



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 19, 2022

To: Humboldt County Planning Commission

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

Subject: **Serendipity Associates, Inc. Conditional Use Permit and Special Permit**
Record Number PLN-11940-CUP
Assessor's Parcel Number (APN) 218-091-007
671 South Face Road, Garberville, CA 95542

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Please contact Alec Barton, Planner (Harris & Associates) at 435-851-4003 or by email at alec.barton@weareharris.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date May 19, 2022	Subject Conditional Use Permit and Special Permit	Contact Alec Barton
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Project Description: Serendipity Associates, Inc. seeks a Conditional Use Permit (PLN-11940-CUP) for an existing 16,934 square feet (SF) of cannabis cultivation consisting of 7,060 SF mixed light cultivation and 9,874 SF outdoor cultivation, and a Special Permit for work within the Streamside Management Area (SMA) for culvert replacement and modifications to a French drain system, as recommended by the Water Resources Protection Plan (WRPP). Plants are propagated in two (2) ancillary propagation areas totaling 1,540 SF.

Irrigation water is sourced from an onsite rainwater catchment pond with a storage capacity of 600,000 gallons. Estimated annual water use is 252,200 gallons (14.9 gal/SF). Water is stored in the pond and in two (2) 3,000-gallon tanks and two (2) 2,500-gallon tanks. Total water storage is 249,600 gallons.

Drying and further processing occur onsite in two (2) sheds totaling 640 SF. Three (3) full-time and up to three (3) part-time employees are required for project operations. The primary source of electrical power is a 1.59-kW solar array supported by 20 kW of battery storage. Backup power sources include a Honda EU 7000is generator and Caterpillar MQ20 WhisperWatt diesel generator.

Project Location: The project is located on the north, south, west, and east sides of South Face Road, approximately 2.2 miles from the intersection of Hogtrap Road and South Face Road, in the Garberville 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: Forestry Recreation, Special Combining Zone (FR-B-5[40])

Record Number: PLN-11940-CUP

Assessor's Parcel Number: 218-091-007

Applicant

Serendipity Associates, Inc.
671 South Face Road
Garberville, CA 95542

Owner

Larry Treadaway
PO Box 5
Garberville, CA 95542

Agents

Margro Advisors, LLC
2306 Albee Street
Eureka, CA 95501

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.

Serendipity Associates, Inc.

Record Number: PLN-11940-CUP

Assessor's Parcel Number: 218-091-007

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; and 2) make the required findings for approval of the Conditional Use Permit; and 3) approve the Serendipity Associates, Inc. Conditional Use Permit and Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary

Serendipity Associates, Inc. seeks a Conditional Use Permit (PLN-11940-CUP) for an existing 16,934 square feet (SF) of cannabis cultivation consisting of 7,060 SF mixed light cultivation and 9,874 SF outdoor cultivation, and a Special Permit for work within the Streamside Management Area (SMA) for culvert replacement and modifications to a French drain system, as recommended by the Water Resources Protection Plan (WRPP). Plants are propagated in two (2) ancillary propagation areas totaling 1,540 SF.

The site is zoned as Forestry Recreation and Special Combining Zone (FR-B-5[40]) as defined in the Humboldt County 2017 General Plan Update. Drying and further processing occur onsite in two (2) sheds totaling 640 SF. Three (3) full-time and up to three (3) part-time employees are required for project operations. The primary source of electrical power is a 1.59-kW solar array supported by 20 kW of battery storage. Backup power sources include a Honda EU 7000is generator and Caterpillar MQ20 WhisperWatt diesel generator.

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 92 cultivation permits and the total approved acres would be 44.57 acres of cultivation.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

Water Resources

Irrigation water is sourced from an onsite rainwater catchment pond with a storage capacity of 600,000 gallons. Estimated annual water use is 252,200 gallons (14.9 gal/SF). Water is stored in the pond and in two (2) 3,000-gallon tanks and two (2) 2,500-gallon tanks. Total water storage is 249,600 gallons.

A Water Resources Protection Plan (WRPP) was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation (WDID No. 1B161709CHUM). The subject parcel is located in the Chamise Creek watershed and includes two (2) Class II watercourses and one (1) Class III watercourse. There are six (6) stream crossings (SC) on the property. The applicant seeks a Special Permit for work

within the SMA for culvert replacement and modifications to the French drain system, as recommended by the WRPP.

The WRPP includes recommendations intended to reduce erosion and sediment delivery to nearby streams. Recommendations include (**Condition 9**):

- Remove debris from Stream Crossing (SC) 1 and properly armor the crossing.
- Replace the undersized culvert at SC 3 with a properly sized culvert and properly armor the crossing.
- Replace the culvert at SC 5 and properly armor the crossing.
- Remove unused materials and irrigation lines from the project site.
- At Pond 1, modify the French drain system upstream by creating wood chip filled basins adequately sized to capture 100% of the receiving water. Extend wood chip mulch cover to cover the area downslope of the terraced cultivation area. Modify the pond outflow pipe per the engineer's design. Add an infiltration swale/bioswale downslope of the pond outflow per the engineer's design.
- Remove the culvert from the Class III watercourse west of the main cultivation area. Clear the Streamside Management Area (SMA) of farming materials and debris. Replant the area with native vegetation.

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 (Notification No. 1600-2018-0721-R1). The LSAA addresses nine (9) project encroachments, including one (1) point of diversion, five (5) stream crossings, and three (3) reservoirs. LSAA requirements include (**Condition 10**):

- Remove the existing water diversion (POD-1) according to the specifications of the LSAA. Replace undersized culverts at Crossings 1-3.
- Replace an undersized culvert at Crossing 6.
- Rock and outslope the road, and remove the outboard berm.
- Decommission Crossing 8.
- Replace an undersized culvert at Reservoir 1.
- Maintain infrastructure at Reservoir 2 according to the specifications of the LSAA.
- Decommission Reservoir 3 and restore the stream channel.

The LSAA establishes specific requirements that the applicant must apply to offset potential impacts to waterways within the area. The recommendations are summarized as follows (**Condition 11**):

- Document all activities that occur within waterways at the project site.
- All work shall be confined to the dry weather period, from June 15 through October 15 of each year.
- Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life.
- Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities.
- The maximum instantaneous diversion rate from the water intake shall not exceed three (3) gallons per minute (gpm) at any time, and the applicant shall bypass 90% of flow at all times.
- Project work shall be completed by no later than October 15, 2025, and notification of completion shall be submitted to CDFW within seven (7) days of project completion.

Biological Resources

A Biological Resources Assessment was prepared by Dennis Halligan of Stillwater Sciences on May 14, 2019. The assessment identified no special status species within the project area. However, several special status species—including four (4) birds, two (2) mammals, and the foothill yellow-legged frog—have potential to occur within the project area. Furthermore, watercourses on the subject property drain into Chamise Creek, which contains anadromous salmonids. Therefore, the report includes several

recommendations to reduce the potential for project impacts to special status species (**Condition 12**):

- Implement erosion and sediment control best management practices (BMPs) identified in the LSAA.
- Capture flowing water in a cofferdam and pipe it around the worksite to keep it dry, thereby minimizing erosion and sediment delivery potential to nearby streams.
- Prior to beginning work within watercourses, have a qualified biologist conduct a pre-construction survey 3-5 days prior to commencement of construction. The biologist shall examine the project site and an additional 150 feet upstream and downstream of the project site to determine if foothill yellow-legged frog adults, juveniles, tadpoles, or egg masses are present. If any foothill yellow-legged frogs are identified, the biologist will immediately contact CDFW and provide a description of observations. The biologist will propose site-specific measures to avoid a taking. Instream work may not begin until approval from CDFW has been granted. If no foothill yellow-legged frogs are identified, an approved amphibian exclusion fence shall be installed upstream and downstream of the work area.
- Locate equipment access and staging areas on existing roads, where possible, to minimize impacts to vegetated areas.

