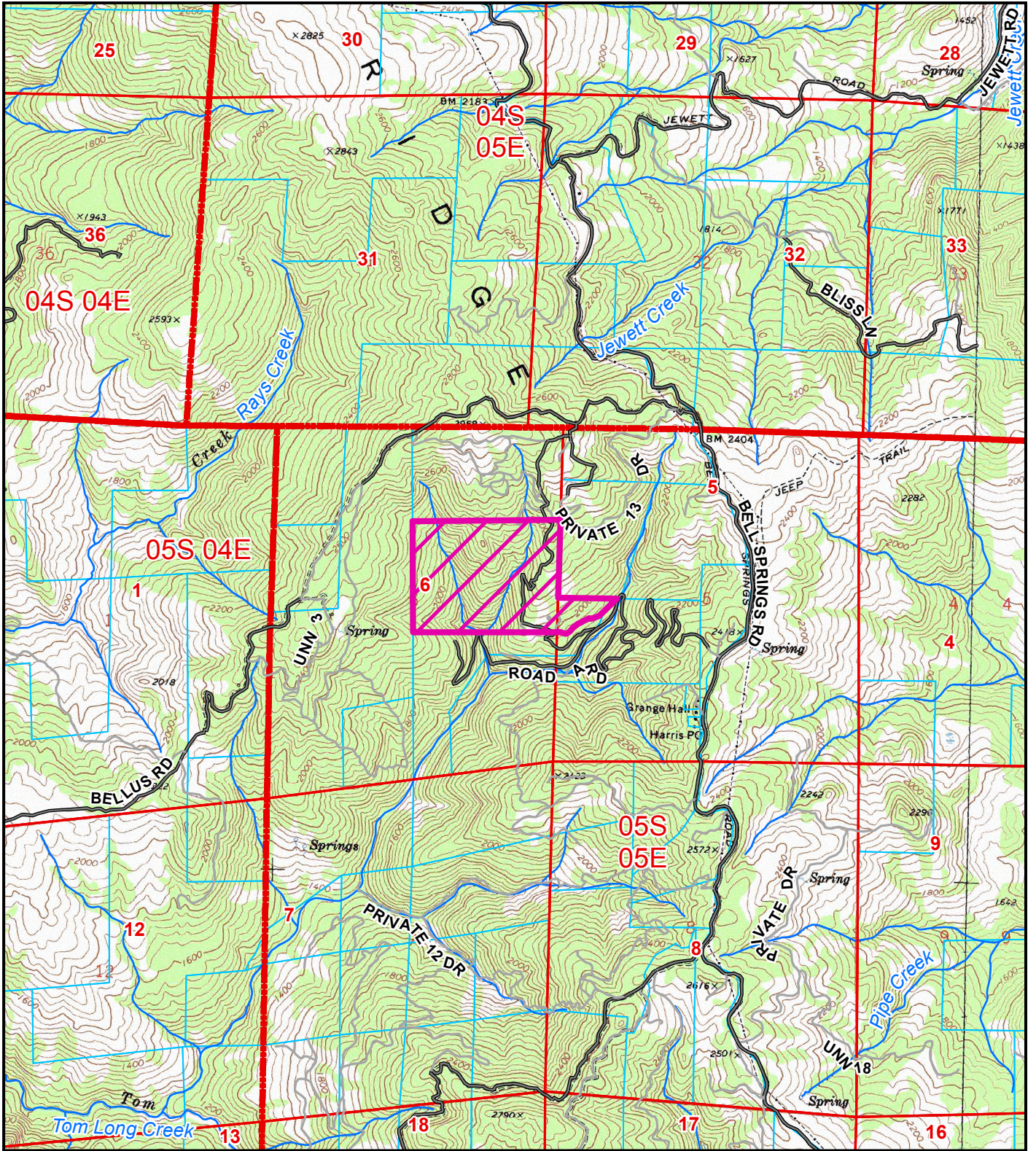
- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permits (PLN-11457-CUP) for Big Sun Farms, subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and
- Adopted after review and consideration of all the evidence on July 15, 2021.

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

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

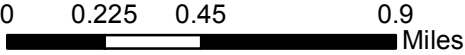
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

