



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: September 5, 2019

To: Humboldt County Planning Commission

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

Subject: **Armco II LLC Conditional Use Permit**
Record Number PLN-2019-15365
Assessor's Parcel Numbers (APN) 522-143-033
1005 Patterson Road (Private Drive off of Patterson Road), Willow Creek Area

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Please contact Caitlin Castellano, Planner at 707-445-7541 or by email at CCastellano1@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date September 5, 2019	Subject Conditional Use Permit	Contact Caitlin Castellano, Planner
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Project Description: Armco II, LLC seeks a Conditional Use Permit for a Distribution Facility incidental to an existing, approved commercial cannabis cultivation activity (ZCC-16-142) occurring on the subject parcel in accordance with Section 314-55.4 of Chapter 4 of Division 1 of Title III of the Commercial Cannabis Land Use Ordinance (CCLUO). The distribution activity will occur in a portion of an existing 1,920 square foot commercial building utilized for processing and storage activities. Product will be transported off-site to other licensed vendors once it has passed state testing. Hours of operation will be 8 am to 5 pm Monday – Friday and deliveries will occur via a transport van no more than two days during the week. Water is sourced from the Willow Creek Community Services District. The applicant states that up to six (6) employees may be utilized for all operations including the distribution use and the previously approved mixed-light cultivation and ancillary processing uses. Electricity is sourced from PG&E and participation in the "Repower+" program to obtain renewable energy is proposed. The CCLUO section 55.4.5.1.4 (a) requires a Conditional Use Permit for any Commercial Cannabis Activity within the Willow Creek Community Planning Area.

Project Location: The project is located in the Willow Creek area, on a private driveway approximately 0.30 miles east of Patterson Road; approximately 0.67 miles (3,525 feet) north from the intersection of Bigfoot Avenue and Patterson Road, on the property known as 1005 Patterson Road, or APN 522-143-033.

Present General Plan Land Use Designation: Residential Estates; 1-5 acres per dwelling unit (RE1-5).

Present Zoning: Agricultural Exclusive (AE); Residential Suburban with Manufactured Home combining zone (RS-T).

Record Number: PLN-2019-15365

Assessor's Parcel Numbers: 522-143-033

Applicant

Armco II, LLC
Amy Wisner
10304 Banner Lava Cap Rd.
Nevada City, CA 95959

Owner

Armco II LLC
1 Oakledge Road
Bronxville, NY 10708

Agent

Heather Keating
PO Box 285
Arcata, CA 95518

Environmental Review: An Addendum to a previously adopted Environmental Impact Report 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: None

Armco II, LLC
Record Number PLN-2019-15365
Assessor's Parcel Numbers 522-143-033

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 part of the consent agenda:

Find that the Commission has considered the Addendum to the adopted Environmental Impact Report for Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the proposed Armco II, LLC project subject to the recommended conditions.

Executive Summary: The applicant is seeking a Conditional Use Permit for a Distribution facility incidental to an existing, approved cannabis cultivation and ancillary processing activity (ZCC-16-142). This activity would occupy approximately 200 square feet inside of an existing 1,920 square foot commercial building on the property. Product would be temporarily stored and transported from the site to other licensed vendors once it has passed state testing. Water is sourced from the Willow Creek Community Services District (WCCSD). The WCCSD provided a Will Serve letter indicating the district is able to provide up to 60,000 gallons per month which is sufficient for both the previously approved and proposed projects. The applicant states that up to six (6) employees would be required for operations including the Distribution use and the previously approved cultivation and ancillary processing uses. Electricity is sourced from PG&E and they propose participation in the "Repower+" program to obtain renewable energy.

The application has a mixed light cannabis cultivation permit on the parcel (ZCC-16-142) which was approved May 16, 2017. The Distribution Facility would be used for storing and quarantining cannabis that is produced on site. Per state regulations, the facility will have its own locked entrance with no other access doors or shared space. Access for product testing will be scheduled for no more than 2 days during the work week. All deliveries, pickups and drop-offs will take place between 8am and 5pm and be logged in any state and local tracking systems.

The parcel has split zoning of AE;RS-T. The western (front) portion of the site is zoned Residential Suburban with a Manufactured Home combining zone (RS-T) and the eastern (back) portion of the site, where the development and cannabis activity is located, is zoned Agriculture Exclusive (AE). As a result, the staff analysis of the evidence supporting the Required Findings (Attachment 2) only addresses the AE zone.

Timber conversion occurred on the parcel under a Less Than Three Acre Conversion Exemption approved by CalFIRE. Grading on the parcel has been analyzed by the Building Department by way of an approved Grading Plan prepared by Trinity Valley Consulting Engineers. Access to the site from Highway 299 is via County Club Road, and Patterson Road which leads to a private driveway. The applicant has submitted a self-certified Road Evaluation Report and the Public Works Department has recommended approval of the project.

According to the California Natural Diversity Database (CNDDDB) Resource Map maintained by the California Department of Fish and Wildlife (CDFW), there are no occurrences of any state listed special-status or threatened species in the vicinity of the subject parcel. Habitat for Northern Spotted Owl exists in the project vicinity (approximately two miles away) but no generators are proposed. As a result, the noise impacts on NSO from the project will be well below the thresholds that could cause disturbance of the species. A Biological Resource Assessment prepared by Natural Resources Management Corporation in February 2019 found that ongoing cannabis operations were not expected to impact sensitive species if certain best management practices (BMPs) were followed. These BMPs include shielding artificial lights

and minimizing noise levels, which have been made conditions of approval for the project. The project is also conditioned to ensure security lighting complies with International Dark Sky Standards and be motion activated, shielded, downward facing and only placed where needed, as well as, be of Low Pressure Sodium or low spectrum Light Emitting Diodes.

The property is adjacent Six River's National Forest (SRNF) lands but the cultivation area and associated facilities are greater than the required 600-foot setback at 610 feet. The project does not utilize federal roads for access but does utilize county-maintained roads that travel through federal lands. A referral response from SRNF recommended denial due the cannabis being federally illegal, and because transportation may cross over federal lands. Nevertheless, the project can be found consistent with the USDA Forest Service's Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP) because the approved cultivation activities already minimizes impacts to biological resources by following Dark Sky Standards for greenhouses, conforming to the CMMLUO performance standards for noise, supplying irrigation water from a Community Services District, and electricity from a municipal source (PG&E). Additionally, development on the parcel meets appropriate buffers from sensitive habitat areas such as Streamside Management Areas (SMA) and utilizing municipal water for irrigation reduces impacts to water resources.

A referral was sent to Tsnungwe and Hoopa Valley Tribes on April 23, 2019 with an additional email follow-up on June 3, 2019. Tsnungwe responded with no objections and HVT did not respond. The site has been analyzed for sensitive cultural or archaeological resources that could be impacted from on-going cultivation. A Cultural Resource Survey prepared by Evans & De Shazo LLC in February of 2019 found that no potential significant cultural resources were identified at the Site and that no project-specific recommendations are warranted. No new construction is proposed, so no ground disturbance will occur. Nonetheless, the project is conditioned to include an inadvertent discovery protocol should the project encounter undocumented cultural resources.

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

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

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any such potential impacts. As Lead Agency, the Department has determined that the project is consistent with an existing Environmental Impact Report, as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-**

**Record Number PLN-2019-15131
Assessor's Parcel Numbers: 522-221-008**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Armco II, LLC Conditional Use Permit request.

WHEREAS, Armco II, LLC submitted an application and evidence in support of approving a Conditional Use Permit for a Distribution Facility within an existing 1,920 square foot commercial building incidental to the existing, approved cannabis cultivation an ancillary processing activity (ZCC-16-142) occurring on the subject parcel;

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

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Record Number PLN-2019-15365); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on September 5, 2019.

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

1. The Planning Commission considered the Addendum to the EIR adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Planning Commission makes all of the required findings in Attachment 2 of the Planning Commission staff report Record Number PLN-2019-15365 (CUP) based on the submitted substantial evidence; and
2. The Conditional Use Permit (Record Number PLN-2019-15365) is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on September 5, 2019.

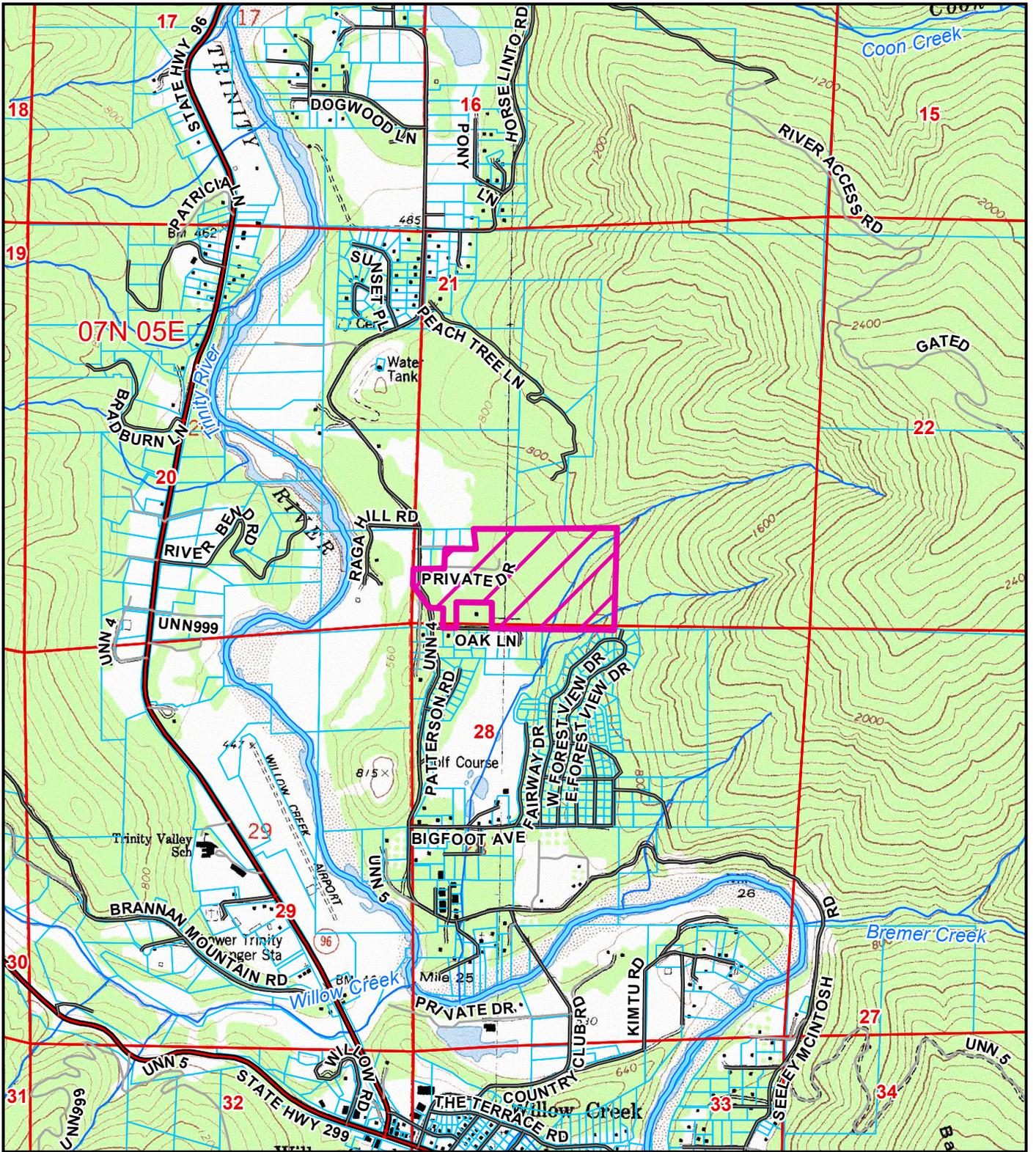
The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: 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