Additionally, CDFW requires that rainwater catchment ponds be monitored for American bullfrog presence on an annual basis, as specified in **Condition 18**.

Tribal Cultural Resource Coordination

An archaeological survey report was prepared by Alex DeGeorgey, M.A., RPA, of Alta Archaeological Consulting (May 22, 2017). A field survey of the project area resulted in the identification of no cultural resources. The report concluded that the project is unlikely to have an adverse effect on significant historical resources. The Native American Heritage Commission (NAHC) conducted a search of the sacred lands file on June 6, 2017 and did not identify any sensitive tribal resources in the project area. Outreach letters were sent to all tribal groups identified by the NAHC. According to responses from tribal representatives, the project area is located outside of Wiyot ancestral territory and outside of the Blue Lake Rancheria tribe's area of concern. No additional communication from tribal communities has been received.

The report recommended establishing protocols to protect cultural resources and/or human remains which may be discovered inadvertently during project work. The standard Inadvertent Discovery Protocol will be used to protect artifacts or remains that may be discovered during project work (**Condition 13**).

Access

The project is located on the north, south, west, and east sides of South Face Road, approximately 2.2 miles from the intersection of Hogtrap Road and South Face Road, in the Garberville area in southern Humboldt County. Using forms provided by Humboldt County Department of Public Works (DPW), David Nicoletti, PE, QSD/QSP, evaluated M Road, a private access road, and a 0.25-mile segment of South Face Road Road A and found these road segments were not developed to the equivalent of a road category 4 standard or better (April 4, 2019). Nicoletti recommended the following improvements be made in order for the roads to be safe for vehicular travel: widen all undersized gates to 14 feet in width, mow grass along the roadside to expose turnouts, clean roadside ditches and unclog culverts, and install water bars or rolling dips at Photo Locations 50, 64, 87, and 128 in accordance with Appendix D (Rural Roads: A Construction and Maintenance Guide for California Landowners) (**Condition 14**). DPW recommended additional conditions of approval related to private road intersections and driveway visibility (**Conditions 15 and 16**).

Oak Woodland Habitat Management Plan

An Oak Woodland Habitat Management Plan (OWHMP) was prepared by Hollie Hall, Ph.D., of Compliant Farms Certified (August 28, 2019). The OWHMP addresses riparian restoration, oak tree replanting, conifer thinning and fuel load reduction, and oak woodland management within the project site (**Condition 17**). Recommendations of the OWHMP include:

- Restore two (2) portions of a riparian corridor identified in Figure 2 of the OWHMP. Establish a 50-foot buffer from development activity to protect oak trees from inundation of water. Remove a water bladder and culvert from the riparian corridor.
- Mulch and monitor planting spots for oak tree replanting. Install wild deer exclusion cages to protect plants for three (3) years after planting.
- Per the specifications of the OWHMP, thin conifers and reduce fuel loads on the project site in two (2) phases.
- Ensure full implementation of the OWHMP through regular monitoring during the plan's five-year cycle.

California Environmental Quality Act (CEQA)

Environmental review for this project was conducted in April 2022 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) and Special Permit (SP).

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.

- 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 Biological Resources Assessment was prepared by Dennis Halligan of Stillwater Sciences on May 14, 2019. The assessment identified no special status species within the project area. However, several special status species—including four (4) birds, two (2) mammals, and the foothill yellow-legged frog—have potential to occur within the project area. Furthermore, watercourses on the subject property drain into Chamise Creek, which contains anadromous salmonids. Therefore, the report includes several recommendations to reduce the potential for project impacts to special status species (**Condition 12**):
- Implement erosion and sediment control best management practices (BMPs) identified in the LSAA.
 - Capture flowing water in a cofferdam and pipe it around the worksite to keep it dry, thereby minimizing erosion and sediment delivery potential to nearby streams.
 - Prior to beginning work within watercourses, have a qualified biologist conduct a pre-construction survey 3-5 days prior to commencement of construction. The biologist shall examine the project site and an additional 150 feet upstream and downstream of the project site to determine if foothill yellow-legged frog adults, juveniles, tadpoles, or egg masses are present. If any foothill yellow-legged frogs are identified, the biologist will immediately contact CDFW and provide a description of observations. The biologist will propose site-specific measures to avoid a taking. Instream work may not begin until approval from CDFW has been granted. If no foothill yellow-legged frogs are identified, an approved amphibian exclusion fence shall be installed upstream and downstream of the work area.
 - Locate equipment access and staging areas on existing roads, where possible, to minimize impacts to vegetated areas.
- d) A Water Resources Protection Plan (WRPP) was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The project is historically enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for reporting of Tier 2 discharges (WDID No. 1B161709CHUM) (**Condition 9**).
- e) An archaeological survey report was prepared by Alex DeGeorgey, M.A., RPA, of Alta Archaeological Consulting (May 22, 2017). A field survey of the project area resulted in the identification of no cultural resources. The report concluded that the project is unlikely to have an adverse effect on significant historical resources. The Native American Heritage Commission (NAHC) conducted a search of the sacred lands file on June 6, 2017 and did not identify any sensitive tribal resources in the project area. Outreach letters were sent to all tribal groups identified by the NAHC. According to responses from tribal representatives, the project area is located outside of Wiyot ancestral territory and outside of the Blue Lake Rancheria tribe's area of concern. No additional communication from tribal communities has been received. The report recommended establishing protocols to protect cultural resources and/or human remains which may be discovered inadvertently during project work. The standard Inadvertent Discovery Protocol will be used to protect artifacts or remains that may be discovered during project

work (**Condition 13**).

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE:**
- a) General agriculture 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.
 - b) The proposed project is not located within any riparian setbacks or streamside management areas.
- 4. FINDING** The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) and Special Combining Zone (B) zoning designations in which the site is located.
- EVIDENCE:**
- a) The FR zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare. General agriculture, including the cultivation of cannabis, is a principal permitted use in this zoning district. The B zone is intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified.
 - b) 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 16,934 SF of cannabis cultivation and a 1,540-SF ancillary propagation area on a 40-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 Forestry Recreation (FR), (HCC 314-7.3)
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was recorded via grant deed with Humboldt County on December 18, 1979.
 - c) Irrigation water is sourced from an onsite rainwater catchment pond with a storage capacity of 600,000 gallons. Estimated annual water use is 252,200

gallons (14.9 gal/SF). Water is stored in the pond and in two (2) 3,000-gallon tanks and two (2) 2,500-gallon tanks. Total water storage is 249,600 gallons.

- d) The slope of the land where cannabis will be cultivated is greater than 15%. Because this is an existing cultivation site, the CMMLUO does not require cultivation to occur on slopes of 15% or less.
- e) The cultivation of cannabis will not result in the conversion of timberland.
- f) 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 16,934 SF of cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE:

- a) All access roads on the property shall be maintained in compliance with the State Water Resources Control Board Order WQ 2019-0001-DWQ, which states that all access roads are to be hydrologically disconnected to receiving waters. To ensure that roads meet this condition, the applicant shall implement the erosion control measures outlined in the WRPP that address the replacement of undersized culverts and modifications to a French drain system (**Conditions 9, 14-16**).
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres, and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. 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 large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water is sourced from an onsite rainwater catchment pond with a combined storage capacity of 600,000 gallons. Estimated annual water use is 252,200 gallons (14.9 gal/SF).
- e) Provisions have been made in the applicant's proposal to protect water quality through yearly site inspection, monitoring, and reporting to the NCRWQCB. Post-project monitoring and reporting shall be conducted annually and submitted by January 31 of each year and shall comply with the requirements of the NCRWQCB (**Condition B.15**).

