



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

---

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

Hearing Date: May 7, 2020

To: Humboldt County Planning Commission

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

Subject: **Skyline Farms, LLC, Conditional Use Permit**  
Record No.: PLN-11718-CUP  
Assessor's Parcel Numbers: 220-312-002 & 222-163-001  
1525 Seely Creek Road, Redway area

The following changes are seen with strikethrough and underlined as listed below:

	Page
<b>Changes to Administrative Item Transmittal</b>	
Project Description	2
Executive Summary	3-6
<b>Changes to Staff Findings:</b>	
Plan Section: Conservation and Open Space - Chapter 10	7
Plan Section: Noise - Chapter 13	8
Zoning Section: §314-55.4.11.o Performance Standards-Generator Noise	9
<b>Changes to Attachment 3:</b>	
CEQA Addendum	10-13
<b>Letter from Applicant</b>	14

Please contact Keenan Hilton, Planner, at (707) 268-3722, or by email at [khilton@co.humboldt.ca.us](mailto:khilton@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

**Project Description:** Conditional Use Permit for existing 20,000 square foot (sf) outdoor cultivation operation, and a 2,000-sf ancillary nursery in two temporary hoop structures. The operation occurs on Assessor Parcels 220-312-002 & 222-163-001 which comprise one legal parcel. Cultivation activities extend from February to November and include two harvests per year. The applicant estimates water demand to total 188,000 gallons per year. Existing water storage consists of six 5,000-gallon tanks, five 2,500-gallon tanks, two 20,000-gallon bladders, one 25,000-gallon rainwater catchment tank and one 30,000-gallon rainwater catchment pond totaling 137,500 gallons. The applicant proposes the construction of an approximately 317,000-gallon rainwater catchment pond to meet irrigation demands. Irrigation occurs via hand watering and drip tape. Processing would occur on site in a proposed 1,200 square foot commercial facility. The project would require three permanent employees and up to three seasonal employees during harvest and processing season. An off-grid solar system would provide power for the nursery lights and fans. A generator that would be housed in a vented and sound-insulated shed would provide power to dry the cannabis following each cycle in October and provide November and backup power for cultivation operations.

## Executive Summary

The proposed Conditional Use Permit (CUP) would allow an existing outdoor cultivation area of approximately 20,000 square feet (sf), and a 2,000-sf ancillary nursery on a legal parcel of approximately 88 acres described by two APNs 220-312-011 & 222-163-001 (subject parcel). The applicant has submitted a letter for the consideration of the Planning Commission that requests the allowance of a 4,500-sf nursery space (see item 5 in Attachment 4). As 10% of the cultivation area, the 2,000-sf size is proportionally in line with what the planning division staff, and the Planning Commission has found allowable in the past. 4,500-sf is 22.5% of 20,000-sf. This proportion is considerable larger than what is typically considered ancillary to an operation and allowed on cannabis cultivation sites in Humboldt County. Currently, conditions of approval require that the Site Plan be revised to reflect 2,000 sf of nursery space. Further discussion of the nursery is included below.

Total cultivation on the property would not exceed 20,000 square feet. Cultivation-related buildings on the property include hoop structures for light deprivation cultivation and ancillary nursery use, two shipping containers, a generator shed, three drying and storage sheds, a yurt for drying a storage and a proposed processing facility to be constructed to a commercial standard. There are also four structures which house workers on the site. Conditions of approval require the after-the-fact permitting of all structures over 120 sf that have a nexus to the cannabis cultivation operation.

Processing would occur onsite in a proposed structure. Conditions of approval require that the structure be built to a commercial standard pursuant with departmental policy.

Relocation occurred after 2016 including the use of a previously undeveloped area. Conditions of approval require that the cultivation be discontinued at this middle site and that the applicant prepare a restoration plan subject to approval by the Planning Department.

The applicant estimates water demand to total 188,000 gallons per year. Existing water storage consists of six 5,000-gallon tanks, five 2,500-gallon tanks, two 20,000-gallon bladders, one 25,000-gallon tank, and one 30,000-gallon rainwater catchment pond totaling 137,500 gallons. Use of the 30,000-gallon pond would be discontinued upon completion of a proposed 317,000-gallon rainwater catchment pond. A Lake and Streambed Alteration Agreement (LSAA) has been fully executed for improvement of the existing pond and for the construction of the rainwater catchment pond as of August 31, 2018. Conditions of approval require that the use of the bladders be discontinued.

One existing septic system is associated with a residence on the site. One septic system is proposed in association with the processing facility. It is proposed to be constructed to accommodate use by the maximum number of employees (six).