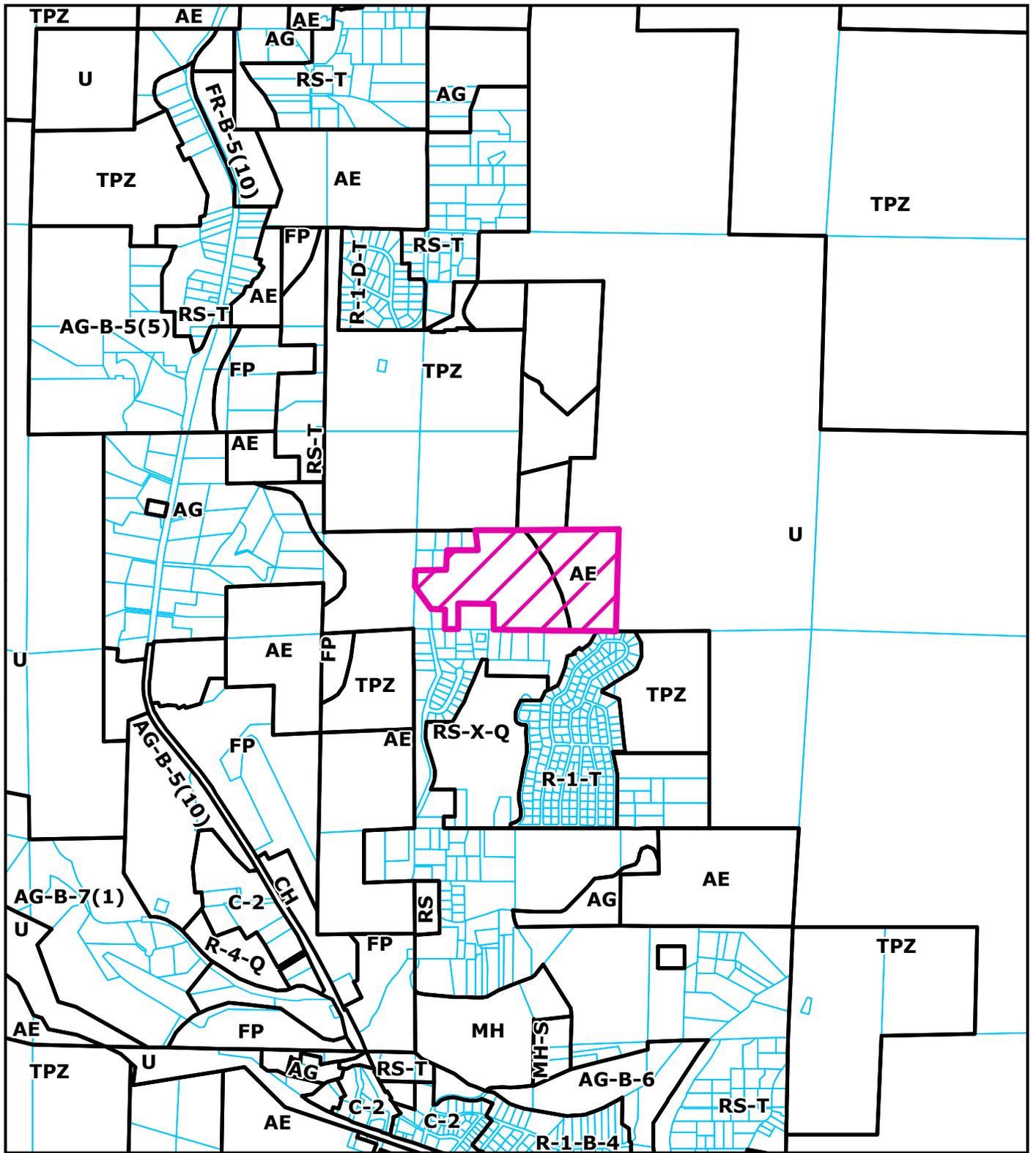


TOPO MAP
PROPOSED ARMCO II LLC
WILLOW CREEK AREA
PLN-2019-15365
APN: 522-143-033
T07N R05E S21; S28 HB&M (SALYER)

Project Area = 

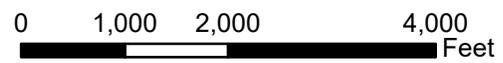


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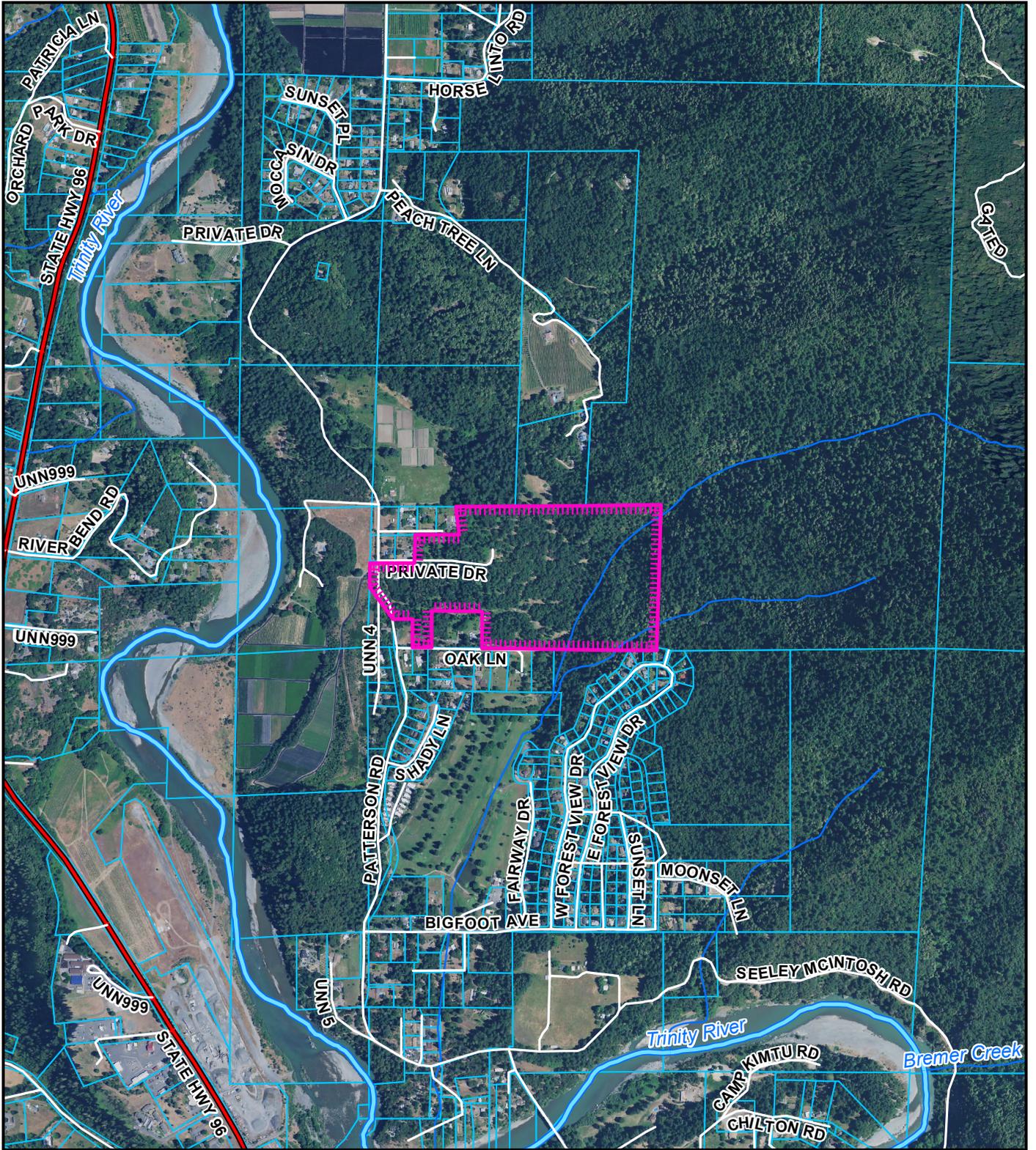


ZONING MAP
PROPOSED ARMCO II LLC
WILLOW CREEK AREA
PLN-2019-15365
APN: 522-143-033
T07N R05E S21; S28 HB&M (SALYER)

Project Area = 

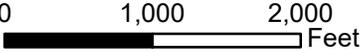


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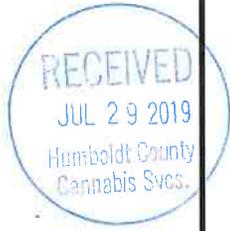
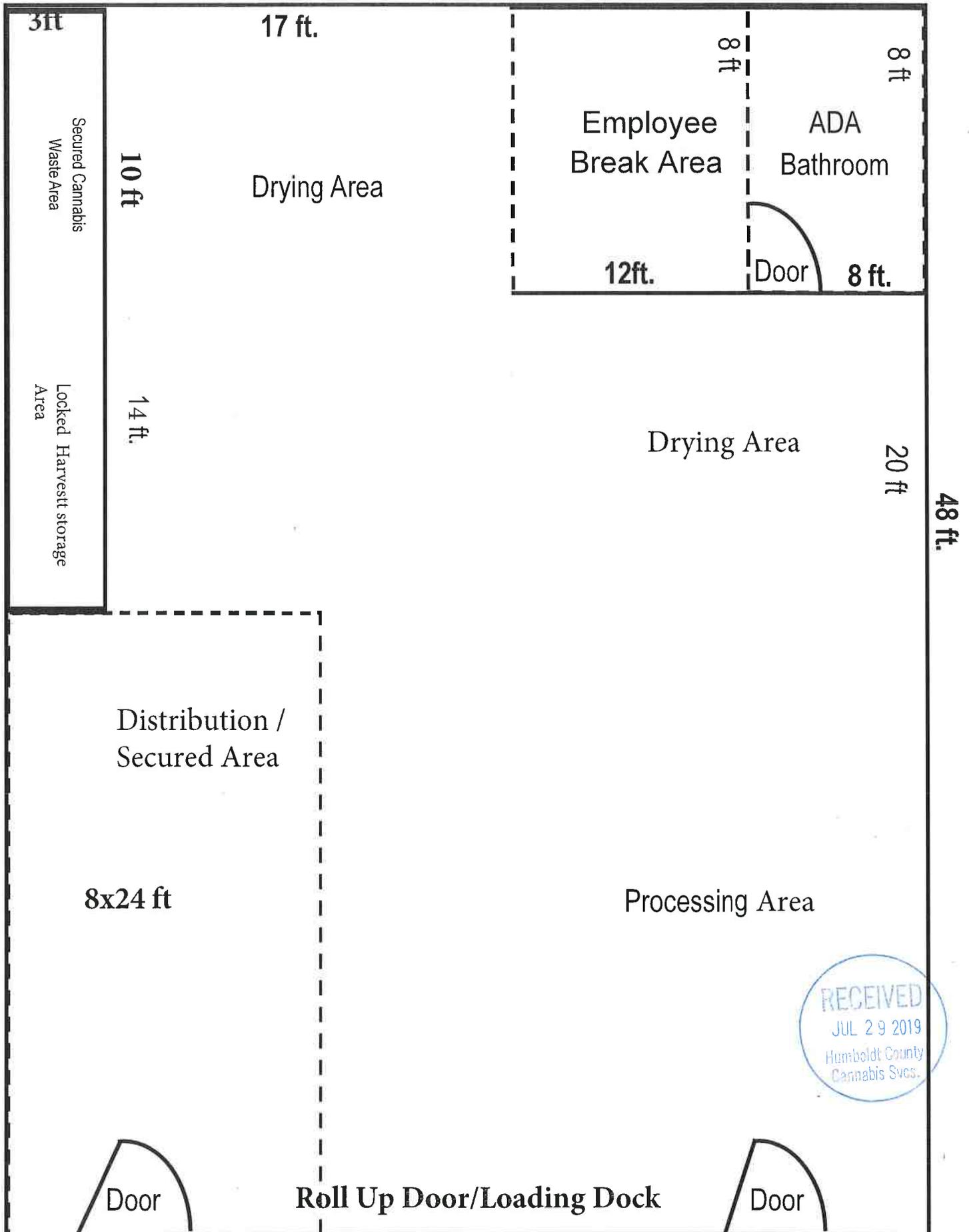
**AERIAL MAP
PROPOSED ARMCO II LLC
WILLOW CREEK AREA
PLN-2019-15365
APN: 522-143-033
T07N R05E S21; S28 HB&M (SALYER)**

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.

Armco II LLC Processing and Distribution Building



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 INITIATION OF OPERATIONS.

A. General Conditions

1. Building permits are required for all tenant improvements, such as but not limited to, any equipment needed for appurtenant processing and distribution activities. All work done shall meet the current Structural, Electrical, Plumbing, and Mechanical Codes. Issuance of a building permit for the necessary tenant improvements, or written documentation from the Building Department that no building permits are required shall satisfy this condition.
2. Prior to issuance of the building permit, the applicant shall obtain a Business License from the Humboldt County Tax Collector.
3. The approved project shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on a new Occupancy Permit by the Building Division shall satisfy this requirement.
4. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
5. If applicable, a final Signage Plan shall be submitted subject to review and approval by the Planning Director. Signage shall be compatible and not distract from with surrounding uses in the area.
6. The applicant shall adhere to recommendations in the Biological Report prepared by NRM dated July 15, 2018.
7. The applicant shall implement recommendations in the Biological Report prepared by Natural Resources management Corporation dated July 15, 2019 and date stamp received February 6, 2019.
8. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
9. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with 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 \$50.00 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.
10. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the 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) 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.