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 contains three (3) existing residential units. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential units onsite.

8. FINDING

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.

EVIDENCE:

The project is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 92 permits and the total approved acres would be 44.57 acres of cultivation.

DECISION

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

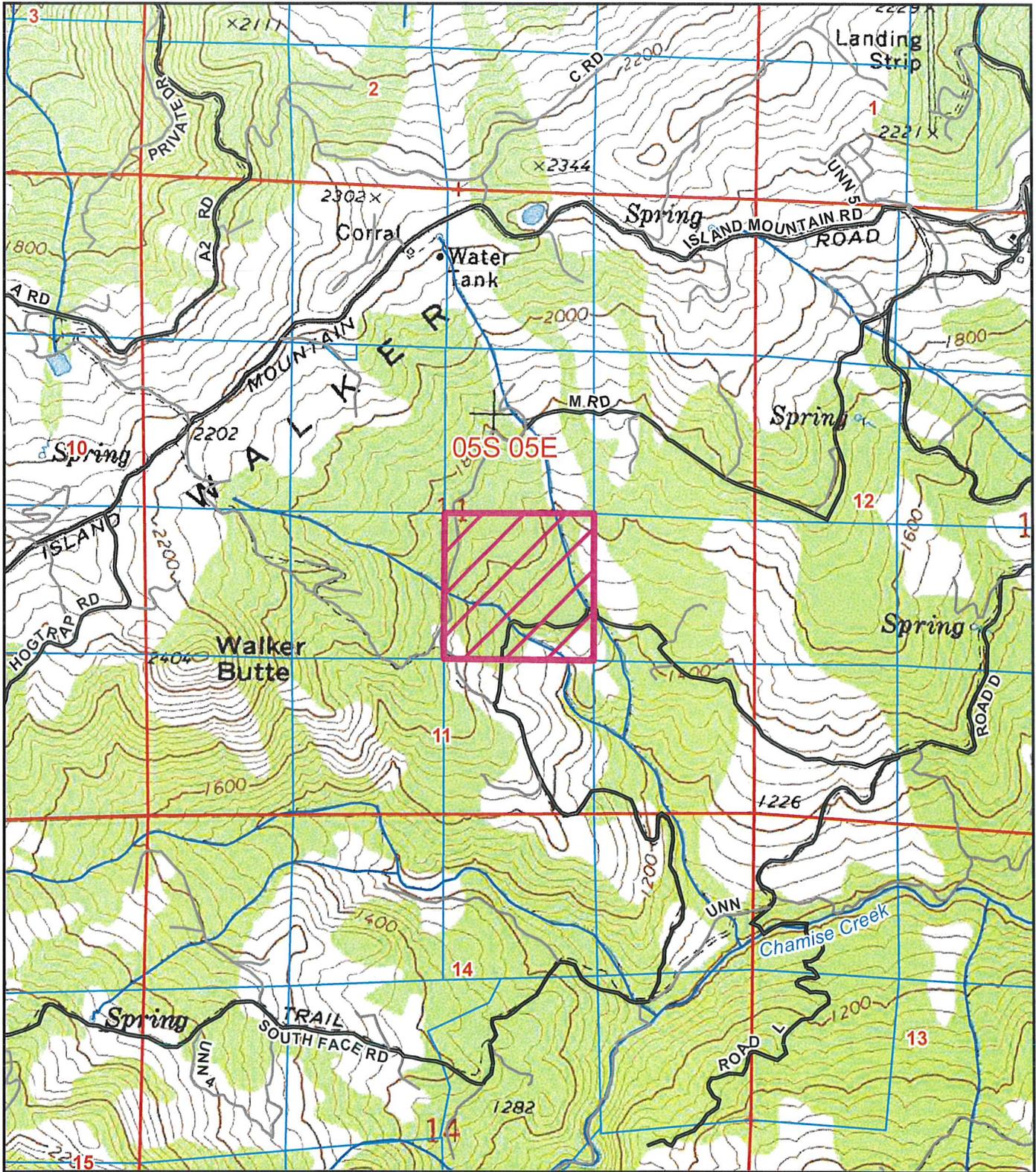
- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permit (PLN-11940-CUP) and Special Permit for Serendipity Associates, Inc. based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and
- Adopted after review and consideration of all the evidence on **May 19, 2022**.

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.

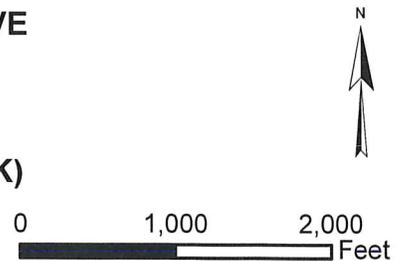
 John Ford, Director
 Planning and Building Department