Cultivation activities typically begin in April when the applicant starts plants from either seed or clone in the nursery. These are transplanted to either beds or pots in May. There would be two harvest cycles from the outdoor greenhouses (no artificial lights. The Cultivation and Operations Plan describes 2,000 sf of ancillary nursery space. The Site Plan includes 5,000 sf of ancillary nursery space. The letter submitted to the Planning Commission in anticipation of the public hearing proposes 4,500 sf, which should be considered the current proposal of the applicant. The letter is included as the fifth item in Attachment 4 of this report. Planning Division staff and the Planning Commission have previously found that 10% is an allowable proportion for an ancillary nursery.

The intent of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the associated programmatic Mitigated Negative Declaration (MND) was to allow pre-existing cultivation sites to continue the operation as they occurred prior to 2016, and to allow new

cultivation activities only on prime agricultural soils. Ancillary nurseries are considered to support a cultivation site and are not subject to the Measure S tax. Taxable cultivation area includes maximum anticipated vegetative growth of plants. In order to be excluded from the taxed cultivation area, the ancillary nurseries must not be a site of significant vegetative growth—they are for propagation of baby plants. While many cultivation sites featured an ancillary nursery of several hundred square feet, a trend has emerged of applicants requesting larger nursery areas than existed on the site prior to 2016. Legalization of cannabis in California occurred simultaneously with a widespread industry adoption of light deprivation techniques. This technique allows farmers to have multiple crops per year, often without the use of artificial lights in the flowering greenhouses. In Humboldt County when light deprivation greenhouses have no artificial lights in them, they are taxed as outdoor cultivation. However, there are several ways that light deprivation cultivation differs from full sun cultivation: it requires an early start in the year when compared with full sun, it frequently consists of a greater number of smaller plants, and it often requires increased use of lights in the nursery in order to time the transition in cultivation cycles correctly. Consequently, farmers transitioning from full sun to light deprivation techniques sometimes require greater square footage of the nursery structure, increased use of lights in the nursery space, increased generator use to support use of lights, fans and dehumidifiers, more employee traffic, and a slight increase in water demand. All these changes could constitute an intensification of use not allowed under the CMMLUO. To date, planning division staff and the Planning Commission have allowed cultivators to switch from full sun to light deprivation when they can demonstrate that it would not result in a significant increase in impacts using the metrics described above (water use, employee traffic, etc.). Proposed increases in nursery space have been limited to approximately 10% of the cultivation area. While a somewhat arbitrary figure, to date, it has been determined that an approximately 10% increase in the footprint of a project does not constitute a significant increase in impacts of land development.

The application for pre-existing cultivation considered in this report proposes greater use of light deprivation techniques than historically existed on the parcel. While it has been determined that the cultivation activities themselves would not constitute an intensification of the use, an allowance of a larger nursery space would perhaps constitute such a change. The proposal in the Cultivation and Operations plan of a 2,000-sf nursery is greater than what existed on the site prior to 2016, but it is consistent with precedent for what has been approved. A 4,500-sf nursery that is proposed in the attached letter would set a new precedent. In the letter, the applicant explains that the larger nursery area is necessary for their business model. The applicant explains that in order to effectively vertically integrate their operation and avoid the costs associated with buying clones from offsite commercial nurseries, they require the additional space. They provide square footage calculations to justify their request for 4,500 sf of nursery space including 1 sf per plant, and space for walkways. The principle reason staff does not recommend approval of the increased nursery space is that there was no 4,500-sf nursery prior to 2016 and thus it is not consistent with the CMMLUO baseline. The applicant has shifted their business model to increase the proportion of light deprivation cultivation (likely due to economic considerations), but staff contends that the shift is not consistent with the CMMLUO. A recommended condition of approval requires submittal of a revised site plan to correct the square footage of the nursery to 2,000 sf.

The applicant prepared a Water Resource Protection Plan (WRPP) consistent with North Coast Regional Water Quality Control Board Order No. 2015-0023. The WRPP makes recommendations for decommissioning a quad trail, removing several gas barrels, reconfiguration of the cultivation area, the installation of a septic system and the installation of an agricultural pond. Remediation actions identified in the WRPP are included as conditions of approval.

The applicant has a final LSAA on file, dated August 31, 2018. The two points of notification were the existing pond and the proposed pond. Upon completion of the proposed pond, use of the

smaller existing pond would be discontinued for domestic and irrigation purposes. It would be used solely for fire suppression. CDFW recommendations have been included as conditions of project approval, requiring that the applicant install an overflow spillway to withstand a 100-year flood event and that the applicant install several exit ramps for wildlife.