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

1. The Transport Van shall be in operation no more than two (2) days per week. All Distribution activities shall be confined to the hours of 8 A.M. to 5 P.M., Monday through Friday.
2. The project will provide adequate security on the premises, including lighting, alarms and law enforcement notification, to ensure the safety of persons and to protect the premises from theft.
3. All electricity utilized by the Commercial Cannabis activity shall conform to one or more of the following standards:
 - Grid power supplied from 100% renewable source
 - On-site renewable energy system with twenty percent net non-renewable energy use
 - Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.
4. Any existing or proposed on-site lighting shall be fully shielded and designed and installed to minimize off-site lighting and direct light within the property boundaries. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Additionally, security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, 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 has been repaired, inspected, and corrected as necessary. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, 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 has been repaired, inspected, and corrected as necessary.
5. If generators are used at any time, the applicant shall ensure the noise level does not exceed 50 decibels measured at a distance of 100 feet from the noise source or the edge of habitat, whichever is closer. It may be necessary to install mufflers or erect sound deflecting acoustic shields or enclosures with proper ventilation. Should a noise containment structure be necessary to obtain compliance, a building permit shall be obtained.
6. As identified under the 2008 Attorney General Guidelines (for the Security and Non-Diversion of Marijuana Grown for Medical Use), the project shall "track and record the source of their marijuana" and keep records of its division and distribution.
7. The project shall permit the Planning Director or his/her designee to have access to the entities' books, records, accounts, and any and all data relevant to its permitted activities for the purpose of conducting an audit or examination in order to determine compliance with the conditions of the Conditional Use Permit. Books, records, accounts, and any and all relevant data will be produced no later than twenty-four (24) hours after the request from the Planning Director or his/her designee.
8. Non-compliance by the cannabis project in allowing the inspection by the above-mentioned County personnel, or non-compliance in submitting the annual "Performance Review Report" per the CCLUO section 314-55.4.5.7 for review by the Planning Commission shall be deemed grounds for a revocation of the conditional use permit and/ or subject the holder of the conditional use permit to the penalties outlined in this Code, above. A deposit shall be collected for the County's time spent performing the inspection (based on the fees in effect at the time the request is submitted).

9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
10. Commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in Commercial Cannabis Land Use Ordinance (CCLUO), Humboldt County Code Section 314-55.4.1 et seq. and hereby incorporated by reference, and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) as applicable by permit type. The requirements described are current at the time of approval but may be superseded or modified by changes to the laws and regulations governing commercial cannabis cultivation and associated activities.
11. 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.
12. Any Commercial Cannabis Activity Conditional Use Permit issued pursuant to the CCLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval [Reference Humboldt County Code Section 314-55.4.5.6].
13. 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 Conditional Use Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request re-inspection or to cure any items of non-compliance shall terminate the Conditional Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Humboldt County Code Section 314-4.5.8.
14. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required conformance with conditions review shall accompany the request. The request shall include the following information:
 - (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - (3) The specific date on which the transfer is to occur; and
 - (4) Acknowledgement of full responsibility for complying with the existing Permit; and
 - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.
15. Prior to making any modifications to a permitted facility, the permittee shall submit to the Planning Director a request for determination of County approvals, together with the appropriate fee. The request shall contain a description sufficiently detailed to allow the Planning Director to determine what permits and other approvals, are needed, and whether a modified Permit is required.
16. 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.

17. Participate in and bear the costs for permittee's participation in the California's "Metrc" track-and-trace system or any substantially equivalent program that may be subsequently adopted by the State of California, County of Humboldt, or other responsible agency.
18. Persons engaging in the distribution of any cannabis product shall:
 - A. Be over 18 years of age.
 - B. Not have been convicted of a felony for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance; a violent crime, as specified in subdivision (c) of Section 667.5 of the Penal Code; a serious crime, as specified in subdivision (c) of Section 1192.7 of the Penal Code; or a crime involving fraud, deceit, or embezzlement
 - C. Ensure that all equipment, counters and surfaces used for distribution of any Cannabis product is food-grade including ensuring that all counters and surface areas were constructed in such a manner that it reduces the potential for the development of microbials, molds, and fungi and can be easily cleaned.
 - D. Ensure that all equipment, counters, and surfaces used in the distribution of any Cannabis product are thoroughly cleaned after the completion of each Production Batch.
 - E. Ensure that the appropriate safety or sanitary equipment, including personal protective equipment, is provided to, and appropriately used by, each person engaged in the distribution of any Cannabis product.
14. Consent to annual on-site inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday-Friday, 9:00am -5:00 pm, excluding holidays).

D. Informational Notes:

1. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-10.5 of the Humboldt County Code.
2. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 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 Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

3. The applicant shall be aware that the Federal Government considers the cultivation, processing and distribution 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

REQUIRED FINDINGS FOR APPROVAL

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

The County Zoning Ordinance, Sections 312-1.1.2 (Legal Lot Requirement) and 312-17.1 of the Humboldt County Code (Required Findings for All Permits), specify the findings that are required to grant a Conditional Use Permit:

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4	The Residential Estates (RE) designation is intended for lands adjacent to urban areas or rural communities with limited public services but suitable for single-family residential use. It is also intended as a transition from urban development to rural lands.	The project proposes to add a Distribution use to an approved cannabis permit in order to transport the applicant's processed cannabis to retail distributors or directly to licensed dispensaries once it has passed state testing. The proposed use is consistent with the primary and compatible uses allowed as part of the RE designation because the appurtenant distribution along with the existing cultivation activity are together considered an "intensive agriculture" use. In addition, the parcel's AE zoning is intended to implement the RE designation, and the CCLUO specifies that AE is an appropriate zone district for distribution facilities.
Community Infrastructure and Services Chapter 5	Capacity of and sizing of road and drainage facilities in coordination with water and wastewater service providers shall be evaluated to determine adequacy for proposed land uses and discretionary development. (IS-P7)	As part of the other approved project on the parcel, the applicant submitted correspondence from the Willow Creek Community Services District. The letter indicates that the property utilizes a 5/8" water meter which is sufficient for the anticipated quantity of irrigation water needed for the project. Wastewater is handled at the property by way of an existing septic system. The Department of Health and Human Services – Environmental Health Division has recommended approval of the project.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site is by way of a private driveway that connects to Patterson Road, which is maintained by the County. The applicant has certified that the private driveway meets the functional equivalent of a Category 4 road. The Public Works Land Use Division has recommended approval of the project.</p> <p>The project does not utilize federal roads for access but does utilize county-maintained roads that travel through federal lands. A referral response from SRNF recommended denial, in part because transportation may cross over federal lands. The applicant has been made aware that 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.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development. However, the project site currently contains a mobile home which will remain and will not preclude any future residential development if consistent with the General Plan and Zoning designations. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P8, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The project can be found consistent with the Open Space Plan Element and the Open Space Action Program because the proposed project is consistent with the allowable uses of the RE Land Use Designation which allows general and intensive agriculture. The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources.</p> <p>The property is adjacent Six River's National Forest (SRNF) lands but the cultivation area and associated facilities are greater than the required 600-foot setback at 610 feet. The project does not utilize federal roads for access but does utilize county-maintained roads that travel through federal lands. A referral response from SRNF recommended denial due the cannabis being federally illegal, and because transportation may cross over federal lands. Nevertheless, the project can be found consistent with the USDA Forest Service's Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP) because the approved cultivation activities already minimize impacts to biological resources by following Dark Sky Standards for greenhouses, conforming to the CMMLUO performance standards for noise, supplying irrigation water from a Community Services District, and electricity from a municipal source (PG&E). Additionally, development on the parcel meets appropriate buffers from sensitive habitat areas such as Streamside Management Areas (SMA) and utilizing municipal water for irrigation reduces impacts to water resources.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Biological Resources Section 10.3</p>	<p>Protect designated sensitive and critical resource habitats.</p>	<p>According to the California Natural Diversity Database (CNDDDB) Resource Map maintained by the California Department of Fish and Wildlife (CDFW), there are no occurrences of any state listed special-status or threatened species in the vicinity of the subject parcel. Habitat for Northern Spotted Owl exists in the project vicinity (approximately two miles away) but as no generators are proposed the noise impacts on NSO from the project will be well below the thresholds that could cause disturbance of the species. A Biological Resource Report prepared by Natural Resources Management Corporation (NRM) dated July 15, 2018 and date stamp received in February 2019 found that ongoing cannabis operations were not expected to impact sensitive species if certain best management practices (BMPs) were followed. These BMPs include shielding artificial lights and minimizing noise levels, which have been made conditions of approval for the project. Additional conditions regarding security lighting have also been included in the Conditions of Approval.</p>
<p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p>	<p>A referral was sent to Tsnungwe and Hoopa Valley Tribes on April 23, 2019 and additional email follow-up on June 3, 2019. Tsnungwe responded with no objections and HVT did not respond. The site has been analyzed for sensitive cultural or archaeological resources that could be impacted from on-going cultivation. A Cultural Resource Survey found that no potential significant cultural resources were identified at the Site and that no project-specific recommendations are warranted. No new construction is proposed, so no ground disturbance will occur. Nonetheless, the project is conditioned to include an inadvertent discovery protocol should the project encounter undocumented cultural resources.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P8. Erosion and Sediment Discharge; WR-P36. Erosion and Sediment Control Measures.</p>	<p>A Stormwater Management Plan was submitted by the applicant indicating French drains, straw wattles and mulch, and silt fencing have been implemented per specification listed in the Grading Plan approved May 17, 2017. Additionally, the approved mixed-light cannabis cultivation (ZCC16-142) falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (WDID: 1B161517CHUM) and a Water Resources Protection Plan (WRPP) was prepared in January 2018 to protect water quality from cannabis cultivation and related activities. The WRPP identified three (3) corrective actions in order to be in compliance with all 12 Standard Conditions applicable to all Cannabis Dischargers. These three actions included adding drip pan under generator, securing soil spoils pile before winter rains and rocking dirt access road all of which have been completed. Additionally, all enrollees must transition to the new Cannabis Cultivation Policy and Cannabis General Order administered by the State Water Resources Control Board by July 31, 2019 which Arco II has done and is in active status.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G11)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.</p>	<p>The site is served by the Willow Creek Community Services District for water and there is an existing permitted (16/17/0872) Onsite Wastewater Treatment System serving the commercial building.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise</p>	<p>PGE provides power to the site. The previous project was conditioned to ensure emergency back-up generators shall not be audible by humans from neighboring residences and the decibel level measured at the property line shall be no more than 50 decibels at a 100 feet or edge of habitat whichever is closer.</p>
Safety Element Chapter 14 Fire Hazards	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p>	<p>The parcel is in an area of Very High Fire Hazard Severity rating. The parcel is also located within a State Responsibility Area (SRA) with local fire response from the Willow Creek Volunteer Fire Department. Calfire's referral response stated, "No comment at this time," indicating that no immediate actions are needed to bring the site into compliance with the County Fire Safe Regulations. The Willow Creek Volunteer Fire Department received a project referral but did not provide comments.</p>
Safety Element Chapter 14 Flooding	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p>	<p>The project site is not located in a 100- or 500-Year Flood Zone according to FEMA Flood Insurance Rate Map (FIRM) Panels. However, the site is located in a Dam Failure Inundation Area due to being located downstream from the Lewiston and Trinity dams. A Dam Failure Contingency Plan has been developed and was added to the County of Humboldt's Emergency Operations Plan in June 2016. The applicant has been made aware of the plan.</p>
Safety Element Chapter 14 Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability; and S-P7, Structural Hazards.</p>	<p>Geologic hazard maps show the majority of the property to be relatively stable (low instability) with a portion rated as Moderate Instability. The area of cannabis operations is located on an area of less than 15% slopes with no mapped historic landslides. Since no new exterior construction is proposed, no soils report is required.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G2X) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G3)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	<p>Applications for grading and building permits associated with the original cultivation operation permit ZCC16-142 was referred to the North Coast Air Quality Management District (NCAQMD) and dust control practices during construction and grading followed NCAQMD fugitive dust emission standards.</p> <p>Sources of greenhouse gas emissions may include vehicle trips to the site and use of a backup generator (primary power provided by PG&E). The applicant states that up to six (6) employees may needed at peak operational periods for cultivation, processing and distribution activities. Armco II intends to hire locally from the Willow Creek community and carpooling is encouraged. The quantity of greenhouse gas emissions generated from the project is expected to be less than significant.</p>

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:

The following table documents the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel described as Assessor Parcel Number 522-143-033 has been determined to be one legal parcel. The parcel is designated as a "Remainder" on Parcel Map No. 3485 filed December 19, 2008 in Book 34 of Parcel Maps 26 and 27, Humboldt County Records. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§313-7.1 Agricultural Exclusive (AE)	The Agricultural Exclusive zone is intended to provide standards and restrictions for the conservation of agricultural lands. Permitted uses include "Intensive Agriculture".	The project is to add Distribution to the approved cannabis cultivation and ancillary processing operation (ZCC16-142). The distribution activity will occupy 200 SF of an existing permitted 1,920 square foot commercial building. Commercial cannabis cultivation is recognized under State law as an agricultural product and agriculture activities are principally permitting and a desired use in the AE zone. The proposed use is specifically allowed with a special permit under Section 55.4.7.1 of the CCLUO. A finding of consistency with the AE zoning district can be made for the project.
AE: Minimum Parcel Size	20 acres	The parcel is 66.36 acres (assessed) in size.