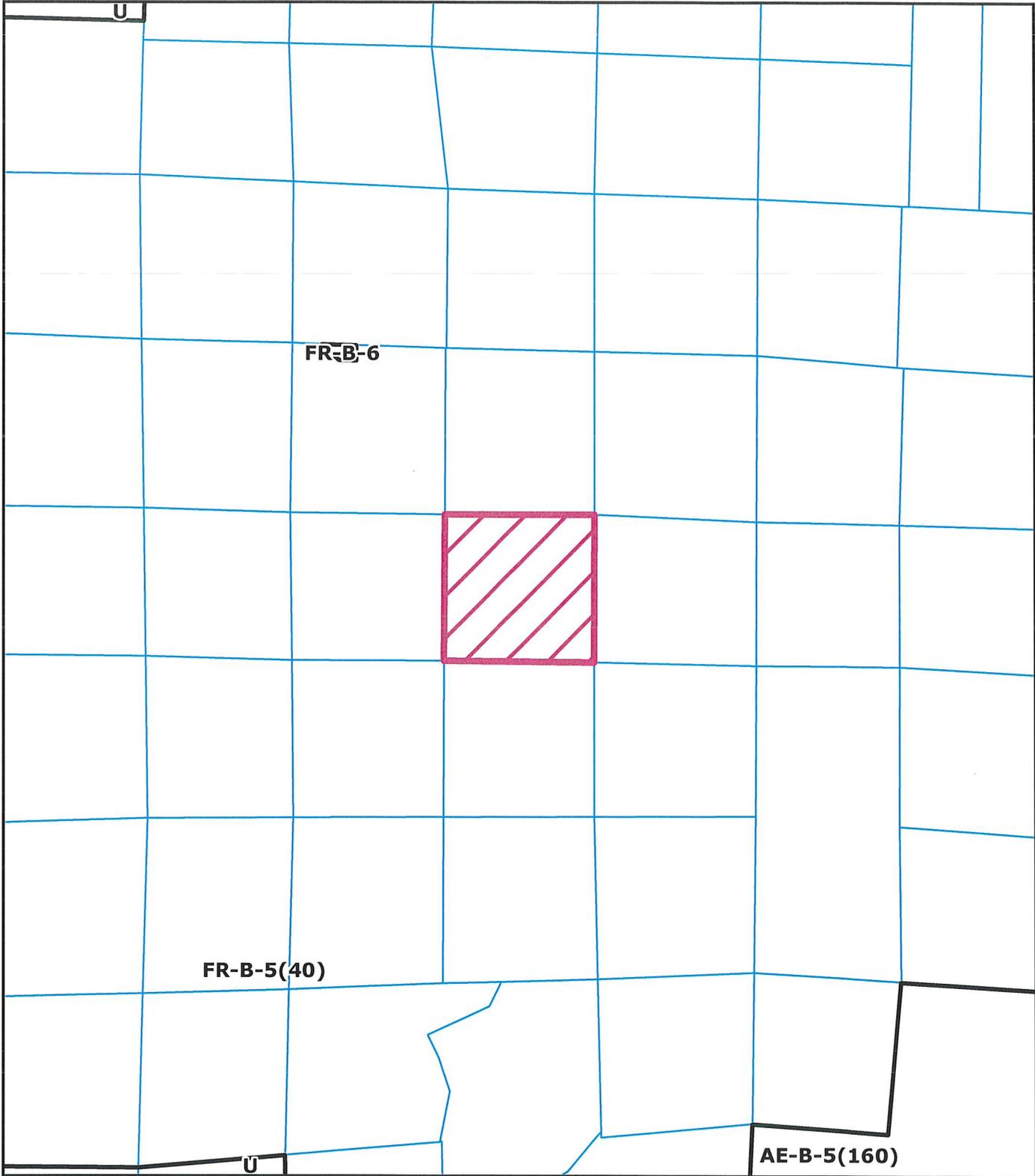


**TOPO MAP
 PROPOSED SERENDIPITY COLLECTIVE
 PALO VERDE AREA
 CUP-16-461
 APN: 218-091-007
 T05S R05E S11 HB&M (JEWETT ROCK)**

Project Area = 

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



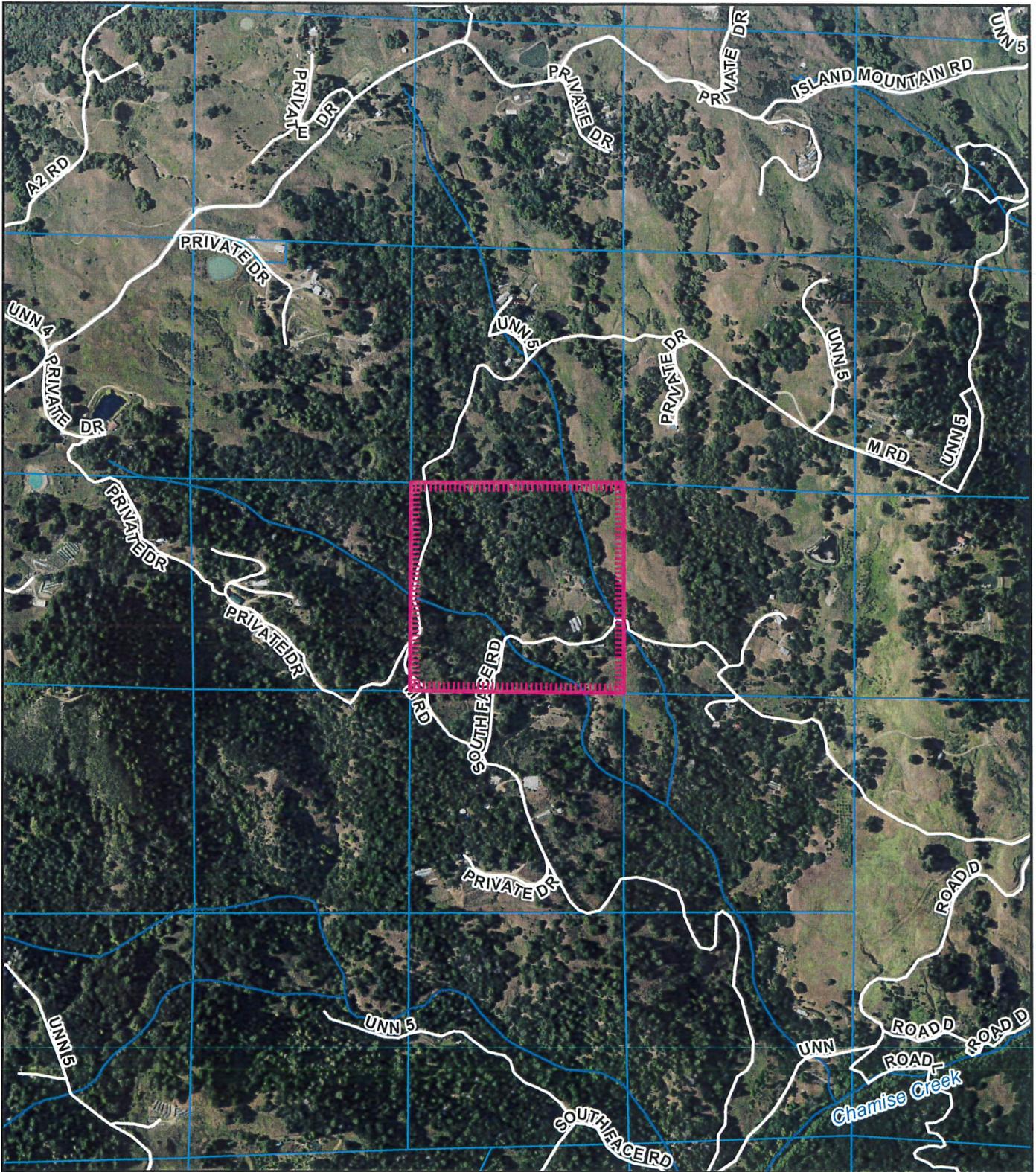


ZONING MAP
PROPOSED SERENDIPITY COLLECTIVE
PALO VERDE AREA
CUP-16-461
APN: 218-091-007
T05S R05E S11 HB&M (JEWETT ROCK)

Project Area = 



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AERIAL MAP
PROPOSED SERENDIPITY COLLECTIVE
PALO VERDE AREA
CUP-16-461
APN: 218-091-007
T05S R05E S11 HB&M (JEWETT ROCK)

Project Area = 

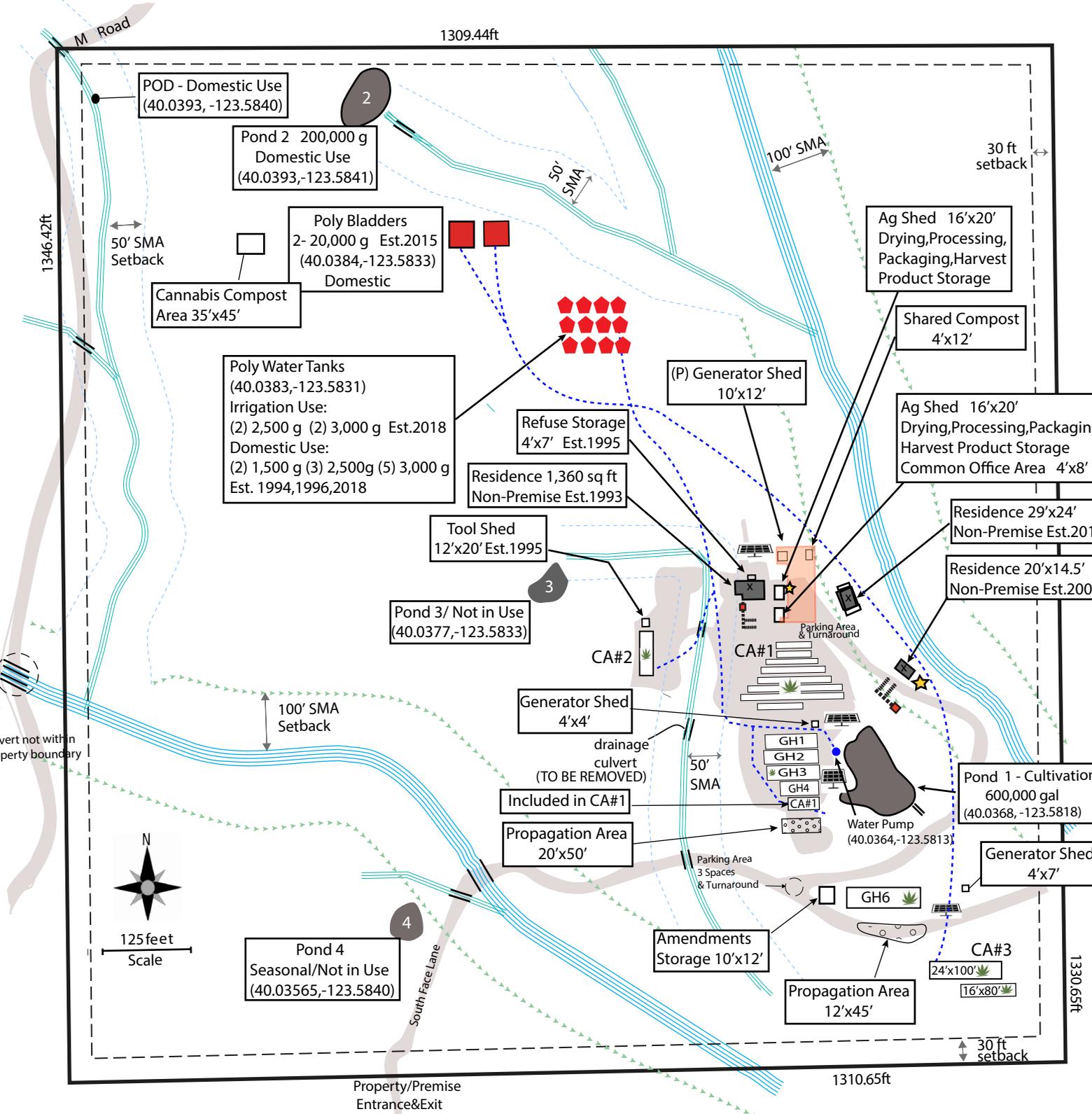
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Serendipity Associates Property Diagram - APN: 218-091-007