All cultivation areas are located more than 600 feet from mapped streams. A Biological Assessment prepared for the parcel found that there were wet areas, but none that met U.S. Army Corps of Engineers three-parameter designation. The proposed water source for the project is rainwater catchment with an existing pond, twelve tanks, and two bladders totaling 137,500 gallons. The applicant proposes the construction of a 317,000-gallon rainwater catchment pond.

An off-grid solar system would provide power for the nursery lights and fans. A generator that is housed in a vented and sound-insulated shed would provide power to dry the cannabis in October and November and backup power for cultivation operations. There are documented Northern Spotted Owl (NSO) observations approximately 1.2 miles from the project site. Approximate 1.6 miles from the project site are public lands classified as critical habitat for NSO and Marbled Murrelet. However, a neighbor prepared a Timber Harvest Plan covering several properties directly adjacent to the subject parcel. Protocol level surveys for NSO were performed on these properties with two responses to hooting in three years.

CDFW responded to the project raising the following concerns:

1. Request that pond design and management include the following elements:
  - a. The pond shall hold the amount of water required for cannabis cultivation and domestic uses
  - b. The pond shall be outfitted with an overflow spillway with a minimum of two-feet of freeboard that will withstand a 100-year flood event, designed with a dispersal mechanism, or low impact design, that discourages channelization and promotes dispersal and infiltration or flows to prevent surface overflow from reaching waters of the state.
  - c. The pond shall be outfitted with several securely fixed exit ramps made of solid material (e.g. wood) with no greater than 2:1 slope to prevent wildlife entrapment.
  - d. The applicant shall have a plan consistent with the CDFW Standard Bullfrog Management Plan.
  - e. The pond shall not be stocked with fish unless it occurs pursuant to Section 6400 of the Fish and Game Code.
2. Prohibition on synthetic netting.
3. Leave wildlife unharmed.
4. Proper waste disposal.
5. Limit project related noises to 50 dB when measured at 100 feet.
6. Potential to affect other sensitive species.

Compliance with state agencies including CDFW is an ongoing condition of project approval. While CDFW did request that the pond be designed to hold no more than the amount of water required for the project, the goals of protecting biological resources—avoiding catastrophic failure and controlling the population of Bullfrogs—would be met through the engineered design, acquisition of a permit from the building division, and ongoing adherence to the Bullfrog Management Plan. These measures have been included as conditions of approval. The pond shall be designed to withstand a 100-year flood event. The generators are proposed for use inside of a sound attenuation structure. Ongoing conditions of approval require that noise levels not exceed 50 dB when measured at 100 feet or at the edge of habitat, whichever is closer. Ongoing conditions of approval require compliance with the International Dark Sky Association Standard

Lighting Zone 0. Further, conditions of approval require that the applicant refrain from use of monofilament netting, that the applicant appropriately store and dispose of waste, and that the applicant leave any wildlife encountered on the site unharmed.

Because an NSO protocol level survey was performed from 2016 - 2018 covering several of the properties directly adjacent to the subject parcel, and because the project is designed and conditioned to assume the potential presence of NSO, protocol level surveys will not be included as a condition of approval. The use of generators would be permitted at all times of the year since the applicant must meet a heightened performance standard. The proposal of the applicant does not include any generators or fans within 200 feet of naturally occurring surface water.

The parcel is accessed by a 1.5-mile section of Seely Creek Road, which is maintained privately by the Seely Creek Road Association. Seely Creek Road connects with the County-maintained Briceland-Thorn Road. The applicant has completed a Road Evaluation Report certifying that the entire length of Seely Creek Road is equivalent to a road category 4 standard. The project was referred to the County Department of Public Works (DPW) that recommended conditional approval. Conditions of approval include compliance with intersection visibility standards and improving the intersection of Seely Creek Road and Briceland-Thorn Road. Any improvements require the applicant to obtain an encroachment permit from DPW prior to completion.

The security plan includes a locked gate at the entrance to the property. There are cameras and security lights over the parking areas, cultivation areas, buildings, and gates. Safety practices include maintaining work surfaces in clean, sanitary condition.

Environmental review for the proposed project as initially proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation project was previously analyzed in the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas only.