AE: Maximum Ground Coverage	35%	The subject parcel is 66.37 acres, and the area where all cannabis operations occur totals ≈1.61 acres, which makes up 0.24% of the parcel.
Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
AE: Minimum Lot Width	100 feet	≈1,310 feet wide
AE: Maximum Lot Depth	None specified	≈2,660 feet deep
Setbacks: AE Front: 30 feet Rear: 20 feet Side: 10% of lot width on each side but no more than 20 feet shall be required (131 feet) Superseded by 30-foot setbacks in SRA area due to Firesafe regulations.		Front: >1,450 feet Rear: >900 feet Side: >400 feet
AE: Max. Building Height	None specified	Not expected to exceed 35 feet
Farm Outbuildings	Shall not be less than 20 feet from any dwelling on the premises	An existing mobile home is located near the western property line and the greenhouses and appurtenant commercial building are greater than 1,200 feet (0.2 mi) from it thus meeting the required minimum setback.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	As shown on the Site Plan, the cannabis operations are sited over 200 feet away from the nearest intermittent Class II stream and associated 50-foot SMA buffer.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of ten parking spaces are required. <i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i>	The applicant states that up to 6 employees are anticipated to be on-site at peak operations for all uses including distribution, cultivation and processing. Zoning on the site is AE, and the Code is silent as to the parking requirement for agricultural employees. The most comparable standard for employees in this situation is one space for each employee at peak shift (per Section 314-109.1.3.4.2 - Manufacturing). There is sufficient space on the property for 6 employees to park as shown on the Site Plan Detail showing parking.

314-55.4 Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis Land Use Regulation for the Inland Area of the County of Humboldt – Commercial Cannabis Land Use Ordinance (CCLUO)

Zoning Section and Summary of Applicable Requirement	Evidence that Supports the Required Finding
Eligibility Criteria §314-55.4.6.3.1: Energy Source Electricity must be exclusively provided by a Renewable Energy Source, meeting the Performance Standard for Energy Use.	PGE will provide power for all the proposed facilities operations. The applicant has chosen to purchase renewable energy from PGE as outlined in the Operations Manual. Staff recommends the project as proposed and conditioned will meet the requirements of HCC Section 314-55.4.6.3.1.

Zoning Section and Summary of Applicable Requirement	Evidence that Supports the Required Finding
<p>§314-55.4.7.1</p> <p>All medical cannabis distribution facilities shall operate in compliance with this Code, the MCRSA, and all other applicable state and local laws.</p> <p>Medical cannabis distribution facilities are permitted within AE, AG, FR, U, C-2, C-3, ML, MH, and MB.</p> <p>Distribution facilities shall at all times be operated in such a way as to ensure the safety of patients and staff; to ensure the security of the medical cannabis; and to safeguard against the diversion of medical cannabis for non-medical purposes.</p>	<p>The Operations Plan in Attachment 4 describes the distribution facility use and operation. A distribution facility is an allowed cannabis activity type permitted with the Conditional Use Permit in an AE Zone due to being located within the Willow Creek Community Planning Area per CCLUO section 314-55.4.5.1.4. The Distribution use would occur in an existing 1,920 square foot commercial building on the property. Cannabis product processed onsite would be transported/distributed from the site to other licensed vendors once it has passed state testing.</p> <p>The project is subject to the requirements for processing and distribution of commercial cannabis set forth in the CCLUO. These standards are made a part of the project conditions of approval, including product handling protocols during distribution and the requirement that the operator participate in the Track and Trace Program administered by the State.</p>
<p>§314-55.4.5.1.1 No Commercial Cannabis Activity shall be permitted within six hundred feet (600') of a school.</p> <p>§314-55.4.5.1.2 No Commercial Cannabis Activity shall be permitted within Tribal Lands without the express written consent of the Tribe.</p>	<p>The project is located more than 600 feet away from any schools and is not located on Tribal Lands.</p>
<p>§314-55.4.5.1.4 a) A Conditional Use Permit shall be required for any Commercial Cannabis Activity where located within the Sphere of Influence (SOI) of any incorporated city or within any of the following mapped Community Planning Areas (CPA's)... Willow Creek... A Conditional Use Permit shall also be required for any Commercial Cannabis Activity where located within one thousand feet (1,000') of any incorporated city, Tribal Lands, or any of the Community Planning Areas (CPA's) identified herein.</p>	<p>Because the subject property is located in the Willow Creek Community Planning Area, the project requires approval of a Conditional Use Permit.</p>

<p>§314-55.4.5.1.4 b) Early Notification to Surrounding Areas, nearby Cities, and Tribes. Whenever a permit application for a Commercial Cannabis Activity is located within any of the areas specified in Sections 55.4.5.1.4(a) and has been determined complete for processing in accordance with Section 312-6.1, notice of the proposed project shall be provided to all property owners and occupants by first class mail to the address(es) shown on the latest Assessment Roll within one thousand feet (1,000') of the perimeter of the parcel on which a permit is being requested. The notice shall include the location of the project and a description of the size and type of activity proposed.</p>	<p>A Notice of Application (NOA) was mailed to all property owners and occupants within 1,000 feet of the perimeter of the subject property, as well as the Hoopa Valley and Tsnungwe Tribes on June 18, 2019. A revised NOA was mailed on July 19, 2019 with a corrected project location.</p>
<p>§314-55.4.5.1.4 c) The Hearing Officer shall consider the potential impacts and cumulative impacts of proposed cannabis activities upon the community as a whole, including impacts to neighboring uses within Cities or their SOI's and buffers, and to residents within CPA's, or Tribal land. The Hearing Officer shall have the discretion to deny any discretionary permit application within these areas if it is found, based on substantial evidence in the record, that the impacts of a proposed activity on the existing uses will have a significant adverse effect on the public health, safety, or welfare.</p>	<p>The subject property is not located in the sphere of influence of any city and is not located within 1,000 feet of any tribal lands. The property is located in the Willow Creek Community Planning Area. A Notice of Application was sent to property owners and applicants within 1,000 feet of the perimeter of the subject property and the department has not received any concerns from community members about the project except for comments regarding the improper location which was corrected and re-noticed on July 19, 2019. Project implementation in accordance with the proposal and conditions of approval will not have a significant adverse effect on the public health, safety, or welfare as the applicant's desire to distribute their own processed cannabis product and not process or distribute product from other licensed cultivators.</p>
<p>§314-55.4.11 Application Requirements Identifies the Information Required for All Applications</p>	<p>Attachment 4 identifies the information submitted with the application and shows all the required information was received.</p>
<p>§314-55.4.12.1.8 Performance Standards- Road System</p>	<p>Access to the site is by way of a private driveway that connects to Patterson Road, which is a Category 4 roadway and maintained by the County. The applicant has certified that the private driveway meets the functional equivalent of a Category 4 road.</p>

<p>§314-55.4.12.5 Performance Standards–Energy Use</p> <p>All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards:</p> <ul style="list-style-type: none"> • Grid power supplied from 100% renewable source • On-site renewable energy system with twenty percent net non-renewable energy use • Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits. 	<p>Electricity will be supplied by Pacific Gas and Electric Company (PG&E). The applicant has chosen to purchase renewable energy from PG&E as outlined in the Operations Manual by way of the "RePower+" program. To ensure compliance with this requirement for the life of the project, the cited performance standard is incorporated into the Conditions of Approval.</p>
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4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage. No reviewing referral agencies have indicated that the project would be detrimental to the public health, safety and welfare, or injurious to other properties. Therefore, the Department finds that the proposed project will not be detrimental to the public health, safety and welfare.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The project does not involve residential development. However, the project site contains one unoccupied mobile home which will remain and will not preclude any future residential development if allowed by the General Plan and Zoning designations. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. The project is in conformance with the standards in the Housing Element.

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

California Environmental Quality Act §15164	Addendum to an EIR or Negative Declaration.	As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse #2017042022) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is for adding an entitlement for Distribution use to a previously approved cannabis cultivation with ancillary processing permit (ZCC-16-142). The environmental document on file includes detailed discussions of all the relevant environmental issues.
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ATTACHMENT 3

**CEQA ADDENDUM TO THE
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE**

*Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR)
(State Clearinghouse # 2017042022), January 2018*

*APN 522-143-033, 1005 Patterson Road (private drive),
Willow Creek, County of Humboldt*

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

August 2019

Background

Project Description and Project History – The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Conditional Use Permit for a Distribution Facility incidental to an existing, approved cannabis cultivation operation (ZCC-16-142) occurring on the subject parcel. This activity would occupy approximately 200 square feet inside of an existing 1,920 square foot commercial building on the property. Product would be transported from the site to other licensed vendors once it has passed state testing. Water would be sourced from the Willow Creek Community Services District. The applicant states that up to six employees would be required for operations including the Distribution use and the previously approved uses. Electricity is sourced from PG&E and would participate in the "Repower+" program to obtain renewable energy. Conversion of timberland as occurred on the parcel under a Less Than Three Acre Conversion Exemption approved by CalFIRE. The property is adjacent Six River's National Forest (SRNF) lands but the cultivation area and associated facilities are greater than the required 600-foot setback at 610 feet.

According to the California Natural Diversity Database (CNDDDB) Resource Map maintained by the California Department of Fish and Wildlife (CDFW), there are no occurrences of any state listed special-status or threatened species in the vicinity of the subject parcel. Habitat for Northern Spotted Owl (NSO) exists in the project vicinity (approximately two miles away) but no generators are proposed so impacts to NSO as a result of noise will be well below the thresholds that could cause disturbance of the species. A biological report was prepared for the site which indicates that ongoing cannabis operations are not expected to impact sensitive species if certain Best Management Practices (BMPs) are followed; such as, shielding artificial light and limiting noise from machinery. These BMPs have been made conditions of approval for the project. The site was also analyzed for sensitive cultural or archaeological resources and a Cultural Resource Survey found that no potential significant cultural resources were identified onsite and that no project-specific recommendations are warranted. The project as designed protects water resources because it utilizes a municipal water source and meets appropriate Streamside Management Area buffers and implements light and noise attenuation measures to limit impacts to critical habitat for sensitive and endangered species.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of new and existing cannabis operations. These include complying with County Fire Safe regulations, noise and light attenuation measures to limit disturbance to wildlife, limiting activities to daylight hours (8 am to 5 pm), supplying irrigation water from a Services District and electricity from PG&E, and utilizing a Category 4 equivalent

road system.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) 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 EIR 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 EIR 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effect previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize the addition of distribution activities to a previously approved commercial cultivation, with ancillary processing, permit is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

In reviewing the application for consistency with the adopted EIR, the County considered the following information and studies, among other documents:

- A cultivation and operations plan prepared by Applicant, received July 2019.
- A Site Plan for ZCC 16-142 prepared by TVCE dated August 2016, Site Plan detail showing parking and Commercial Building Floor Plan prepared by Applicant, received July 2019.
- A Less Than Three Acre Conversion Exemption approved by CalFIRE, and associated correspondence, July 2016.
- A Road Evaluation Report certified by the applicant, April 2019.
- Grading Plan prepared by Trinity Valley Consulting Engineers and approved by Humboldt County, May 2017.
- Division of Environmental Health Worksheet completed by the applicant, April 2019.
- Stormwater Management Plan, February 2019.
- Biological Report prepared by Natural Resources Management Corporation, July 2018.
- Willow Creek Community Services District "Will Serve" letter, October 2016.
- Cultural Resource Study prepared by Evans & De Shazo LLC, March 2017.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

1. The proposed project will permit an existing cannabis operation to also be utilized as a commercial distribution facility in 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 EIR was adopted as complete.