LEGEND

- Cultivation Area
- Poly Water Storage Tanks
- Poly Water Bladder Storage
- Pond
- Propane Tank
- Septic System
- Water Pump
- 100' Setback
- Solar
- <P> Proposed Structures
- Ag Structures
- Common Area
- Residence
- Culverts
- 50' Setback
- Gravel Roads, Graded Areas
- Class II Watercourse
- Class III Watercourse
- Propagation Area
- Irrigation Lines
- Non-Premises
- 30' Setback



Outdoor		
CA#1 = 4,394 sq ft		CA#2 = 1,200 sq ft
7'x40'	7'x94'	20'x60'
7'x40'	7'x106'	CA#3 = 3,680 sq ft
7'x60'	7'x50'	
7'x72'	15'x40'	
7'x80'	16'x80'	

TOTAL OUTDOOR= 9,874 sq ft

Mixed-Light
GH1 20'x70'
GH2 20'x76'
GH3 20'x72'
GH4 20'x55'
GH6 20'x80'

TOTAL MIXED LIGHT= 7,060 sq ft

Propagation
20'x50'
12'x45'
TOTAL= 1,540 sq ft

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 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 #21. 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 secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity including, but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.

8. Within thirty (30) days of approval, the applicant shall provide to the Humboldt County Department of Environmental Health (DEH) a written assessment from a qualified septic consultant confirming a minimum Tier 0 status for the existing onsite waste treatment system (OWTS) serving the dwelling.
9. The applicant shall comply with the recommendations and corrective actions outlined in the Water Resources Protection Plan (WRPP) (WDID No. 1B161709CHUM):
 - a. Remove debris from SC 1 and properly armor the crossing.
 - b. Replace the undersized culvert at SC 3 with a properly sized culvert and properly armor the crossing.
 - c. Replace the culvert at SC 5 and properly armor the crossing.
 - d. Remove unused materials and irrigation lines from the project site.
 - e. At Pond 1, modify the French drain system upstream by creating wood chip filled basins adequately sized to capture 100% of the receiving water. Extend wood chip mulch cover to cover the area downslope of the terraced cultivation area. Modify the pond outflow pipe per the engineer's design. Add an infiltration swale/bioswale downslope of the pond outflow per the engineer's design.
 - f. Remove the culvert from the Class III watercourse west of the main cultivation area. Clear the Streamside Management Area (SMA) of farming materials and debris. Replant the area with native vegetation.
10. The applicant shall comply with the recommendations and corrective actions outlined in the Lake and Streambed Alteration Agreement (LSAA Notification No. 1600-2018-0721-R1). Project work shall be completed by no later than October 15, 2025:
 - a. Remove the existing water diversion at POD-1 according to the specifications of the LSAA.
 - b. Replace the undersized 36-inch culvert at Crossing 1 with a minimum 72-inch culvert.
 - c. Replace the undersized 12-inch culvert at Crossing 2 with a minimum 24-inch culvert.
 - d. Replace the undersized 18-inch culvert at Crossing 3 with a minimum 36-inch culvert.
 - e. Replace the undersized 36-inch culvert at Crossing 6 with a minimum 60-inch culvert. Rock and outslope the road and remove the outboard berm.
 - f. Decommission Crossing 8 and discontinue use of the 18-inch culvert.
 - g. Replace the undersized pond outlet culvert at Reservoir 1 with a minimum 18-inch pipe, set approximately six (6) inches lower than the current culvert elevation.
 - h. Maintain infrastructure at Reservoir 2 according to the specifications of the LSAA.
 - i. Decommission the onstream Reservoir 3 and restore the stream channel.
11. The applicant shall comply with the following requirements outlined in the LSAA:
 - a. Document all activities that occur within waterways at the project site.
 - b. All work shall be confined to the dry weather period, from June 15 through October 1 of each year.
 - c. Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life.
 - d. Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities.
 - e. The maximum instantaneous diversion rate from the water intake shall not exceed three (3) gallons per minute (gpm) at any time, and the applicant shall bypass 90% of flow at all times.
 - f. Project work shall be completed by no later than October 15, 2025, and notification of completion shall be submitted to CDFW within seven (7) days of project completion.
12. The applicant shall comply with the recommendations and corrective actions outlined in the Biological Resources Assessment prepared by Stillwater Sciences (May 14, 2019):
 - a. Implement erosion and sediment control best management practices (BMPs) identified in the LSAA.
 - b. Capture flowing water in a cofferdam and pipe it around the worksite to keep it dry, thereby minimizing erosion and sediment delivery potential to nearby streams.