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

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to 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 Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the Project is consistent with the adopted Mitigated Negative Declaration prepared for the Commercial Medical Marijuana Lane Use Ordinance. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**ATTACHMENT 2**

**Required Findings for Approval**

**1. The proposed development must be consistent with the General Plan.** The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan 2017 Open Space Plan, and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project includes the <u>proposal to use of a 4,500<del>2,000</del>-sf ancillary-nursery space in two temporary hoop structures. Conditions of approval require that the applicant decrease the proposed nursery space to 2,000 sf.</u></p> <p>–The applicant has agreed to use black out tarps over the nursery during sunset hours in order to comply the International Dark Sky Association Standards. The International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Ongoing conditions of approval require that the use of lights in the nursery comply with the International Dark Sky Association Standard Lighting Zone 0.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>Power for the cultivation operation is supplied by an off-grid solar array with a Honda EU3000IS generator for backup. In accordance with Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Marbled Murrelet or Northern Spotted Owl because it is within one mile of timberland. The maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat (aka the edge of the tree line), whichever is closer. The applicant provided a noise rating of 59 dB, which is consistent with these generator models. The applicant proposes to operate the generators as backup for the cultivation with more regular use while drying <u>and processing the cannabis after each cycle in October and November</u>. The generator would be housed in a vented, sound insulated power shed. Ongoing conditions of approval require that noise levels not exceed 50 dB when measured at 100 feet or at the edge of habitat, whichever is closer.</p>



**3. Zoning Compliance and 4. Conforms with applicable standards and requirements of these regulations:** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
Zoning Section	Summary of Applicable Requirement	Evidence
§314-55.4.11.o Performance Standards-Generator Noise	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>An off-grid solar system would provide power for the nursery lights and fans. A generator that is housed in a vented and sound-insulated shed would provide power to dry the cannabis <del>in October</del> and <u>would provide November</u> and backup power for cultivation operations.</p> <p>There are documented Northern Spotted Owl (NSO) observations approximately 1.2 miles from the project site. Approximate 1.6 miles from the project site are public lands classified as critical habitat for NSO and Marbled Murrelet. However, a neighbor prepared a Timber Harvest Plan covering several properties directly adjacent to the subject parcel. Protocol level surveys for NSO were performed on these properties with two responses to hooting in three years. The generators are housed in an enclosed building and are conditioned to ensure noise does not rise to a level that could constitute harassment of the species.</p> <p>Because an NSO protocol level survey was performed from 2016 - 2018 covering several of the properties directly adjacent to the subject parcel, and because the project is designed and conditioned to assume the potential presence of NSO, protocol level surveys will not be included as a condition of approval. The use of generators would be permitted at all times of the year since the applicant must meet a heightened performance standard.</p> <p>Ongoing conditions of approval require that noise levels not exceed 50 dB when measured at 100 feet or at the edge of habitat, whichever is closer.</p>

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

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

APNs 220-312-002 & 222-163-001, 1525 Seely Creek Rd, Briceland, County of Humboldt

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

March 2020

## Background

**Modified Project Description and Project History** - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting."

The modified project involves a Conditional Use Permit for an existing 20,000 square feet (sf) of outdoor cultivation with a 2,000-sf ancillary nursery on an approximately 88-acre parcel. The operation occurs on Assessor Parcels 220-312-002 & 222-163-001 which comprise one legal parcel. Cultivation activities extend from February to November and include two harvests per year. The applicant estimates water demand to total 188,000 gallons per year. Existing water storage consists of six 5,000-gallon tanks, five 2,500-gallon tanks, two 20,000-gallon bladders, one 25,000-gallon tank, and one 30,000-gallon rainwater catchment pond totaling 137,500 gallons. The applicant proposes the construction of an approximately 317,000-gallon rainwater catchment pond to meet irrigation demands. Irrigation occurs via hand watering and drip tape. Processing would occur on site in a proposed 1,200 square foot commercial facility. The project would require three permanent employees and up to three seasonal employees during harvest and processing season. An off-grid solar system would provide power for the nursery lights and fans. A generator, housed in a vented and sound-insulated shed, would provide power to dry the cannabis in ~~October and November~~ and backup power for cultivation operations. The project would require, at most, six trips per day during peak activities.

The habitat on the subject parcel consists of mixed hardwood and coniferous forest dominated by Douglas fir, coast redwood and tanoak. There are also open grasslands which are dominated by native and nonnative grasses, small forbs, narrow leaved plantains with a few patches of coyote brush and poison oak. There are no streams or other wet areas in the immediate vicinity of the existing developed area footprint. The water sources for the project is a diversion from an existing pond, but the applicant proposes to discontinue use and switch to a proposed rainwater catchment pond. The capacity of the existing pond is 30,000 gallons. The applicant also has twelve hard tanks totaling 67,500 gallons and two bladders totaling 40,000 gallons. The total water storage capacity is currently 137,500 gallons. The applicant proposes the construction of one additional rainwater catchment pond with 317,000-gallon capacity. The applicant estimates that the project will demand 188,000 gallons of water per year.