 John Ford, Director
 Planning and Building Department

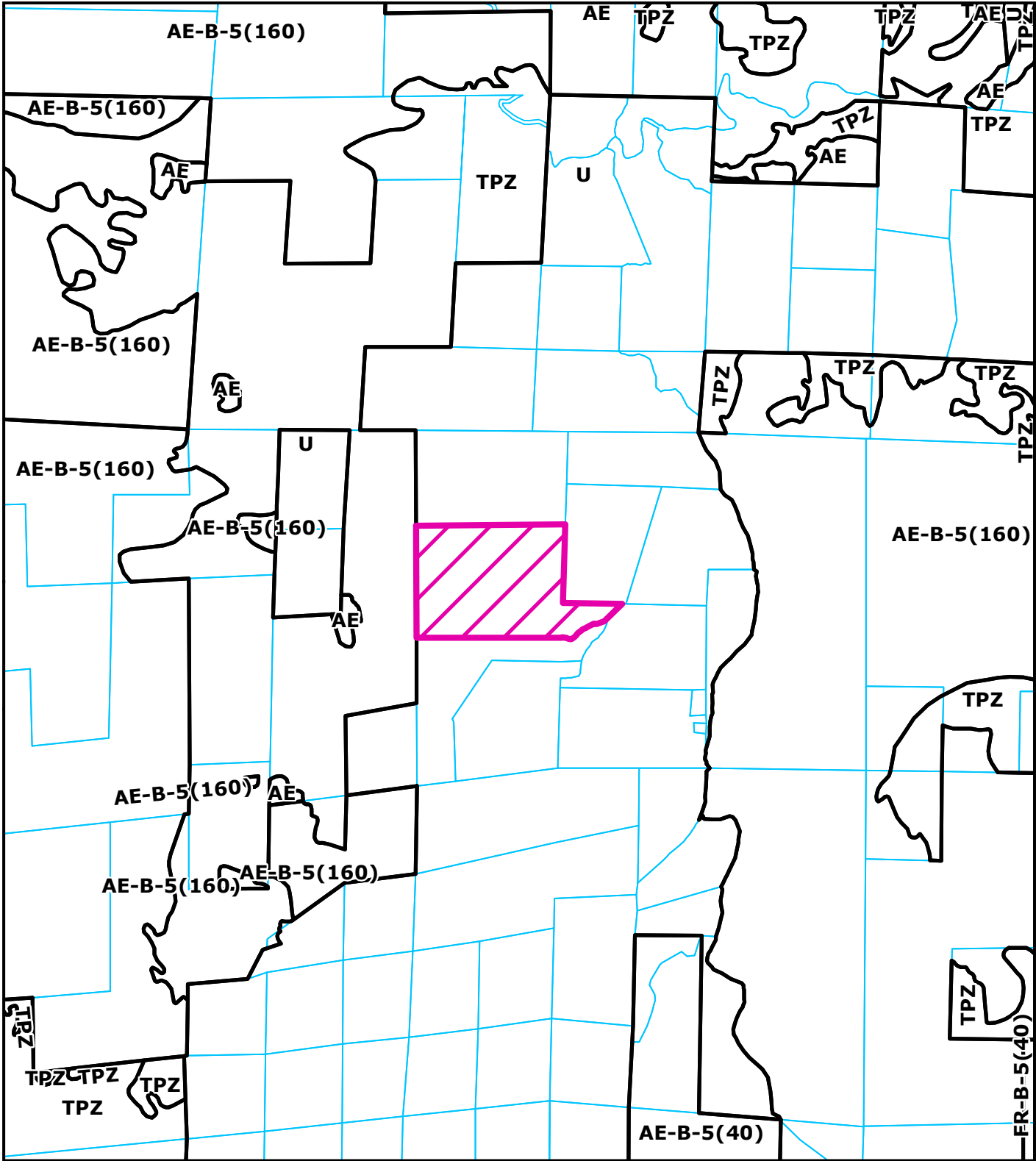


Project Area = 

**TOPO MAP
 PROPOSED BIG SUN FARMS INC
 ALDERPOINT AREA
 CUP-16-251
 APN: 216-073-007
 T05S R05E S6; S5 HB&M (HARRIS)**

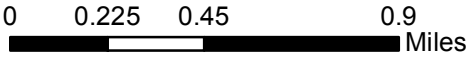


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

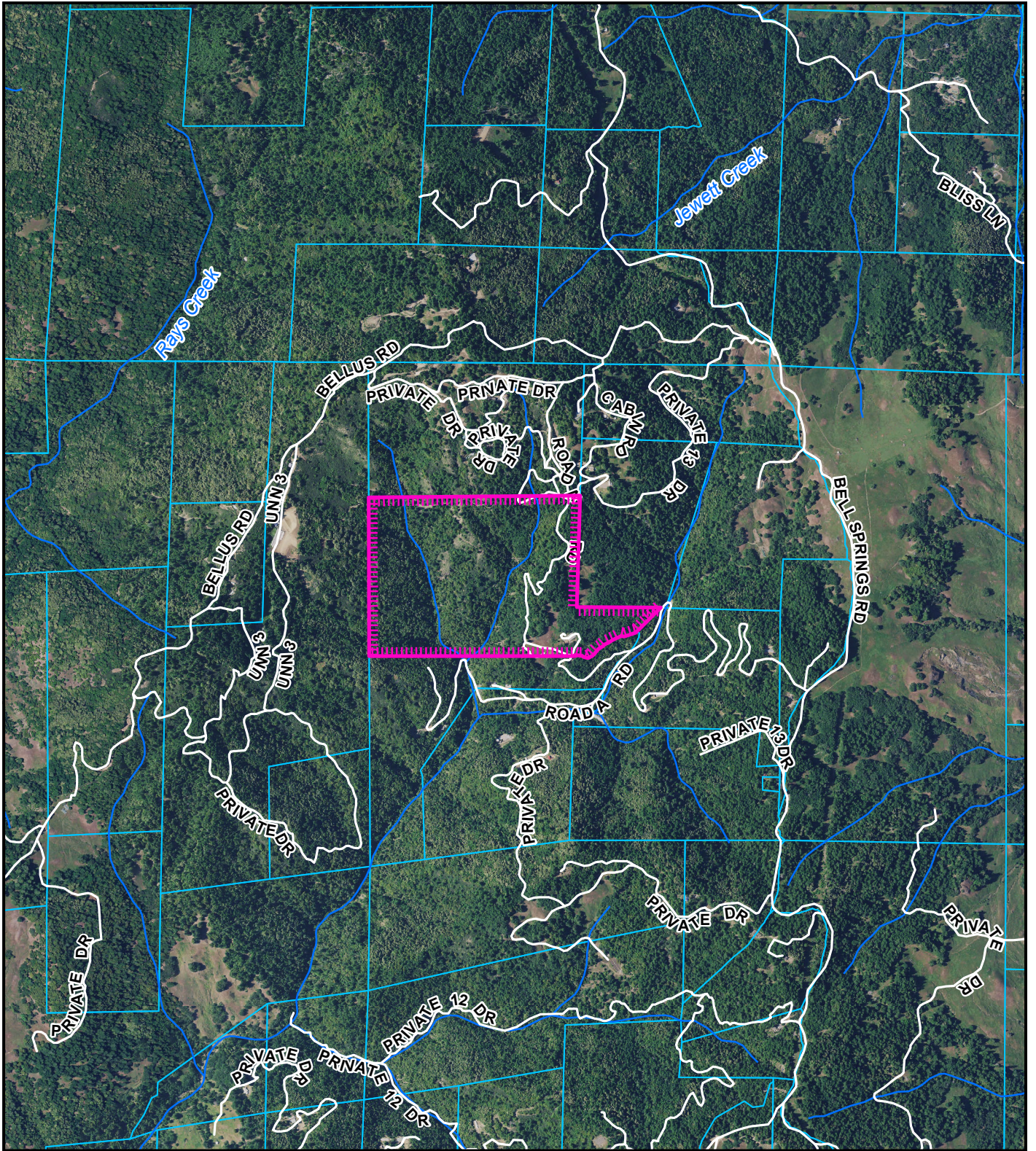


**ZONING MAP
 PROPOSED BIG SUN FARMS INC
 ALDERPOINT AREA
 CUP-16-251
 APN: 216-073-007
 T05S R05E S6; S5 HB&M (HARRIS)**