CONCLUSION

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

ATTACHMENT 4

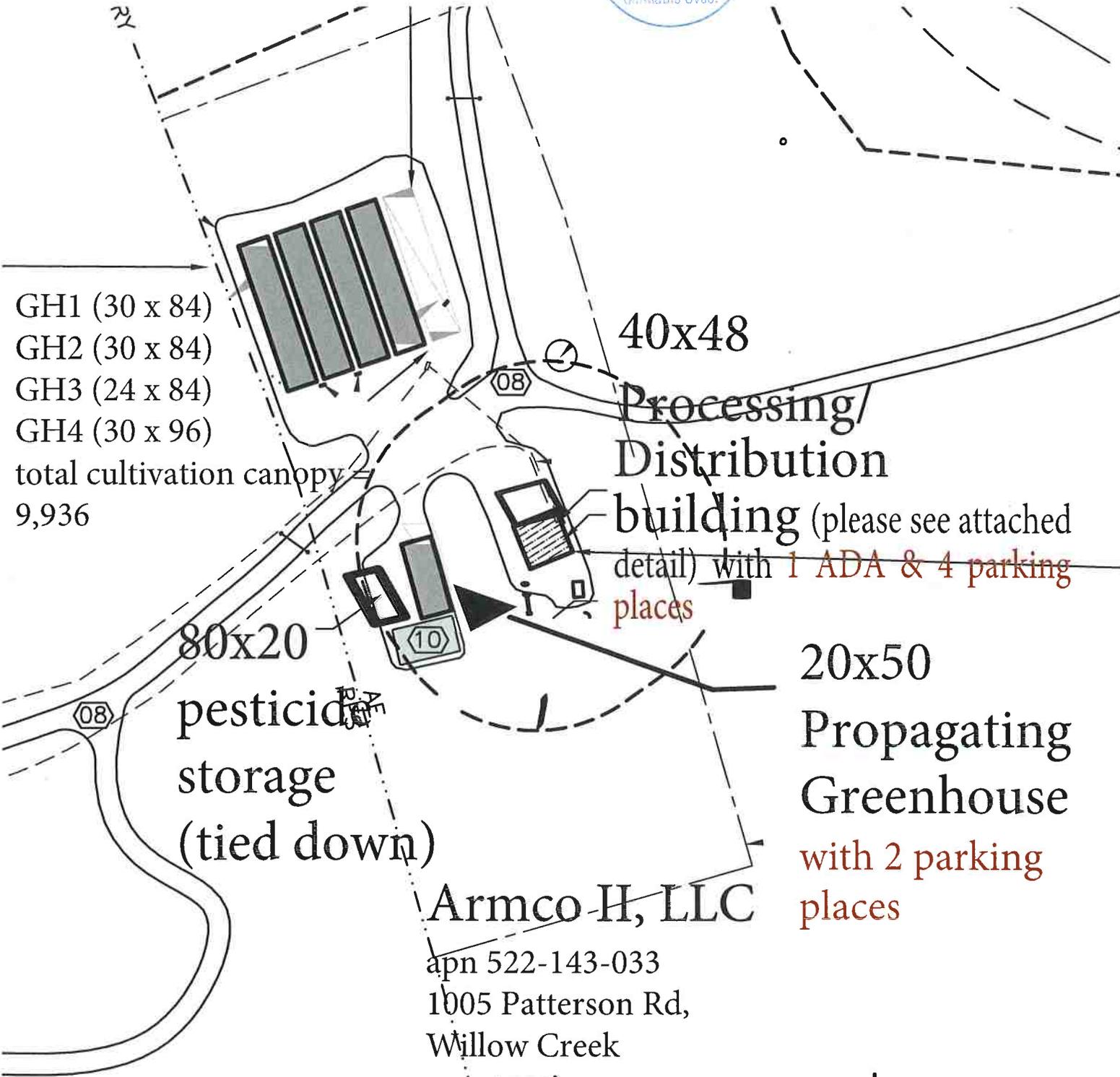
APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Attachment 4 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within 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. (Original Site Plan from ZCC16-142 prepared by TVCE, Site Plan detail showing parking, and Commercial Building Floor Plan prepared by Applicant – Attached with Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; water source; irrigation plan; projected water usage; 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 Operation Plan prepared by the applicant received July 24, 2019 with redline edits - Attached)
5. Copy of an Exemption for the Conversion of Less Than 3 Acres of Timberland submitted and approved by CalFIRE, and associated correspondence. (On-File)
6. Road Evaluation Report. (On-File)
7. Grading Plan prepared by Trinity Valley Consulting Engineers and approved by Humboldt County in May 2017. (On-File)
8. Division of Environmental Health Worksheet. (On-File)
9. Stormwater Management Plan. (On-File)
10. Biological Report prepared by Natural Resources Management Corporation (NRM) dated July 15, 2018 and date stamp received February 6, 2019. (Attached)
11. Willow Creek Community Services District "Will Serve" letter. (Attached)
12. Cultural Resource Study prepared by Evans & De Shazo LLC. (On File and confidential)
13. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)

14. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)

15. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under Senate Bill 18 (Burton) and Assembly Bill 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 (see Informational Note #3 for examples of resources). Examples of mitigation 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)



- GH1 (30 x 84)
- GH2 (30 x 84)
- GH3 (24 x 84)
- GH4 (30 x 96)

total cultivation canopy = 9,936

40x48

Processing/
Distribution
building (please see attached detail) with 1 ADA & 4 parking places

80x20
pesticide storage (tied down)

20x50
Propagating Greenhouse with 2 parking places

Armco II, LLC
apn 522-143-033
1005 Patterson Rd,
Willow Creek

ARMCO II, LLC dba Chronic Creek

INTRODUCTION

There is a great need in Humboldt County for support services of licensed cannabis farms in the rural areas. Armco II, LLC's property is ideally located to provide the logistical service of distribution to neighboring farms in eastern Humboldt County. We are applying for a distribution a license. A previously issued permit ZCC-16-142 for 10,000 sq ft of mixed light cultivation is in place

Our newly built, permitted approximately 2,000 sq ft commercial building is ready to serve the logistical needs immediately upon approval. The space will be used for the processing of Chronic Creek's products ~~as well as for storing & quarantining other permitted farms' products~~. Product will be transported from site to vendors once it has passed the state testing. All vendors will be properly licensed on a local and state level.

No more than additional 1-2 employees will be needed for distribution. This could bring the total to 5-6 employees at the peak time of the year (June-September). Mid-season could use 2-3 employees total while Dec-Feb would not need any employees.

PROPERTY DESCRIPTION

The following section describes the property on which Cannabis activities will occur. Assessor Parcel No. 522-143-033 located at 1005 Patterson Rd., Willow Creek, CA 95573, which resides in the southern half of the southwest quarter of Section 21, Township 7 North, Range 5 East, Humboldt Meridian.



Operations Plan

A. Processing Space

Armco II, LLC is currently permitted to utilize our building for processing its own product ~~as well as others. Processing space may be used for other farms when not needed by Armco II, LLC. Each farm will have a designated space per the CA state regulations.~~

B. Distribution Space

This space will be used for in taking the physical possession of product, quarantine while testing is being conducted and storage of product until transportation via distro to distro transfer or to retail space is completed. Per state regulations our distribution facility will have its own locked entrance with no other access doors or shared space. We expect to have a transport van in operation no more than 2 days during the work week. Testing facilities access will be scheduled for no more than 2 days during the week. Hour of operation will be 8-5 Monday-Friday for all distribution activities.

C. Product

All pre-packaged product will be in tamper evident packaging currently with the addition of child proofing after 2020. All new batches will be logged into Metric (when available). All deliveries, pickups and drop-offs will take place Monday-Friday between the hours of 8-5. We will minimize use impact by only allowing intake of product no more than 2 days per week.

D. Compliance Testing

Once pre-packaged cannabis is in the possession of Armco II, LLC, an appointment will be set for a licensed laboratory to sample and quarantine with the following information on designated batches: Cultivator/manufacturer name & license #,

batch # (or unique identifier), description of cannabis goods, weight of units and quantity of units and date of testing.

E. Inventory Control

Armco II, LLC keeps and maintains the following records per California Cannabis Code:

- i) Financial records including, but not limited to bank statements, manifests, receipts, tax records
- ii) Inventory control records
- iii) Personnel & training records
- iv) Permits & licenses and other local authorization to conduct commercial cannabis activity
- v) Security records
- vi) Waste management receipts and documentation
- vii) All required track and trace documents for Cal Origin and Metrc.

Security Plan

Access to property is behind a locked gate. Gate will be accessible by appointment only.

Upon entering the building all vendor/visitors will present identification as well as sign in on the vender/visitor sign in sheet.

The limited access area will have its own keypad, code to keypad will only be giving to higher clearance employees and owners. Appropriate signage will designate limited access areas.

An extensive video and alarm system has been installed and is monitored by Advanced Security Systems.

PROCESSING PLAN - (ZCC16-142)
For approved 10,000 SF
mixed-light cultivation

Plants that are ready for harvest will have their flowering branches removed and suspended in the drying area. The drying and curing process takes approximately one week. Once dried, cured flowers are bucked down off stem to feed into an automated trim machine. The machine will be plugged into UL listed "pig tail" outlet to meet building standards. Trimmed flower will be packaged into 1 lb batches which are logged into inventory with track and trace and put in locked storage containers awaiting smaller packaging or wholesaling.

Leaves and trim by product will be collected from the process above and also bagged, inventoried, track and traced and stored for sale to licensed businesses or used when manufacturing permit is obtained.

Stems are generally the only waste and they are properly disposed of per the waste management plan.

Packaging including labels meet all California state regulations. Packaging is weighed on approved scales. Farm Manager holds state issued weighmaster designation.

All cannabis and cannabis products in the process of production or transport will be stored in a secure manner. Storage and transportation of finished product will be under conditions that will protect them against physical, chemical and microbial contamination as well as against deterioration of product or their container.