- c. Prior to beginning work within watercourses, have a qualified biologist conduct a pre-construction survey 3 – 5 days prior to commencement of construction. The biologist shall examine the project site and an additional 150 feet upstream and downstream of the project site to determine if foothill yellow-legged frog adults, juveniles, tadpoles, or egg masses are present. If any foothill yellow-legged frogs are identified, the biologist will immediately contact CDFW and provide a description of observations. The biologist will propose site-specific measures to avoid a taking. Instream work may not begin until approval from CDFW has been granted. If no foothill yellow-legged frogs are identified, an approved amphibian exclusion fence shall be installed upstream and downstream of the work area.
 - d. Locate equipment access and staging areas on existing roads, where possible, to minimize impacts to vegetated areas.
13. The applicant shall implement the Inadvertent Discovery Protocol. In the event that historical artifacts or human remains are encountered during any activities within the project area, a qualified professional archaeologist shall be contacted immediately, in order to inspect and clear the project area for all further activities.
14. The applicant shall implement the corrective actions outlined in the Road Evaluation Report prepared by David Nicoletti, PE, QSD/QSP (April 4, 2019). Corrective outlines shall be completed within six (6) months of project approval:
- a. Widen all undersized gates to 14 feet in width.
 - b. Mow grass along the roadside to expose turnouts.
 - c. Clean roadside ditches and unclog culverts.
 - d. Install water bars or rolling dips at Photo Locations 50, 64, 87, and 128 in accordance with Appendix D (Rural Roads: A Construction and Maintenance Guide for California Landowners).
15. COUNTY ROADS – DRIVEWAY AND PRIVATE ROAD INTERSECTION VISIBILITY: All driveways and private road intersections onto the county road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of Humboldt County Department of Public Works (DPW) prior to commencing operations, final sign-off for a building permit, or DPW approval for a business license.
16. COUNTY ROADS – PRIVATE ROAD INTERSECTION: Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by DPW prior to commencement of any work in the county maintained right of way. If the county road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the county road. If the county road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the county road. This condition shall be completed to the satisfaction of DPW prior to commencing operations, final sign-off for a building permit, or DPW approval for a business license.
17. The applicant shall comply with the recommendations and corrective actions outlined in the Oak Woodland Habitat Management Plan (OWHMP) prepared by Compliant Farms Certified (August 28, 2019):
- a. Restore two (2) portions of a riparian corridor identified in Figure 2 of the OWHMP. Establish a 50-foot buffer from development activity to protect oak trees from inundation of water. Remove a water bladder and culvert from the riparian corridor.
 - b. Mulch and monitor planting spots for oak tree replanting. Install wild deer exclusion cages to protect plants for three (3) years after planting.
 - c. Per the specifications of the OWHMP, thin conifers and reduce fuel loads on the project site in two (2) phases.

- d. Ensure full implementation of the OWHMP through regular monitoring during the plan's five-year cycle.
18. The rainwater catchment pond shall be monitored for American bullfrog presence on an annual basis with a minimum of five (5) total surveys, no less than two (2) weeks apart, through the months of May to July. The pond surveys shall be conducted by a person knowledgeable in bullfrog identification. Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at dusk or later while shining a flashlight to detect movement and eye shine. If bullfrogs are not detected upon completion of five (5) total surveys, removal efforts are not required that year. If bullfrogs are detected, the applicant shall coordinate removal with CDFW Environmental Scientist David Manthorne. A written log of monitoring and management efforts shall be provided to CDFW each year by December 31 and shall include the following information: (a) date and time of each monitoring and management effort; (b) approximate number of each bullfrog life stage detected and/or removed per effort; and (c) amount of time spent for each monitoring and management effort.
19. 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.
20. 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.
21. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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 (NSO) 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 NSO 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 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 be 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. The use of synthetic netting for purposes of erosion control is prohibited. To minimize the risk of wildlife entrapment, the applicant shall not use any erosion control 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. When 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 Medicinal and Adult-Use Cannabis Regulation and Safety Act (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 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 on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
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 analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. Onsite 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
 - i. Onsite 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 218-091-007; 671 South Face Road, Garberville, CA 95542
County of Humboldt**

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

April 2022

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

The modified project involves a Conditional Use Permit (PLN-11940-CUP) for an existing 16,934 square feet (SF) of cannabis cultivation consisting of 7,060 SF mixed light cultivation and 9,874 SF outdoor cultivation, and a Special Permit for work within the Streamside Management Area (SMA) for culvert replacement and modifications to a French drain system, as recommended by the Water Resources Protection Plan (WRPP). Plants are propagated in two (2) ancillary propagation areas totaling 1,540 SF. Drying and further processing occur onsite in two (2) sheds totaling 640 SF. Three (3) full-time and up to three (3) part-time employees are required for project operations. The primary source of electrical power is a 1.59-kW solar array supported by 20 kW of battery storage. Backup power sources include a Honda EU 7000is generator and Caterpillar MQ20 WhisperWatt diesel generator.

Irrigation water is sourced from an onsite rainwater catchment pond with a storage capacity of 600,000 gallons. Estimated annual water use is 252,200 gallons (14.9 gal/SF). Water is stored in the pond and in two (2) 3,000-gallon tanks and two (2) 2,500-gallon tanks. Total water storage is 249,600 gallons.

A Water Resources Protection Plan (WRPP) was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation (WDID No. 1B161709CHUM). The subject parcel is located in the Chamise Creek watershed and includes two (2) Class II watercourses and one (1) Class III watercourse. There are six (6) stream crossings (SC) on the property. The applicant seeks a Special Permit for work within the SMA for culvert replacement and modifications to the French drain system, as recommended by the WRPP.

The WRPP includes recommendations intended to reduce erosion and sediment delivery to nearby streams. Recommendations include (**Condition 9**):

- Remove debris from Stream Crossing (SC) 1 and properly armor the crossing.
- Replace the undersized culvert at SC 3 with a properly sized culvert and properly armor the crossing.
- Replace the culvert at SC 5 and properly armor the crossing.
- Remove unused materials and irrigation lines from the project site.
- At Pond 1, modify the French drain system upstream by creating wood chip filled basins adequately sized to capture 100% of the receiving water. Extend wood chip mulch cover to cover the area downslope of the terraced cultivation area. Modify the pond outflow pipe per the engineer's design. Add an infiltration swale/bioswale downslope of the pond outflow per the engineer's design.
- Remove the culvert from the Class III watercourse west of the main cultivation area. Clear the Streamside Management Area (SMA) of farming materials and debris. Replant the area with native vegetation.

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 (Notification No. 1600-2018-0721-R1). The LSAA addresses nine (9) project encroachments, including one (1) point of diversion, five (5) stream crossings, and three (3) reservoirs. LSAA requirements include (**Condition 10**):

- Remove the existing water diversion (POD-1) according to the specifications of the LSAA. Replace undersized culverts at Crossings 1-3.
- Replace an undersized culvert at Crossing 6.
- Rock and outslope the road, and remove the outboard berm.
- Decommission Crossing 8.
- Replace an undersized culvert at Reservoir 1.
- Maintain infrastructure at Reservoir 2 according to the specifications of the LSAA.
- Decommission Reservoir 3 and restore the stream channel.

The LSAA establishes specific requirements that the applicant must apply to offset potential impacts to waterways within the area. The recommendations are summarized as follows (**Condition 11**):

- Document all activities that occur within waterways at the project site.
- All work shall be confined to the dry weather period, from June 15 through October 15 of each year.
- Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life.
- Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities.
- The maximum instantaneous diversion rate from the water intake shall not exceed three (3) gallons per minute (gpm) at any time, and the applicant shall bypass 90% of flow at all times.
- Project work shall be completed by no later than October 15, 2025, and notification of completion shall be submitted to CDFW within seven (7) days of project completion.

A Biological Resources Assessment was prepared by Dennis Halligan of Stillwater Sciences on May 14, 2019. The assessment identified no special status species within the project area. However, several special status species—including four (4) birds, two (2) mammals, and the foothill yellow-legged frog—have potential to occur within the project area. Furthermore, watercourses on the subject property drain into Chamise Creek, which contains anadromous salmonids. Therefore, the report includes several recommendations to reduce the potential for project impacts to special status species (**Condition 12**):

- Implement erosion and sediment control best management practices (BMPs) identified in the LSAA.
- Capture flowing water in a cofferdam and pipe it around the worksite to keep it dry, thereby minimizing erosion and sediment delivery potential to nearby streams.
- Prior to beginning work within watercourses, have a qualified biologist conduct a pre-construction survey 3-5 days prior to commencement of construction. The biologist shall examine the project site and an additional 150 feet upstream and downstream of the project site to determine if foothill yellow-legged frog adults, juveniles, tadpoles, or egg masses are present. If any foothill yellow-legged frogs are identified, the biologist will immediately contact CDFW and provide a description of observations. The biologist will propose site-specific measures to avoid a taking. Instream work may not begin until approval from CDFW has been granted. If no foothill yellow-legged frogs are identified, an approved amphibian exclusion fence shall be installed upstream and downstream of the work area.
- Locate equipment access and staging areas on existing roads, where possible, to minimize impacts to vegetated areas.