The applicant submitted a Biological Assessment Report prepared for the site. Existing garden sites and the proposed pond site occur in historically disturbed areas. While the biologist found a diverse range of wetland vegetation, the hydrology and soils were not characteristic of a wetland habitat. The report concludes that the project would have no significant adverse indirect impacts to the communities on the subject parcel or in the surrounding environs. The only potential significant direct impact would be if bullfrogs established a population in the pond. Ongoing conditions of approval require a bullfrog management plan consistent with the recommendations of CDFW. The applicant prepared a WRPP pursuant to the NCRWQCB Order No. R1-2015-0023. Among other concerns, the report addresses potential impacts on water quality as a result of road design, materials storage, activities in proximity to wet areas. Completion of the improvements is a condition of project approval.

There are documented Northern Spotted Owl (NSO) observations approximately 1.2 miles from the project site. Approximately 1.6 miles from the project site are public lands classified as critical habitat for NSO and Marbled Murrelet. However, a neighbor prepared a Timber Harvest Plan covering several properties directly adjacent to the subject parcel. Protocol level surveys for NSO were performed on these properties with two responses to hooting in three years. The generators are housed in an enclosed building and are conditioned to ensure noise does not rise to a level that could constitute harassment of the species. Additionally, there will be no impacts from lighting because the cultivation is outdoor only, and the propagation nursery will be fully shielded.

The project does not result in a change in land use or density, and is intended to adjust the parcel lines to place a pre-existing cultivation site on the parcel associated with its operation and to meet all applicable setbacks. The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

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

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

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize an existing 20,000 sf outdoor cannabis cultivation commercial cannabis operation and to authorize minor improvements necessary to bring the operation into compliance with the

CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. 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, among other documents:

- Cultivation and Operations Manual prepared by Manhard Consulting and edited by the applicant, May 24, 2018.
- Streambed Alteration Agreement (1600-2015-0026-R1) prepared by CDFW, August 21, 2018.
- Northern Spotted Owl Survey Documentation for neighboring properties prepared by Hohman & Associates Forestry Consultants, May 31, 2017
- Water Resource Protection Plan prepared by the applicant, April 23, 2018
- Biological Assessment Report, SL Consulting, Inc., April 11, 2019
- Cultural Resource Investigation of the Briceland Taliaferro Properties prepared by Archaeological Research and Supply Company, January 2018.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

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



Humboldt County  
 Planning Commission  
 825 5<sup>th</sup> Street  
 Eureka, CA 95501

March 19, 2020

RE: Request to increase nursery space for cannabis permit #11718

Dear Commissioners,

This letter is in regards to the county’s policy regarding the size of immature plant areas necessary for cannabis cultivation. It is our understanding that the county’s general rule of thumb is to allow 10% of the total square footage for a nursery (or immature plant area). It is our experience that this number is inadequate. We manage several farms of differing size and have found that a minimum of 20% is a more realistic number, especially when you factor in the walkway in the greenhouse; adequate spacing of plants and the differing size of pots used in the final transplant (see calculations and table below).

Immature plant area calculations:

1 gallon pot = 6.5 inch diameter = .2934 sf/1 gal pot

3 gallon pot = 10 inch diameter = .6945 sf/3 gal pot

Realistically, allowing for 1 square foot per plant is the necessary space required. The plants in a one gallon pot need to be spaced apart, so they have room to grow. They may also be transferred up to a 3 gallon pot prior to final planting. This rough math was used to estimate our space needs to bump up plants this spring. **In 2018 and 2019 we suffered from having healthy plant starts due to lack of nursery space.**

Canopy (sf)	Plant Count	Plant Space (1 sf/plant)	3 ‘ Walkway (sf) (2) 20 x 100 greenhouses	Total (sf)	% total
20,000	3,700	3,700	600	4300	21.5%

In addition, many farms cut their own clones and would require even more space for the moms and cuttings. Moms are typically kept in 25 gallon pots, with a canopy area twice the size of the pot. Cuttings are 50 per clone tray, plus room to bump up the cuttings in 3inch pots. We plan to purchase our clones this year from Highline Nursery. However, we understand the more we can do (vertically integrate) on the farm the more successful the business will be. We may be interested in cutting our own clones in the future, thus requiring even more nursery space.

We respectfully request an increased nursery space of 22.5% for the permit application #11718 for 20,000 sq feet of canopy area, totaling 4,500 square feet of immature plant area (nursery space). This would be accomplished with two (2) temporary hoop structures 20 feet wide by 112.5 feet long.

Regards,  
 Casandra & Shanon Taliaferro  
 Skyline Farms LLC