Materials Management Plan

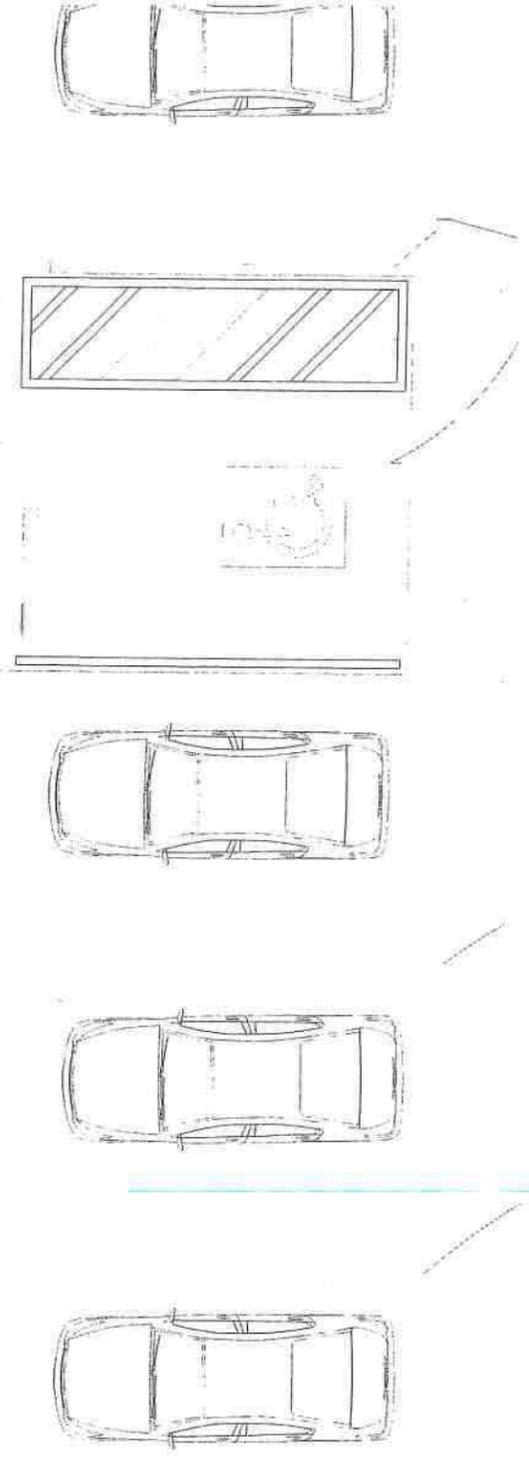
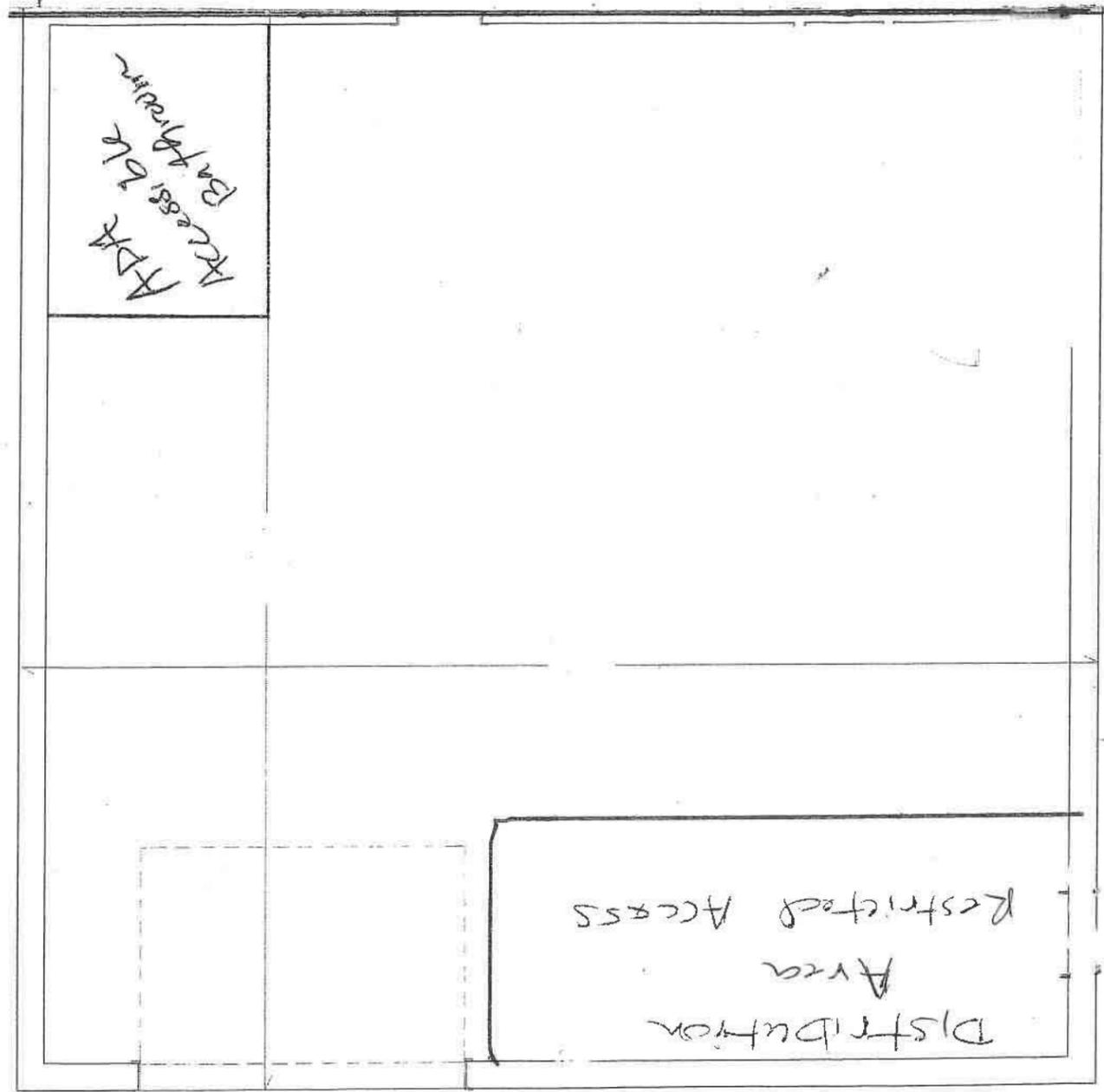
All cannabis and cannabis products in the process of production or transport will be stored in a secure manner. Storage and transportation of finished product will be under conditions that will protect them against physical, chemical and microbial contamination as well as against deterioration of them or their container.

All chemicals will be kept in a designated storage area that is well ventilated and secured. This area will be clearly marked with warning signs. Storage containers will be thoroughly cleaned before disposal as to pose no threat to people, animals or the environment.

All cannabis waste (stems and roots) will be stored in a locked designated receptacle until it is self hauled to a fully permitted solid-waste landfill or transformation facility.

Energy Plan

Power is provided by PG&E. Armco II, LLC will enroll in the PG&E Climate Smart program (a carbon tax) to offset carbon emissions.



Biological Report

Willow Creek, Humboldt County, California

APN 522-143-033

Prepared for:

*Armco II LLC
PO Box 285
Arcata, CA 95518*

Prepared by:

*Michelle McKenzie
Natural Resources Management Corporation
1434 Third Street
Eureka, CA 95501*

July 15, 2018



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I. Summary of Findings and Conclusions

The project at parcel APN 522-143-033, located north of Willow Creek in Humboldt County, California (Figure 1), involves cannabis cultivation and processing (Figure 2).

This biological report reviewed the project at the above APN to determine to what extent species currently listed or proposed for listing would be affected and include bald eagle (*Haliaeetus leucocephalus*), California wolverine (*Gulo gulo*), Humboldt marten (*Martes caurina humboldtensis*), fisher (*Pekania pennanti*), and foothill yellow-legged frog (*Rana boylei*).

It has been determined that the projects and operations on the parcels are to likely have little to no effects on these species.

II. Introduction, Background, and Project Understanding

The purpose of this Biological Report is to review the projects in sufficient detail to determine to what extent any species currently listed or formally proposed for listing as endangered or threatened under the federal Endangered Species Act or designated as sensitive by the California Department of Fish and Wildlife may be affected; these species are hereinafter referred to as special status species. Species with potential habitat present, or whose presence was not confirmed but may potentially occur in the general area, are considered in further detail and include Humboldt marten (*Martes caurina humboldtensis*) and fisher (*Pekania pennanti*).

The project parcel APN 522-143-033 is approximately 65 acres located in northern Willow Creek at 680 feet in elevation. The parcel is primarily forested and contains a less than 3-acre conversion on prime agriculture land. The parcel is located in the Trinity River watershed and streams on the parcel drain west into the Trinity River. There are old logging roads present on the parcel; however, only one road is being used to access the cultivation area. There are no watercourse crossings on the parcel. The cultivation flat is 400 feet from the closest watercourse, which is the Class II stream to the northeast (Figure 2).

There is one cultivation flat on the parcel, with a disturbed area of approximately 1.10 acres (47,780 square feet) and a slope of 0 percent. There are four 30-foot by 80-foot greenhouses and a 20-foot by 50-foot hoop house for nursery use, totaling approximately 10,000 square feet of cultivation plus another 1,000 square feet of nursery cultivation. The water source is municipal water, and water lines were installed in July 2017. For the 2018 cultivation season, plants will be grown in 3-gallon pots in the four greenhouses (10,000 square feet) for three harvests per season.

A biological assessment of current cannabis cultivation area and the surrounding habitat was conducted to evaluate any environmental issues. In addition, these areas were surveyed in order to describe any terrestrial and aquatic animals occurring in and around the project areas, as well as determine whether habitat exists for any special status species.

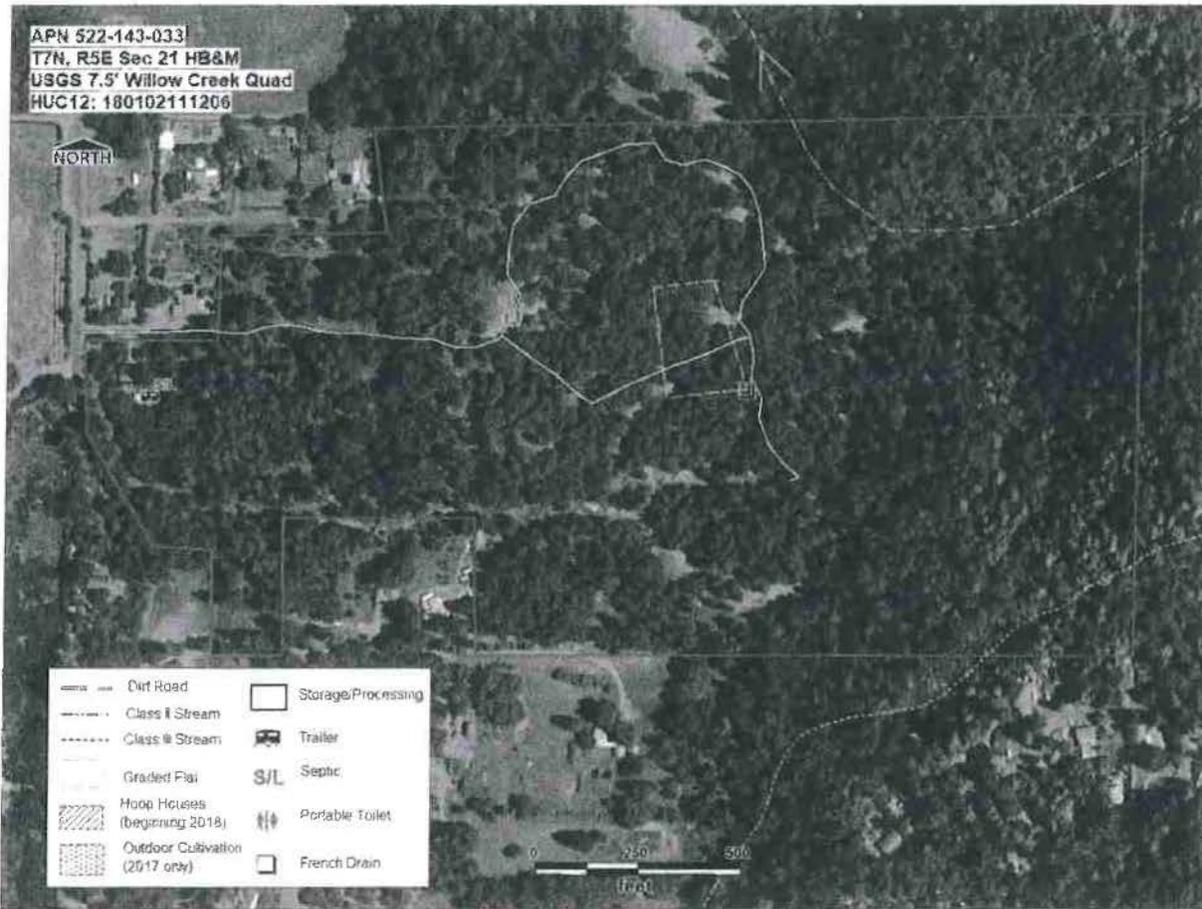


Figure 2. Project map for APN 522-143-033

III. Methods

Pre-Field Review

Prior to the survey, the California Department of Fish and Wildlife (CDFW) California Natural Diversity Data Base (CNDDDB, CDFW 2018) records of wildlife species occurrences for Humboldt County was queried, for a nine-quad area, to determine if there were any known locations for special status species on the site (Table 1).

Table 1. CNDDDB list of potential special status species in the Willow Creek nine-quad area

Common Name	Scientific Name	Fed/State Listing
bald eagle	<i>Haliaeetus leucocephalus</i>	State Endangered
northern goshawk	<i>Accipiter gentilis</i>	State Species of Special Concern (SSC)
osprey	<i>Pandion haliaetus</i>	Watch List
Humboldt marten	<i>Martes caurina humboldtensis</i>	Candidate Endangered
Pacific fisher- West Coast DPS	<i>Pekania pennanti</i>	Proposed & Candidate Threatened
California wolverine	<i>Gulo gulo</i>	State Threatened
Sonoma tree vole	<i>Arborimus pomo</i>	SSC
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	SSC
western pond turtle	<i>Emys marmota</i>	SSC
Pacific tailed frog	<i>Ascaphus truei</i>	SSC
foothill yellow-legged frog	<i>Rana boylei</i>	Candidate Threatened
northern red-legged frog	<i>Rana aurora</i>	SSC
southern torrent salamander	<i>Rhyacotriton variegatus</i>	SSC
Del Norte salamander	<i>Plethodon elongatus</i>	Watch List
summer-run steelhead trout	<i>Oncorhynchus mykiss irideus</i>	SSC
chinook salmon	<i>Oncorhynchus tshawytscha</i>	SSC

Field Survey

On May 17th, 2018 NRM wildlife biologist Michelle McKenzie conducted a site visit to survey the project and surrounding area for all terrestrial and aquatic species present. The survey was conducted for approximately 1 hour on a mild (62°F/16°C), mostly cloudy afternoon.