Project Area = 



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

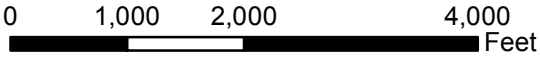


AERIAL MAP
PROPOSED BIG SUN FARMS INC
ALDERPOINT AREA
CUP-16-251
APN: 216-073-007
T05S R05E S6; S5 HB&M (HARRIS)

Project Area = 






















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



Site Plan

APN 216-073-007

-  Property Boundary
-  Cultivation Area
-  Nursery Area
-  Riparian Buffer
-  Rain Catchment Pond
-  Overflow Spillway
-  Class II Watercourse
-  Class III Watercourse
-  Permanent Road
-  Seasonal Road
-  Bellas Road
-  Shipping Container
-  Structure
-  Private Residence
-  Watercourse Crossing
-  Water Tank
-  Spring
-  Point of Diversion
-  Groundwater Well

Project Information:

Applicant/Property Owner: Big Sun Farms Inc.
 Parcel Size: 113 acres
 APN(s): 216-073-007, 216-073-002
 APPS #: 11457
 Zoning: U
 Cultivation Area: 27,500 SqFt

Directions: The project is located in Humboldt County, in the New Harris area, on both sides of Road A, approximately 1.76 miles west from the intersection of Bell Springs Road and Road A.

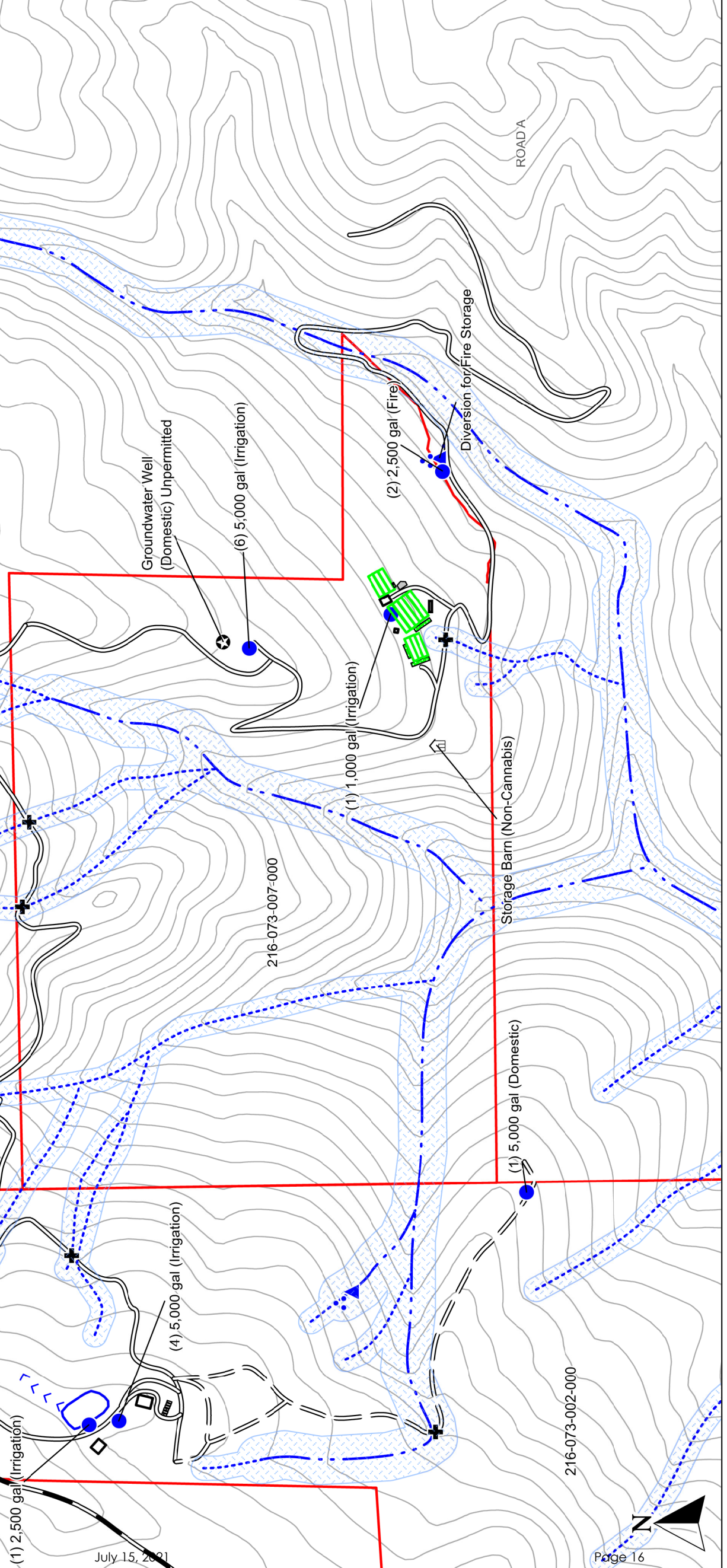
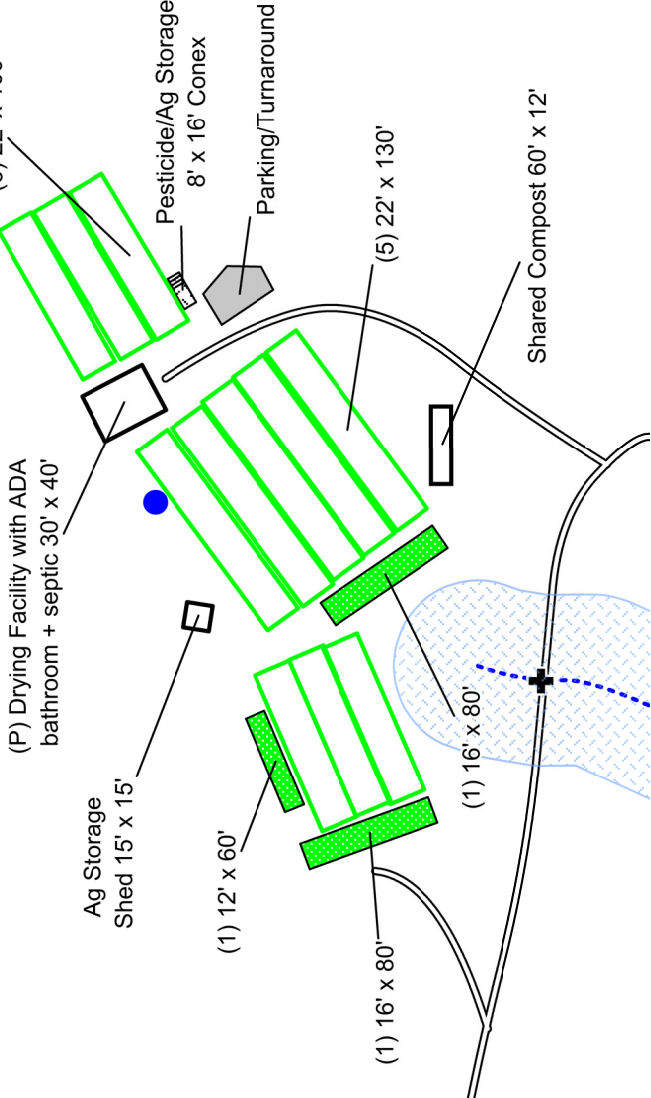
For planning purposes only.