Additionally, CDFW requires that rainwater catchment ponds be monitored for American bullfrog presence on an annual basis, as specified in **Condition 18**.

An archaeological survey report was prepared by Alex DeGeorgey, M.A., RPA, of Alta Archaeological Consulting (May 22, 2017). A field survey of the project area resulted in the identification of no cultural resources. The report concluded that the project is unlikely to have an adverse effect on significant historical resources. The Native American Heritage Commission (NAHC) conducted a search of the sacred lands file on June 6, 2017 and did not identify any sensitive tribal resources in the project area. Outreach letters were sent to all tribal groups identified by the NAHC. According to responses from tribal representatives, the project area is located outside of Wiyot ancestral territory and outside of the Blue Lake Rancheria tribe's area of concern. No additional communication from tribal communities has been received.

The report recommended establishing protocols to protect cultural resources and/or human remains which may be discovered inadvertently during project work. The standard Inadvertent Discovery Protocol will be used to protect artifacts or remains that may be discovered during project work (**Condition 13**).

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.

Summary of Significant Project Effects and Required Mitigation

No changes are proposed for the mitigation measures identified in the original MND. The proposal to authorize the continued operation of 16,934 SF of cannabis cultivation consisting of 7,060 SF mixed light cultivation and 9,874 SF outdoor cultivation with two (2) ancillary propagation areas totaling 1,540 SF, 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:

- Site Plan prepared by applicant, dated 9/20/2018 and revised 3/9/2020
- Cultivation and Operations Plan prepared by applicant, dated 9/1/2019 and revised 4/1/2020
- Lake and Streambed Alteration Agreement (Notification No. 1600-2018-0721-R1), dated 12/16/2021
- Water Resources Protection Plan (WDID No. 1B161709CHUM), received 11/5/2019
- Cultural Resources Investigation Report prepared by Alta Archaeological Consulting, dated 5/22/2017 and received 3/8/2018
- Road Evaluation Report prepared by David Nicoletti, PE, dated 8/1/2019
- Biological Assessment prepared by Dennis Halligan of Stillwater Sciences, dated 5/14/2019

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, Serendipity Associates, Inc. would be the same or similar. There would be no new significant environmental impacts or a substantial increase in the severity of previously identified significant impact, 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, Serendipity Associates, Inc. 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 Application Report of 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 applicant, dated 9/20/2018 and revised 3/9/2020 – **Attached**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by applicant, dated 9/1/2019 and revised 4/1/2020 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. **(Not applicable)**
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan, item 4 above - **Attached**)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. **(On file)**
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 Streambed Alteration Permit obtained from the California Department of Fish and Wildlife on June 22, 2020 (LSAA Notification No. 1600-2018-0721-R1). **(On file)**
9. If the source of water is a well, a copy of the County well permit, if available. **(Not applicable)**
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner

has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. **(Not applicable)**

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. **(On file)**
12. 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)**
13. 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)**
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). **(On file)**

Cultivation Plan

Parcel # 218 091 007 / APP# 11940

The following plan describes the general operations for managing a 16,934 sq ft cultivation site, with 7,060 sq ft Mixed-Light and 9,874 sq ft Outdoor areas. The original application was for up to 24,500 sq ft.

1. Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, from 250 gallons a day to 1,000 per day in summer months. Details of the grower’s cultivation and water usage is outlined below.

Water used for cannabis cultivation is sourced from rain catchment captured into an onsite pond. The site has the capacity to store 611,000 gallons of water for irrigation, 11,000 in water tanks and 600,000 in the pond. A pump directs water from the pond to storage tanks and bladders, filled during the off season. Gravity then directs water to irrigation lines and distributes waterflow from the irrigation tanks to the cultivation site. All irrigation is dispersed by a timed delivery cycle with a drip system to maximize water conservation.

During the beginning of the grow season, clones are occasionally watered once a week as needed. Plants are watered through timed drip irrigation for 15 minutes per application early in the season, progressing to one hour during the hottest days. Straw mulch is used around plants to improve water retention. Low-flow timed irrigation, with immediate oversight, eliminates the possibility of irrigation runoff.

The following provides an estimate of monthly irrigation use in gallons:

1.a. Water USE by month

Jan	Feb	Mar	Apr	May	June
0	2,070	2,000	7,880	12,350	21,680

July	Aug	Sept	Oct	Nov	Dec
56,940	80,540	46,060	19,547	1,413	400

Rev. 4/6/2022

2. Watershed Protection

To protect nearby watershed areas and nearby habitat the site is managed to meet standard conditions and follow best practices in accordance with guidelines provided by the State Water Resources Control Board (SWRCB) and the North Coast Regional Water Quality Control Board (NCRWQCB). These practices address erosion control and drainage features, spoils management, water storage and use, irrigation runoff, fertilizers and pesticides, and stream and wetland buffers when applicable.

The most active steps for this site include:

- Usage of vegetative ground cover and gravel for added sediment control
- Base enclosure of plant beds to prevent run-off
- Out-sloping maintained to ensure proper capture and capacity of seasonal flow
- Application of straw mulch on exposed soils to minimize erosion

The parcel has two Class II watercourses running through it. The cannabis cultivations occur at least 100 feet away as required in the SWRCB specifications. A Class III waterway is also onsite and cultivation areas are kept 50 feet or more away.

The grower, designated as the “Discharger”, is enrolled in the SWRCB Waiver of Waste Discharge as a Tier I Discharger. The cultivation site includes a Site Management Plan (SMP) for the property. A copy of the SMP is kept onsite for ongoing site management and regulatory inspections.

3. Power Source

The site has a 1.59kW solar array supported by 20kWh of battery storage. For backup power the site has a Honda EU 7000is and a Caterpillar MQ20 WhisperWatt diesel generator if needed. Usage is up to 18kWh per day, depending on the need for propagation lighting, use and duration of ventilation, and use of farming equipment. As the generator is rated by the manufacturer at over 60dB, it is used in a trailer enclosure to meet perimeter noise restrictions required by environmental regulations.

4. Site Structures

There are three residences onsite. The site's central residence, a prior ag barn that now serves as a cabin, along with a guesthouse along the waterway.

There are 2 ag sheds on the site used for drying, processing and packaging. The site also has sheds used for tools, fuel, refuse, and amendments storage. During the season, the cultivation areas include up to five temporary greenhouses.

5. Materials Storage

Currently there are primarily natural fertilizers utilized in the cultivation process and include:

- Azamax
- Azomite
- Bacillus
- Bat Guano
- Blood Meal
- Bone Meal
- Compost
- Epsom Salt
- Feather Meal
- Fishbone
- Gardening Sulphur
- Gypsum
- Humic Powder
- Hydrogen Peroxide
- Hydrol Fish
- Kelp Meal
- Kickstart 6-1-2
- Mycorrhizae
- Neem
- Neem Seed
- Oyster Shell
- Shrimp Meal
- Sulfate of Potash
- Worm Castings

Careful preventative measures restrict the need for any pesticides. Organic pesticide methods include the use of:

- Neem oil
- Citric acid
- Beneficial nematodes
- Beneficial Bacteria & Fungi

An onsite shed is used for the storage of any amendments. Materials are kept in their original containers with product labels in place and legible. Appropriate Safety Data Sheets (SDS) are kept onsite along with the cultivator's Water Resource Protection/Site Management Plan.

Fuels are stored within an onsite shed or in covered tanks with secondary containment, along with a Spill Prevention, Countermeasures, and Cleanup (SPCC) kit. As a safety measure, kits

provide a supply of clean-up materials in the event of accidents, and are kept within fuel storage areas.