While walking the area all auidial detections of bird and mammal species were noted and the entire area traversed (an approximate 200ft buffer around the project area) was scanned for wildlife sign (tracks and scat). In addition, all trees and snags were inspected for activity or sign of use by wildlife (cavities, nests, scrapes or accumulated vegetation), and all cover objects were inspected for potential amphibian species.

IV. Results and Discussion

For all species, direct effects are those which are caused by the action (project) and occur at the same time and place. Indirect effects are defined as those effects that are caused by the proposed action and are later in time, but still reasonably certain to occur.

A CNDDDB database search for all special status species within a 1-mile radius of the project revealed records for foothill yellow-legged frog (presumed extant). The project area surveyed did not reveal any optimal habitat for foothill yellow-legged frogs though some habitat may exist on the property.

There are no northern spotted owl (NSO) activity centers (ACs) in the general vicinity; the nearest are located across the Trinity river with HUM0929 approximately 1.7 miles to the southwest and HUM0178 approximately 1.8 miles to the northwest. The CNDDDB reports HUM0929 as an active AC from 1997 through 2006, when the last survey was recorded; HUM0178 was an active AC for ten years starting in 1979, with negative responses reported for 2015 and 2016.

No listed wildlife species, species of concern, or their habitats were detected during the survey. In general, this parcel is a young to mid-mature Douglas fir (*Pseudotsuga menziesii*) forest with some very large diameter madrone (*Arbutus menziesii*) and mixed understory, providing high quality songbird habitat.

There does not appear to be sufficient extensive habitat in the immediate project area to support listed/candidate species (bald eagle, wolverine, Humboldt marten, fisher, foothill yellow-legged frog), although foraging in the vicinity is presumed likely by bald eagle in the Trinity river corridor. The majority of land to the east of the parcel is Six Rivers National Forest, which likely provides some quality habitat for fisher and marten, whereas canopy cover on the parcel appeared insufficient. The only wolverine recorded in California (2008) had maintained a 290 square mile area in Tahoe National Forest when last reported six years later. In addition, this animal is past life expectancy for wolverine in the wild and the species may once again no longer exist in the State. The Class II watercourse surveyed during the biological assessment did not provide optimal habitat for foothill yellow-legged frog, with some areas of the stream dry or with pooling water, but no consistent flow.

Special status and additional species of interest, and the potential for project impacts, are presented in Table 2, below. None of these species are expected to experience impacts from the proposed projects either directly or indirectly.

Table 2. Special status species, species present in project area, and potential impacts

Common Name <i>Scientific Name</i>	Listing Status	General Habitat Description	Presence of Suitable Habitat w/in Site?	Potentially Affected by Project?	Comments
BIRDS					
northern goshawk	SSC	Within, and in vicinity of, coniferous forest; uses old nests, and maintains alternate sites. Prefers middle and higher elevations, and mature, dense conifer forests.	No	No	Some nesting/foraging may be present on adjacent USFS land; no impacts expected
osprey	WL	Ocean shore, bays, freshwater lakes, and larger streams	No	No	Likely present in Trinity river watershed; no impacts expected
bald eagle	SE	Requires large bodies of water, or free flowing rivers with abundant fish, and adjacent snags or other perches. Nests in large, old-growth, or dominant live tree, especially ponderosa pine.	No	No	Likely present in Trinity river watershed; no impacts expected
northern spotted owl	T	Old-growth forests or mixed stands of old-growth and mature trees; occasionally in younger forests with patches of big trees	No	No	Likely some habitat in vicinity but project impacts unknown; closest known AC is approximately 1.7 miles to the SW
MAMMALS					
Sonoma tree vole	SSC	North coast fog belt from Oregon border to Sonoma County; in Douglas-fir, redwood & montane hardwood-conifer forests	Yes	No	Habitat is present; project impacts only if trees will be removed
California wolverine	ST	Higher elevations of large areas of wilderness required; typically hunting in open and resting/denning in dense vegetation	No	No	Only animal in California documented in Tahoe NF (2008); previous records from 86 years ago
Humboldt marten	CE	Only in the coastal redwood zone from the Oregon border south to Sonoma County	No	No	Some habitat likely available on adjacent USFS land; project impacts unlikely unless found to be breeding in the area
fisher	CT	Intermediate to large-tree stages of coniferous forests and deciduous-riparian areas with high percent canopy closure	No	No	Some habitat likely available on adjacent USFS land; project impacts unlikely unless found to be breeding in the area
Townsend's big-eared bat	SSC	Throughout California in a wide variety of habitats; most common in mesic sites. Typically found in caves, mines, manmade structures	No	No	Some habitat may be present in the form of tree cavities; assume no project impacts unless found to be breeding in the area

HERPETOFAUNA					
western pond turtle	SSC	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6000 ft elevation	No	No	Nesting habitat not present/detected in project area; impacts unlikely
Pacific tailed frog	SSC	Occurs in montane hardwood-conifer, redwood, Douglas-fir & ponderosa pine habitats	No	No	Class II creek surveyed is not considered consistent or cool enough for this species
foothill yellow-legged frog	CT	Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. Apparently will also use shallow/ephemeral mid-elevation ponds	No	No	Rarely encountered far from rocky streams with permanent water; no habitat in surveyed area
northern red-legged frog	SSC	Humid forests, woodlands, grasslands, and stream sides in northwestern California, usually near dense riparian cover. Highly aquatic, little movement from streams/pond	No	No	Potential habitat is present within Trinity river watershed/tributaries; project impacts unlikely
southern torrent salamander	SSC	Coastal redwood, Douglas-fir, mixed conifer, montane riparian, and montane hardwood-conifer habitats; Old growth forests	No	No	Requires cold, well shaded permanent water; stays within splash zone; Class II not permanent, project impacts unlikely
Del Norte salamander	WL	Del Norte, Siskiyou, and Humboldt counties in valley-foothill riparian, montane hardwood-conifer, Douglas fir and redwood habitats. Typically found in moist areas with mossy covered rock, also logs.	No	No	No optimal habitat present, Class II not permanent; project impacts unlikely
FISH					
summer-run steelhead trout	FT	Hatch in gravel bottom of fast flowing streams and rivers; adults migrate to marine environments to mate and can spawn multiple times	No	No	Habitat is present in the Trinity River and watershed; project impacts unlikely
chinook salmon	FT	Hold in large deep pools in home streams typically with bedrock bottom and moderate velocities	No	No	Habitat is present in the Trinity River and watershed; project impacts unlikely

Species Accounts

Humboldt Marten

Regulatory Status: The Humboldt marten is a State Candidate Endangered species and a State Species of Special Concern.

Habitat Requirements and Natural History: This species is found in various mixed conifer forests with greater than 40 percent canopy closure that includes large trees and snag; requires variety of different aged stands. Important features include large tree/snag cavities or logs for reproduction and cover. Breeds March through April.

Potential for Occurrence within the Project Area: Assume nighttime foraging can/will occur in the project vicinity; potential breeding habitat in Six Rivers National Forest east of the parcel.

Direct Effects: If marten den in the area, equipment noise from construction phase could disturb adults and young.

Indirect Effects: No indirect effects are expected.

Determination: It is determined that the project will have little to no effect on the Humboldt marten.

Fisher

Regulatory Status: The west coast population of fisher is a Federal and State Proposed Candidate Threatened species, and a State Species of Special Concern.

Habitat Requirements and Natural History: This species occurs in intermediate to large-tree stages of coniferous forests and deciduous-riparian habitats with a high canopy closure. Breeds February through May with a litter size of 1-4 young, that stay with female until late autumn.

Potential for Occurrence within the Project Area: Assume nighttime foraging can/will occur in the project vicinity; potential breeding habitat in Six Rivers National Forest east of the parcel.

Direct Effects: If fisher denning in the area equipment noise could disturb adults and young.

Indirect Effects: No indirect effects are expected.

Determination: It is determined that the project will have no effect on the fisher.

Survey Results

The parcel is devoid of any clutter or litter of any kind and is well ordered. In addition, fan noise was minimal. Numerous migratory songbirds were singing/calling in the forest surrounding the parcel. Cover objects located near the Class II watercourse were turned and inspected, however, substrate beneath objects were already dry, suggesting any salamander species would already be below ground for the dry months. All species, or their sign, observed during the survey are summarized in Table 3, below.

Table 3. Species detected at APN 522-143-033, May 17, 2018

Common Name	Scientific Name	Fed/ State Listing	Detection Method
red-tailed hawk	<i>Buteo jamaicensis</i>	No	Visual
hairy woodpecker	<i>Leuconotopicus villosus</i>	No	Foraging holes, Visual
wild turkey	<i>Melegris gallopavo</i>	No	Scat
turkey vulture	<i>Cathartes aura</i>	No	Visual
common raven	<i>Corvus corax</i>	No	Auditory
brown creeper	<i>Certhia americana</i>	No	Auditory, Visual
spotted towhee	<i>Pipilo maculatus</i>	No	Visual
dark-eyed junco	<i>Junco hyemalis</i>	No	Visual
black-throated gray warbler	<i>Setophaga nigrescens</i>	No	Auditory
hermit warbler	<i>Setophaga occidentalis</i>	No	Auditory
Wilson's warbler	<i>Cardellina pusilla</i>	No	Auditory
orange-crowned warbler	<i>Vermivora celata</i>	No	Auditory
yellow-rumped warbler	<i>Setophaga coronata</i>	No	Auditory
Cassin's vireo	<i>Vireo cassinii</i>	No	Auditory
warbling vireo	<i>Vireo gilvus</i>	No	Visual
ruby-crowned kinglet	<i>Regulus calendula</i>	No	Auditory
Steller's jay	<i>Cyanocitta stelleri</i>	No	Visual, Auditory
black-headed grosbeak	<i>Pheucticus melanocephalus</i>	No	Auditory
western tanager	<i>Piranga ludoviciana</i>	No	Auditory
Pacific slope flycatcher	<i>Empidonax difficilis</i>	No	Auditory
black-tailed deer	<i>Odocoileus hemionus columbianus</i>	No	Scat, Tracks
gray fox	<i>Urocyon cinereoargenteus</i>	No	Scat
Douglas squirrel	<i>Tamiasciurus douglasii</i>	No	Visual

Cumulative Effects

No cumulative effects from the proposed project on regulated species is expected.

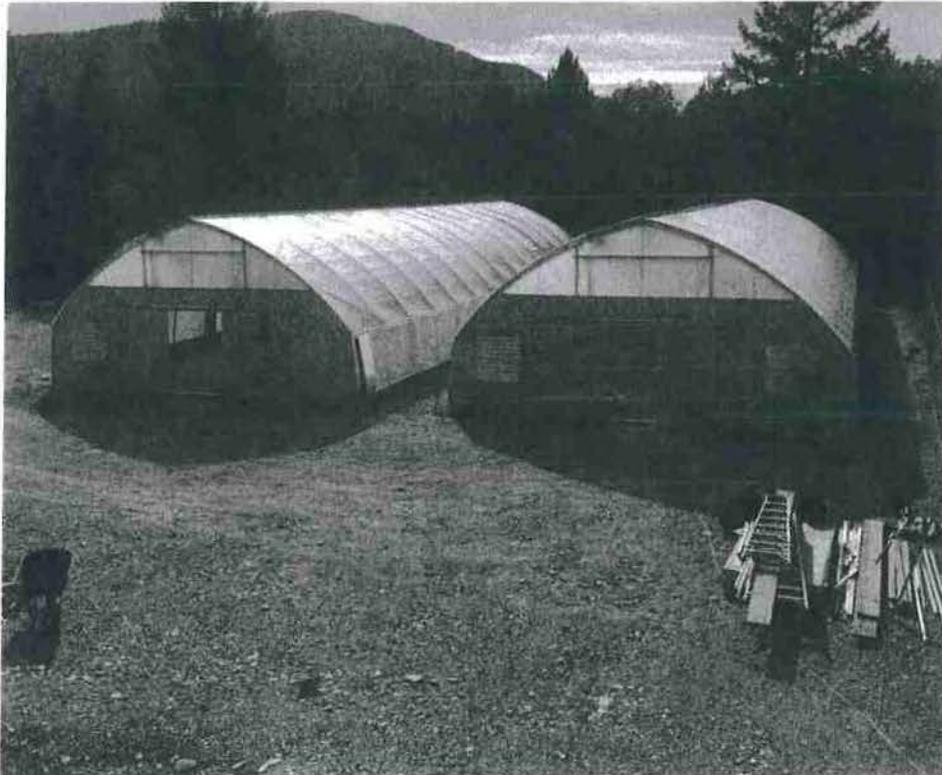
Management Recommendations

1. In the future should Humboldt marten or fisher be detected in the area or found to be breeding on adjacent USFS lands, CDFW may require a no disturbance buffer be implemented during the denning (breeding) season.
2. Any structure requiring lighting (mixed light greenhouses) before sunrise or after sunset **MUST** be covered to avoid any effects on nocturnal wildlife. Further, all attempts to keep noise levels at a minimum during year-round operations will help maintain the quality of habitat for all wildlife species. If generators in use it is recommended measures be taken to reduce noise by installing mufflers or erecting sound deflecting acoustic shields or enclosures with proper ventilation.