This is not a boundary survey.

No schools, school bus stops, places of worship or tribal cultural resources are located within 600 feet of Cultivation Areas.

Map Scale 1" = 470'

Inset of Cultivation Area



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.

A. General Conditions:

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Planning and Building Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #20. 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.
6. The applicant shall obtain a permit to operate the proposed generator from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department.
7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
8. The applicant shall install a water monitoring device on each source – groundwater well and surface water diversion - if/when utilized and on storage tanks as applicable to monitor water used for cannabis irrigation separate from domestic use.

9. The applicant shall comply with all mitigation measures set forth in the Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) and shall implement all corrective actions detailed/required within the LSAA. The LSAA also establishes the set volume of water to be diverted from the surface water diversion; no more than 150 gallons per day shall be diverted during the forbearance period, April 1 – October 31. Upon completion of the proposed construction activities that are to take place within the waterways of the project area, a letter or similar communication from CDFW verifying that all their requirements have been met will satisfy this condition.
10. The applicant shall complete the roadway improvement recommendations as outlined in the Site Management Plan, as well as the seeding recommendations defined in the Grading & Erosion Plan, within 6 months of permit approval. The SMP recommendations include re-grading current waterbar areas with rolling dips, and installing a ditch relief culvert. The Grading & Erosion Plan recommends re-seeding and spreading straw on any bare ground that results from earth-clearing or grading.
11. The applicant shall restock 0.78 acres of timberland located at legacy Cultivation Sites 2-7, in accordance with the Restocking Plan attached (pages 17-19 in the Timberland Conversion Evaluation), as well as 10.8 acres of oak woodland by February 2022.
12. The applicant shall implement the Inadvertent Discovery Protocol, in the event of the accidental discovery of historical artifacts or human remains. A qualified professional Archaeologist shall be contacted immediately, in order to inspect and clear the site for all further activities.
13. The applicant shall contact the Garberville Fire Protection District and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, 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 and Building Department. 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.
14. The applicant shall execute and file with the Planning and Building Department the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
15. COUNTY ROAD – 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.
16. COUNTY ROADS – DRIVEWAY (PART 2): Any existing roads or proposed driveways, that will serve as access for the proposed project and 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 is an unpaved 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.
17. At such time the applicant increases cultivation to maximum aggregate allotment, allowed under the CMMLUO 1.0 and Cultivation Area Verification (CAV) allowances, the applicant/operator/owner shall submit a revised site plan showing placement of all cannabis cultivation, broken down by zone and growing version (outdoor and/or mixed light), at least 30 days prior to placement/development of the cultivation area(s). The site plan shall be reviewed and approved by the Director of Planning and Building.

18. The applicant shall apply for an address for the subject parcel, and submit the request to the Planning and Building Department within 3 months of the effective date of permit approval. Already completed.
19. The use of generators as a primary power source for cannabis related activities shall cease by December 31, 2025. The applicant plans to install the proposed solar array system by the end of 2021, and shall have the proposed solar array battery system installed and operational by January 1, 2026.
20. The applicant shall provide documentation to verify legal nonconforming status of the well, retroactively permit the well, or complete a well destruction permit for the well.

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

1. The combined noise from background, generator, greenhouse fan, or other operational activities and equipment must not result in the harassment of Northern Spotted Owl species, as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed light greenhouses shall be limited to 6 watts per square foot, with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (i.e., through the use of blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include, but are not limited to: Light shall 1) be shielded and downward facing, 2) consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less, and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, the Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers at all times and disposed at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health

and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.

9. 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. Any 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.
10. 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.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. The permittee shall have possession of a current, valid required license or licenses, issued by any agency of the State of California in accordance with the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), and regulations promulgated thereunder, as soon as such licenses become available.
13. The permittee shall be in 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.
14. The permittee shall ensure confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. The permittee shall comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. The permittee shall 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.
18. The permittee shall consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.

20. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
21. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled, and used in accordance with applicable regulations.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. The permittee shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

24. 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."
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analysis; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water sources must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

- d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices;
 - b. Location where processing will occur;
 - c. Number of employees, if any;
 - d. Employee Safety Practices;
 - e. Toilet and handwashing facilities;
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage;
 - g. Drinking water for employees;
 - h. Plan to minimize impact from increased road use resulting from processing; and
 - i. On-site housing, if any.
 29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Activity Permit issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
 30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
 31. 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.
 32. 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.
 33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity, but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #B.11 has been executed, and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

ATTACHMENT 2

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

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

**APN 216-073-002 (PLN-11548-CUP); 1377 Bellus Road ,New Harris, CA 95542
&
APN 216-073-007 (PLN-11547-CUP); 4095 Road A, New Harris, CA 95542**

County of Humboldt

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

May 2021

BACKGROUND

Purpose of Addendum

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

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

Project History

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. The CMMLUO was considered a "project" under CEQA and thus required analysis for potential environmental impacts. Therefore, the CMMLUO regulations were developed and adopted in concert with the environmental analysis and MND that was adopted for the ordinance in 2016.