6. Waste Management

Unusable plant waste is composted. Other solid waste is stored in containers with covers and transported along with recyclables to the Eel River Resource Recovery, on a weekly basis. Materials intended for reuse are stored in a clean and safe manner to be managed and reused as needed.

Two 1,500 gallon cement based septic systems exist onsite to safely manage human waste and prevent threats to local wildlife and water sources.

7. Cultivation Activities

Jan-Feb	<ul style="list-style-type: none"> <input type="checkbox"/> Submit NCRWQCB enrollment renewal and fee <input type="checkbox"/> Install and repair any infrastructure <input type="checkbox"/> Perform initial site inspection
Mar-Apr	<ul style="list-style-type: none"> <input type="checkbox"/> Ensure all off-season water storage is complete <input type="checkbox"/> Submit soil samples for testing <input type="checkbox"/> Purchase amendments for soil preparation based on test results <input type="checkbox"/> Conduct and record inventory of amendments and verify proper storage <input type="checkbox"/> Begin tilling soil and amendments to prepare for planting <input type="checkbox"/> Plant teenage plants to initial pots in greenhouses <input type="checkbox"/> Begin daily plant inspections
May-Jun	<ul style="list-style-type: none"> <input type="checkbox"/> Replant into larger pots <input type="checkbox"/> Add nutrients as needed <input type="checkbox"/> Complete vegetative growth stage <input type="checkbox"/> Begin covering light deprivation greenhouses <input type="checkbox"/> Set irrigation lines <input type="checkbox"/> Transplant clones to soil beds and inground cultivation areas
Jul-Aug	<ul style="list-style-type: none"> <input type="checkbox"/> Top and prune plants periodically <input type="checkbox"/> Trellis plants for stability <input type="checkbox"/> Conduct regular site inspections and make repairs as needed <input type="checkbox"/> Harvest first round crops <input type="checkbox"/> Dry & cure crop <input type="checkbox"/> Package and store <input type="checkbox"/> Transplant round 2 crop to greenhouses <input type="checkbox"/> Cover greenhouses for round 2 light deprivation

Sep-Oct	<ul style="list-style-type: none"> <input type="checkbox"/> Harvest by hand <input type="checkbox"/> Dry & cure crop <input type="checkbox"/> Package and store <input type="checkbox"/> Remove and recycle plant waste following harvest
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7. Soil Management

Prior to the season, soil is sent for lab testing and analysis. Based on the test results, a prescription of amendments is created. Items are purchased, applied, stored and inventoried. Once tilling is completed and soil has been prepared, planting begins.

Cultivation soil is a living soil and reused, not discarded. Following the harvest, soil is kept in place for tilling in the next season.

8. Cultivation Cycles

The site produces two crop cycle. In April, planting begins with clones. During the vegetative state plants are upgraded to larger pots until ready for until ready for light deprivation. Plants are then transferred to their final greenhouse and covered for light deprivation. All greenhouses are staggered on a two-greenhouse every two-week cycle starting mid May. First round harvest usually occurs mid July - mid August. Greenhouses are refilled after the first round harvest. The second harvest is late September - mid October. Harvest times can always vary depending on environmental factors including weather, pests, and plant strains.

9. Plant Management

During the cultivation cycles plants are inspected daily. Irrigation is monitored and adjusted based on impact of various factors, mainly heat and precipitation. A small amount of supplemental light is used during vegetative period. Once plants are placed into soil beds, they are carefully maintained with periodic topping and pruning until ready to harvest.

10. Processing Practices

After being harvested, the cannabis is taken into the two ag sheds where it will be dried. After drying, the product will be ready for processing and packing on site. All work surfaces and equipment are maintained in clean and safe conditions. Protocols are strictly followed to prevent the spread of mold and fungus. The final cannabis product is then packaged and stored in a secure location.

11. Staffing

The site is a family farm currently not hiring part-time or full-time employees. Harvesting and processing is done with the support of family members. The site is managed by up to three people on a full-time basis during the season.

12. Security Measures

A number of security measures have been established on the site. They include:

- Road access is restricted by locked gates. Gates are of heavy steel construction with a steel combination lock.
- Perimeter deer fencing limits wildlife access to the property.
- There is 24/7 presence onsite throughout the cultivation season.
- A guard dog provides onsite protection against human intruders and invasive wildlife.
- Motion sensed security cameras are planned to provide ongoing monitoring of access points to the property.

13. Health and Safety

When employees are hired this site will be operated as an “agricultural employer” as defined by 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, and comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers. At the first establishment of 20 or more employees, the firm will sign and enact a Labor Peace Agreement and allow upon written request, all bona fide labor organizations access at reasonable times to areas in which the farm’s employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment.

With regards to processing, any onsite operations will ensure that any employees handling cannabis for processing will have access to facemasks and gloves in good operable condition, and will be required to wash hands sufficiently when handling cannabis or use gloves.

An Injury and Illness Prevention Program (IIPP) Plan will be posted and includes safety protocols including emergency action plan and fire prevention plan, use of personal protective equipment, proper equipment and materials handling, heat illness prevention, employee accident reporting policies and logs, communication of hazards and Material Safety Data Sheets for amendments and chemicals used onsite, and employee training logs.

Posted and available documentation for employees (if applicable) will include:

- *Injury and Illness Prevention Program (IIPP) Plan* - T8 CCR Section 3203 of the General Industry Safety Orders
- *Agricultural Occupations Notice* - Industrial Welfare Commission Order No. 14-2001
- *Professional, Technical, Clerical, Mechanical, and Similar Occupations Notice* - Industrial Welfare Commission Order No. 4-2001
- *Safety and Health Protection on the Job* - Labor Code section 6328
- *California Minimum Wage* - MW-2017 General Minimum Wage Order
- *Healthy Workplaces/Healthy Families Act of 2014 Paid Sick Leave* - Division of Labor Standards
- *Payday Notice* - Labor Code section 207
- *Emergency Numbers* - Title 8 Section 1512 (e), California Code of Regulations
- *Access to Medical and Exposure Records and General Industry Safety Order 3204*
- *Injuries Caused by Work* - Title 8, California Code of Regulations, Division of Workers' Compensation section 9881
- *Whistleblower Protections* - Labor Code Section 1102.8(a)
- *No smoking signage* - Labor Code section 6404.5(c)(1)
- *Farm Labor Contractor Statement of Pay Rates* - California Labor Code Section 1695(7)
- *Insurance and Paid Leave Notice to Employees* - DE 1857A
- *Equal Employment Opportunity is the Law* - EEOC-P/E1 and Americans with Disabilities Act
- *Human Trafficking Public Notice* - Civil Code § 52.6

14. International Dark Sky Standards

Any greenhouse or propagation area with supplemental lighting will be properly maintained to avoid being visible from any neighboring property between sunset and sunrise. The site will comply with International Dark Sky Association standards for Lighting Zone 0, and prevent light spillage which may impact local wildlife. Any and all complaints received in writing regarding light spillage will be corrected within 10 business days from the date of receipt.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Humboldt County Division of Environmental Health	✓	Conditional approval	On file
Humboldt County Building Inspection Division	✓	Comments	On file
Humboldt County Department of Public Works	✓	Conditional approval	On file
CAL FIRE	✓	Comments	On file
Northwest Information Center (NWIC)	✓	Comments	On file and confidential
Humboldt County Counsel		No response	
California Department of Fish and Wildlife (CDFW)	✓	Comments	On file
North Coast Regional Water Quality Control Board (NCRWQCB)	✓	Comments	On file
California Division of Water Resources		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Southern Humboldt Joint Unified School District		No response	