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 and 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. 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." As applications are filed for new or differing cultivation activities, the "modification" to the CMMLUO is evaluated for consistency and compliance with the CMMLUO MND.

Modified Project Description

Big Sun Farms ('Big Sun 57'), located on APN 216-073-007, seeks a Conditional Use Permit (PLN-11457-CUP) to permit a maximum of 27,500 SF of existing outdoor cultivation. Cultivation occurs in eleven (11) greenhouses, including five (5) 130' x 22' greenhouses (14,300 SF total) and six (6) 100' x 22' greenhouses (13,200 SF total). Propagation occurs in three (3) nursery areas (3,280 SF total).

The adjoining parcel under the same ownership ('Big Sun 58'), APN 216-073-002, seeks a Conditional Use Permit (PLN-11458-CUP) to permit a maximum of 43,560 square feet (SF) of outdoor cultivation. Existing cultivation is 43,460 SF and occurs in twenty-one (21) greenhouses. Propagation occurs within four (4) 20' x 96' nursery areas (7,680 SF total) four indoor grow rooms (831 SF total). This parcel seeks a Commercial Nursery permit to service (#11457 & #11458) and all of the owners adjoining properties with permits.

Drying activities for both projects occur in a proposed 1,200-SF metal building on Big Sun 57 (APN 216-073-007) and an existing 5,000-SF metal building (permits pending for both structures) on Big Sun 58 (APN 216-073-002). Both projects require ten (10) to twelve (12) employees total to oversee drying activities. Parcel APN 216-073-002 seeks a Commercial Processing License to process for both #11457 & #11458 in the existing 5000-SF metal building on APN 216-073-002, in addition to any adjoining properties with permits.

Electrical power to Big Sun 57 is off grid with a proposed solar array system, and Big Sun 58 is currently provided by PG&E. Big Sun 58 includes five (5) backup generators that are used during power outages. Big Sun 57 uses two (2) backup generators for emergency only. On Big Sun 58, the applicant is proposing to install a solar array and 240-SF shed to house two (2) 1000-gallon propane tanks and one 80kW generator, which would replace the five (5) backup generators. Generator use would only be for emergencies when PG & E is interrupted. On Big Sun 57, the applicant is planning to install a new solar array battery system to be the primary power source for the project, to be installed within the next year (**Condition 19**), as well as a proposed 120-SF shed to house the battery system.

The source of water for irrigation is a rainwater catchment pond (permit pending) with a storage capacity of 1.5 million gallons. The pond is located in the northwest edge of Big Sun 58 (APN 216-073-002) and will supply water and water storage for agricultural activities on both Big Sun 57 (PLN-11457-CUP, APN 216-073-007) and Big Sun 58 (PLN-11458-CUP, APN 216-073-002). The applicant has completed a water easement document describing the shared use of the 1.5 million gallon pond. Both projects include two (2) surface water diversions (one on each parcel) that are for domestic use and are registered with the State Water Resources Control Board (SWRCB). The projects also include two (2) unpermitted solar-pumped wells (one on each parcel) that are required to be capped and discontinued from further use.

Total estimated annual water use for the subject parcel is 365,000 gallons (13.27 gallons/SF). In addition to water storage provided in the rainwater catchment pond, there are eight (8) hard plastic tanks, including six (6) 5,000-gallon tanks for irrigation and two (2) 2,500-gallon tanks for fire suppression. Total hard tank storage for irrigation use is 30,000-gallons. There is one surface diversion that is used for domestic use (Registration No. S027170).

Total estimated annual water use at Big Sun 58 is 439,000-gallons. In addition to water storage provided in the rainwater catchment pond, there are fourteen (14) hard plastic tanks that include: twelve (12) 5,000-gallon tanks and one (1) 2,500-gallon tank for irrigation, and one (1) 5,000-gallon tank for domestic use. Total hard tank storage for irrigation use is 62,500-gallons. There is one surface water diversion that is used for domestic use (Registration No. S027167).

A Site Management Plan (SMP) was created in order to protect the water resources within the project area through annual site inspection, monitoring, and reporting of Tier 2 discharges to the North Coast Regional Water Quality Control Board (NCRWQCB). The proposed project is enrolled with the NCRWQCB under the water quality identification number (WDID 1_12CC417086), and covers both projects (APN 216-073-002 & APN 216-073-007).

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to cover seven (7) total encroachments within waterways of the project area (No. 1600-2019-0699-R1). There is one (1) surface water diversion for domestic use that requires infrastructure upgrades, and six (6) stream crossings that require maintenance work. The LSAA establishes specific mitigation measures that the applicant must apply to offset any potential impacts to waterways within the project area (**Condition 9**).

A list of special status species that could potentially occur in both project areas (APN 216-073-002 & APN 216-073-007) was generated in April 2021 using the following information systems: CDFW's California Natural Diversity Database (CNDDDB), which includes the California Native Plant Society (CNPS) and the Northern Spotted Owl (NSO) Database, and biological species map provided for the project area. No special status species or species of concern were identified within a 5-mile diameter of the project area. Therefore, project activities are not expected to have detrimental or adverse impacts to biological species within either of the project areas.

The project area is located within the *Shelter Cove Sinkyone* ethnographic territory of Humboldt County. A Cultural Resource Investigation was conducted by Mark Arsenault (RPA) to determine if there was evidence of any existing cultural resources within both project areas (APN 216-073-002 & APN 216-073-007). The Cultural Resources Investigation concluded that there was no evidence of existing archaeological resources identified during the field survey, and recommended the use of Inadvertent Discovery Protocol (PRC 15064.5 (f)) by a qualified professional archaeologist, if any previously unidentified cultural resources or human remains are encountered throughout project implementation (**Condition 12**).

The modified project is consistent with the adopted MND for the CMMLUO, because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards, and ensuring project related noise does not harass nearby wildlife, which will limit impacts to biological resources as a result of light and noise.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigation measures. The proposal to authorize the continued operation of 27,500 SF (Big Sun 57) and 43,460 SF (Big Sun 58) of existing cannabis cultivation is fully consistent with the impacts identified and adequately mitigated in the original MND. The project, as conditioned, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies for both projects, Big Sun 57 (PLN-11457-CUP, APN 216-073-007) and Big Sun 58 (APN 216-073-002), among other documents:

- Site Plan and Plot Plan created by Timberland Resource Consultants, 4/19/2021 (Big Sun 57 & Big Sun 58)
- Cultivation and Operations Plan, prepared by Applicant, June 2019, received 6/19/2019 (Big Sun 57 & Big Sun 58)
- Site Management Plan, prepared by Timberland Resource Consultants, 1/13/2020 (Big Sun 57 & Big Sun 58)
- CDFW CNDDDB Biological Resources Search, completed 4/10/2021 (Big Sun 57 & Big Sun 58)
- CDFW map provided (Big Sun 57 & Big Sun 58)
- Bullfrog Management Plan for Big Sun 58 (provided by CDFW)
- Timberland Conversion Evaluation Report conducted by Timberland Resource Consultants, 9/2/2019 (Big Sun 57)
- Oak Restoration Plan, created by Timberland Resource Consultants, 9/2/2019 (Big Sun 57)

- Cultural Resources Investigation, conducted by Mark Arsenault of Arsenault & Associates (Big Sun 58 received 5/9/2018 & Big Sun 57 received 5/9/2018)
- NWIC search, 9/22/2017 (Big Sun 57 & Big Sun 58)
- CDFW LSAA Notification (LSAA 1600-2019-0699), covers waterways on both parcels, granted on 5/12/2020 (Big Sun 57 & Big Sun 58)
- State Water Resources Control Board Water Registration for two (2) surface water diversions used for domestic water only, one diversion on each property (Big Sun 58 Registration No. S027167 & Big Sun 57 Registration No. S027170)

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.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Big Sun Farms Inc, would be the same or similar, with no substantial increase in severity, than the initial CMMLUO 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, Big Sun Farms Inc. (PLN-11457-CUP and PLN-11458-CUP). All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (**On file**)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (**On file**)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by Timberland Resource Consultants, 2/26/2020 - **Attached**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water source, storage, irrigation plan, conservation, and projected use; drainage, runoff and erosion control; watershed and habitat protection; and storage of fertilizers, pesticides, and other regulated products to be used on the parcel. 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. (Big Sun Farms Inc, 4/19/2021 - **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. (Big Sun 58 Registration No. S027167 & Big Sun 57 Registration No. S027170 – **On File**)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan - see item 4 above)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (NCRWQCB) demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan prepared by Timberland Resources Consultants 1/13/2020– **Attached**)
8. If any onsite or offsite 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 Lake and Streambed Alteration Permit obtained from the California Department of Fish and Wildlife (Lake and Streambed Alteration Agreement No. 1600-2017-0403-R1 granted 11/29/2019 – **On file**).
9. If the source of water is a well, a copy of the County well permit, if available. (Unpermitted, for domestic use only, **Condition 22**)
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. (Timberland Conversion Evaluation Report conducted by Timberland Resource Consultants, 9/2/2019 – **On file**)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (**On file**)
12. For indoor cultivation facilities, identification of the source of electrical power, how it will meet the energy requirements in Section 55.4.8.2.3, and the plan for compliance with applicable building codes. (**Not applicable**)
13. Acknowledgment 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. Acknowledgment 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**)

Cultivation and Operations Overview – APPS: 11457
APN: 216-073-007

Big Sun Farms, Inc. is seeking a Conditional Use Permit under the CMMLUO to permit existing outdoor cannabis cultivation within greenhouses with footprint square footage of 27,500 ft², ancillary processing activities and appurtenant support infrastructure/facilities. An Interim Zoning Clearance Certificate allowing 27,500 ft² of outdoor cultivation is currently in effect on the subject parcel.

The applicant acknowledges that the commercial cannabis activity approval being sought under the aforementioned permit application, pursuant to CMMLUO, 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. Determination of compliance requires multi-agency review of proposed activity/development described in the aforementioned conditional use permit and may also 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 formed between the applicant and relevant agency(ies), containing a compliance timeline whereby operations may continue under a “Provisional Clearance or Permit” and corrective action specified is initiated to achieve compliance under agreed upon terms.

Development of facilities and infrastructure improvements appurtenant to the cultivation proposed under this permit application include, but are not limited to the following: site development and placement of new greenhouses, future construction of a metal building and solar array development.

The property (APN: 216-073-007) is accessed via private roads off of Bell Springs Road near the community of New Harris. The parcel is approximately 114 acres, zoned Unclassified (U) with framework designation of Agricultural Lands (AL40) and located within a State Responsibility Area (SRA) for fire protection.

Vegetation on the property consists of Native Oak Woodlands and Douglas-fir timberland with mixed hardwood species. The property has varying south facing aspects with an elevation range of 1,640’ – 2,440’ feet above sea level. This property has several unnamed tributaries which drain to Tom Long Creek, a tributary to the East Branch of the South Fork Eel River.

A network of seasonal roads and trails are present throughout the property, most of which are remnants from historic logging with a few remaining segments related to cultivation activity. Roads normally used were assessed as part of a Water Resources Protection Plan (Timberland Resource Consultants) and found to be in good condition. These roads will be monitored during winter conditions to determine if preventative measures addressing fine sediment transport are warranted. Watercourse crossings are also addressed in the aforementioned Water Resources Protection Plan.

Electrical power is supplied to the subject parcel by solar array/storage cells. Portable generators are also used intermittently. Propane is provided from Blue Star Gas in Garberville. Portable toilets will be

used temporarily while design/development (LACO & Associates) of an onsite wastewater treatment system is completed.

The use of a water well to maintain the storage capacity in three (3) hard plastic tanks totaling 15,000 gallons will discontinue. Agricultural water is supplied from a **rain catchment pond** (permits pending) on an adjoining parcel (216-073-002) under the same ownership. The pond has a storage capacity exceeding 1.3 million gallons. Water from the pond is delivered by gravity through a one (1) inch diameter sch40 PVC pipe to storage tanks on the subject parcel.

The rain catchment pond previously under development on this parcel (APN: 216-073-002) and referenced in the Water Resources Protection Plan (08/29/2016) has been filled in and decommissioned.

Additional tanks (3 -5,000 gallon) will be added bringing the storage capacity to 30,000 gallons. An additional 5,000 gallon hard plastic tank is located near the eastern edge of the subject parcel and serves as fire protection water. The placement of a rain catchment tank is also planned. Potable water is provided from a non-permitted well equipped with a solar powered pump.

The applicant will comply with all state and local requirements necessary to authorize the continued use of the aforementioned water source(s) and/or other potential future water sources.

Development on the subject parcel is listed below and shown on the site plan included.

<i>Map Quad</i>	<i>Structure/Feature</i>	<i>Square Footage or Gallons</i>	<i>Year Built</i>	<i>Permit # or Status</i>
	Ag Barn	40' x 40'	2008	
	Cabin	12' x 12'	2008	
	Greenhouses (5)	22' x 130'	2021	
	Greenhouses (6)	22' x 100'	2021	
	Water Storage Tanks	See above		

A metal building (30' x 40') with accommodations for a solar array and back-up generator usage are planned for future development.

Historic cultivation has occurred primarily within the SE corner of the subject parcel; with a few small satellite plots near the north property boundary. Peripheral satellite cultivation was previously decommissioned with agricultural operations limited to a single area within the SE corner of the parcel which includes six (6) greenhouses measuring 22' x 100' and five (5) greenhouses measuring 22' x 130' with full utilization occurring under terms/provisions set forth in the Conditional Use Permit currently under consideration.

The decommissioning/restoration of peripheral cultivation areas for consolidation into a single location (improved with engineered plans) is an environmentally superior approach to agricultural operations/activity in this specific context. RWQCB WDR Order R1-2015-0023 addresses historical cannabis cultivation practices proven to have detrimental impacts on water resources/ environment. The Order calls for corrective action, implementation of BMP's and site monitoring. The implementation of BMP's and 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 remote cultivation areas can be discontinued through consolidation; significantly reducing the impacts of erosion/sediment transport into surface waters.

Cultivation consolidation will allow removal and proper disposal of plastic water-line previously spread around the hillsides along with other cultivation waste materials which 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.

Consolidation of cultivation 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.

Previously cultivated areas on the subject parcel at peripheral locations (relative to the primary cultivation area) are visible on aerial imagery previously provided with the initial application submission. These areas consisted of two (2) small gardens situated at the NE parcel quadrant; the northernmost area measuring approximately 4,700 ft² and a smaller area southeast measuring approximately 2,175 ft². Two other small previously cultivated areas were located near the southern parcel boundary, near the edge of a natural/historic clearing measuring approximately 4,100 ft² and 1,200 ft².

Each of the aforementioned cultivation areas were decommissioned prior to Water Resource Protection investigative field work in 2016. An examination of the sites during the investigative work revealed no remediation would be required as no signs of previous cultivation, erosion features or improper drainage were noted and the undisturbed areas were supporting native flora and fauna.

As previously mentioned, consolidation of cultivation within a natural clearing which supported and still supports the primary cultivation area – and was specifically improved for the intended use with immediate road access is an Environmentally Superior option for agricultural operations proposed under this application.

The Cultivation Area and surrounding ground surfaces will be monitored/evaluated in accordance with RWQCB WDR Order R1-2015-0023 requirements. In the event that any condition arises due to rainfall or other circumstances which threatens water quality the applicant/operators will immediately take corrective action. Compliance with RWQCB WDR Order R1-2015-002 does not preclude the need for Cultivation Areas or other manmade features to be brought into compliance with all applicable state and local grading, excavation and erosion/sediment control regulations and requirements.

The **peak monthly water demand** projected for cultivation during the summer months (July-September) is 41,000 gallons per month. The Monthly Water Use table below shows projected water use throughout the grow season. Water usage will be monitored and recorded by use of in-line flow meters in accordance with applicable regulations.

Monthly Agricultural Water Use (US Gallons) is shown in the table

	6 Greenhouses @ 22' x 100' 5 Greenhouses @ 22' x 130'
<i>Jan</i>	<i>1,950</i>
<i>Feb</i>	<i>1,950</i>
<i>Mar</i>	<i>5,850</i>
<i>April</i>	<i>13,650</i>
<i>May</i>	<i>42,900</i>
<i>June</i>	<i>97,500</i>
<i>July</i>	<i>105,300</i>
<i>August</i>	<i>132,600</i>
<i>September</i>	<i>68,250</i>
<i>October</i>	<i>60,450</i>
<i>November</i>	<i>15,600</i>
<i>December</i>	<i>1,959</i>

Irrigation is accomplished 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. Occasional hand watering may be employed if needed.

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 is accomplished through implementation of BMP’s prescribed in a site-specific Water Resources Protection Plan (Timberland Resource Consultants WDID-1B16613CHUM) as required by RWQCB WDR Order R1-2015-0023. Once enrolled under R1-2015-0023, 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 listed 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.

All cultivation activity/operations on the subject parcel will occur on gently sloped ground at distances greater than 600 feet from any watercourse, riparian zone or wetland on the property. Vegetative buffers surrounding cultivation areas have been undisturbed and remain at natural ground slope.

Cultivation Practices/Operations

This operation conducts two cultivation cycles annually.

January:	General site maintenance and preparation
February:	Continue maintenance, start planning and preparation cultivation activities
March:	Begin preparing garden beds
April:	First round of Dep. plants set in greenhouses where they will be maintained until harvest at the beginning of July. Ongoing garden care and site maintenance
May:	Continue plant placement into greenhouse
June:	Garden care continues and site maintenance.
July:	1 st round Dep plants are harvested and dried in the Ag Building on the neighboring parcel (APN: 216-073-002; CMMLUO permit pending) under the same ownership. 2 nd round of Dep plants are placed into greenhouse, begin trimming dried plants.
August:	Continue processing and placement of 2 nd round plants into greenhouse
September:	Continue garden care and site maintenance.
October:	Harvest 2 nd round of Dep plants, dry and trim
November:	Complete processing, begin cleanup, establish cover crop and winterize site.

Storage and Use of Fertilizers, Pesticides and other Regulated Products.

A portable generator is used to power lights inside the cabin at night. All fuel is stored in conventional canisters and kept inside a weather-proof metal shipping container with an impermeable floor surface away from any possible ignition sources. Spill trays are employed for all fuel transfers.

The following fertilizers/amendments are brought to the site at the start of each season to recondition soil as needed. This process is carefully conducted in limited areas near cultivation sites to prevent movement of any materials outside of the cultivation area.

Fertilizes: *Nitro-Bat (9-3-1), Archipelago Bat Guano (0-7-0), Chicken Manure, Steamed Bone Meal, Primos Merinos(13-1-1) (0-11-0) (8-5-1)*

Amendments: *Azonite, Greensand, Rockphose, Oyster Shell, Sulfur, Worm Castings, Feather Meal, Epson Salt*

Pesticides/Fungicides: *Neem Oil, Plant Therapy, Dusting Sulfur, Regalia, Grandevo, Venerate*

If any products/materials are not used in the initial blending they will be kept inside a weatherproof metal storage containers in original containers.

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 which 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.

Normal day to day operations shall be carried out by individuals residing on the subject parcel. Two portable toilets are located in close proximity to cultivation areas for interim use until development of a new onsite wastewater treatment system is completed.

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 lid trash containers along with domestic garbage and hauled to an approved transfer station/disposal facility as needed.

If it becomes necessary to remove exhausted soil from cultivation beds it will be carefully mixed into native soils on level ground at select locations to prevent any directional migration of material to unwanted areas. Once thoroughly mixed, the exhausted soil is subject to microbial interaction where it

will undergo biological reconditioning. Spent growth medium containing inorganic substances such as perlite, will be stored in weatherproof containers and hauled to an approved waste facility as needed.

Processing Plan

Plants are harvested at peak ripeness and immediately transferred to the Ag building on the neighboring parcel (APN: 216-073-002/APPS: 11458) where they are hung to dry pending completion of a 30' x 40' metal building on subject parcel – July 2021. Natural air flow may be supplemented with household fans and dehumidifiers to aid the drying process.

All processing of harvested product shall be completed by 10-12 individuals within the Ag building on the neighboring parcel - APN: 216-073-002 (APPS: 11458) under the same ownership . The facility shall be equipped with restroom, hand washing and drinking water accommodations which meet all applicable regulatory requirements for the intended use.

All equipment, machinery, tools, surfaces and utensils used in the processing operations will be inspected on a regular basis for cleanliness and operational efficiency. Cleaning procedures will be “posted” such that individuals can maintain sanitary conditions throughout all operational processes including daily wash-down of equipment and surfaces with “Simple Green”.

Green waste will be will be composted/recycled onsite in a manner and location compliant with Humboldt County’s Solid Waste Local Enforcement Agency requirements.

Individuals will receive information/training prior to commencement of any work to ensure all operational activities are conducted in a safe manner. This will include the following:

Explanation of the required use of personal protection equipment – sterile safety gloves, protective eyewear and respiratory protection.

Emergency action response plans.

Fire prevention and response.

Hazard communications policies, including maintenance of material safety sheets (MSDS).

Job hazard analyses.

Periodic review and evaluation of operational practices including security procedures.

Security

The subject parcel is accessed by private road having locked gates; also, various forms of security cameras are placed at strategic locations throughout the operation. There are also motion sensors and metal detectors in use. The site is normally occupied by attendants.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following agencies for review and comment. The agencies that provided written comments are indicated with a check under Response.

Referral Agency	Response	Recommendation	Location
Humboldt County Building Inspection Division		Conditionally Approved	On File
Humboldt County Department of Health & Human Services		Approved	On file
Humboldt County Public Works, Land Use Division		Conditionally Approved	On File
CAL FIRE		Approved	On File
California Department of Fish and Wildlife		Conditionally Approved	On File
Northwest Information Center (NWIC)		Conditionally Approved	On File and confidential
Southern Humboldt School District			
Humboldt County Sheriff			
Humboldt County Agricultural Commissioner			
Humboldt County District Attorney			
State Water Quality Control Board			

ATTACHMENT 5
Public Comments

From: [Whittlesey, Joseph](#)
To: [Planning Clerk](#)
Cc: [Johnson, Cliff](#); [Yandell, Rodney](#); [Kalson, Mario](#)
Subject: 6/17/21 Planning Commission Comment: PLN-11458-CUP; Big Sun Farms, LLC Conditional Use Permit
Date: Tuesday, June 15, 2021 5:02:45 PM

Hello,

After reviewing the Planning Commission Agenda and supporting documents prepared for the subject project, Humboldt County Division of Environmental Health (DEH) finds that the capacity to address domestic wastewater concerns associated with this project has not been adequately demonstrated. While the description of processing activities provided in the Cultivation and Operations Overview is limited, it is understood that all processing of harvested product, grown on this site as well as the neighboring parcel (AP# 216-073-007; APPS# 11457), will occur in the 5,000 ft² processing facility onsite by 10-12 employees.

On January 1, 2018, DEH staff returned the referral response for this project to the Planning Department, including recommendations for conditions of approval, specifically demonstration of suitability for a permanent means of onsite wastewater treatment in support of the project's wastewater demands for processing staff. As written, the Recommended Conditions of Approval included in the Staff Report do not address the wastewater aspects of this project.

Please consider DEH's previous comments in support of this project regarding wastewater elements:

DEH recommends approval with the following conditions:

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

DEH requests these comments to be incorporated into the Staff Report as additional Recommended Conditions of Approval.

Thank you,

Joey Whittlesey
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