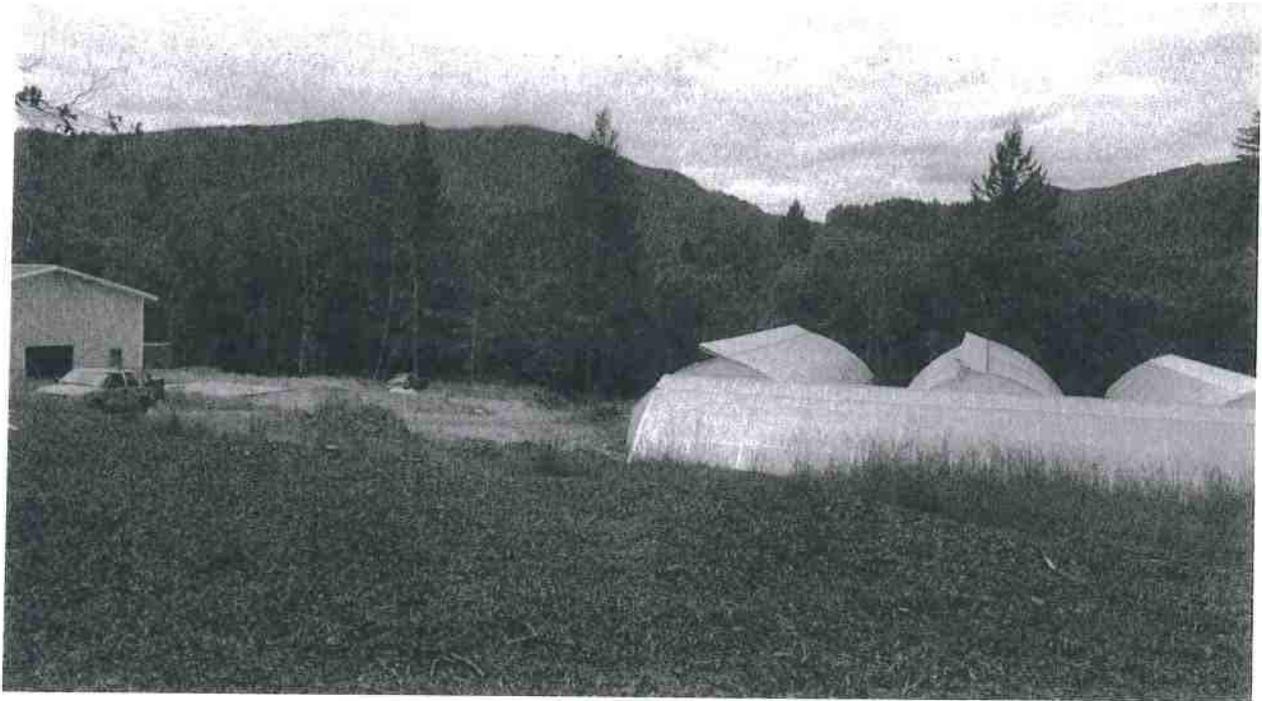
V. Appendix (Pictures taken 5/17/2018 unless noted)



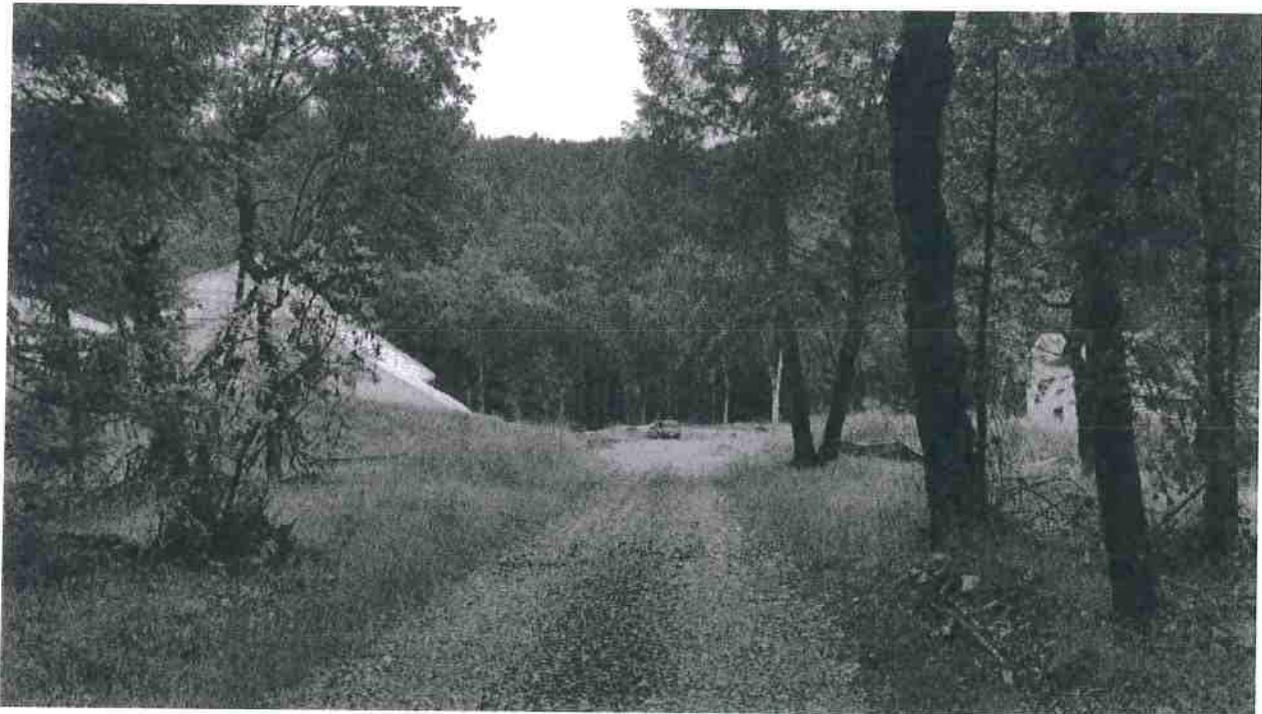
Picture 1. Cultivation flat with outdoor area from 2017 season (July 27, 2017)



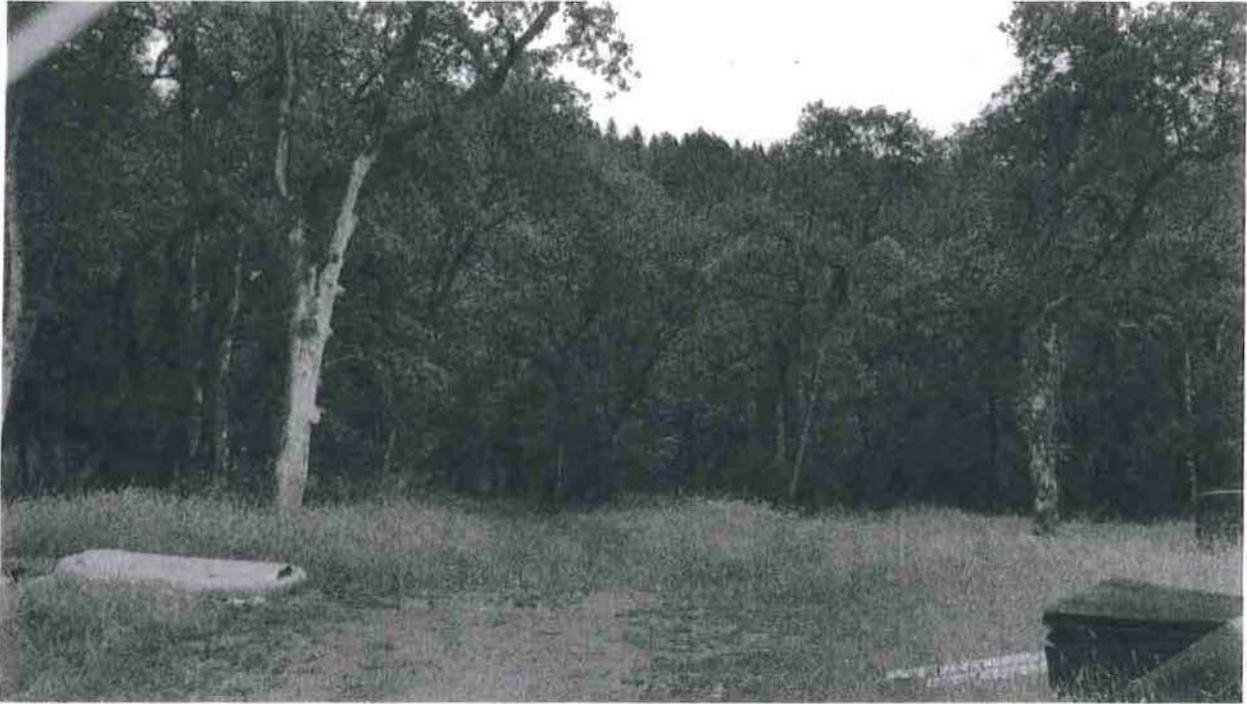
Picture 2. Cultivation flat with two of four planned greenhouses for 2018 season (October 16, 2017)



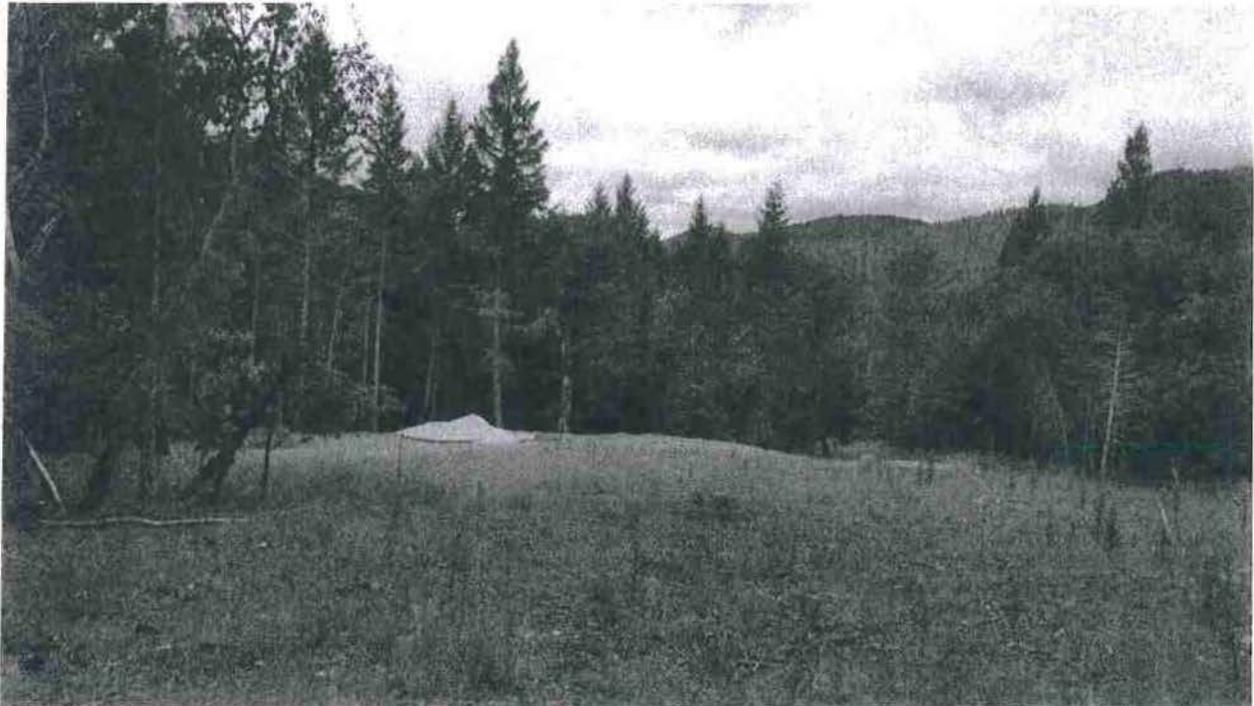
Picture 3. Processing building to left and 4 greenhouses in place



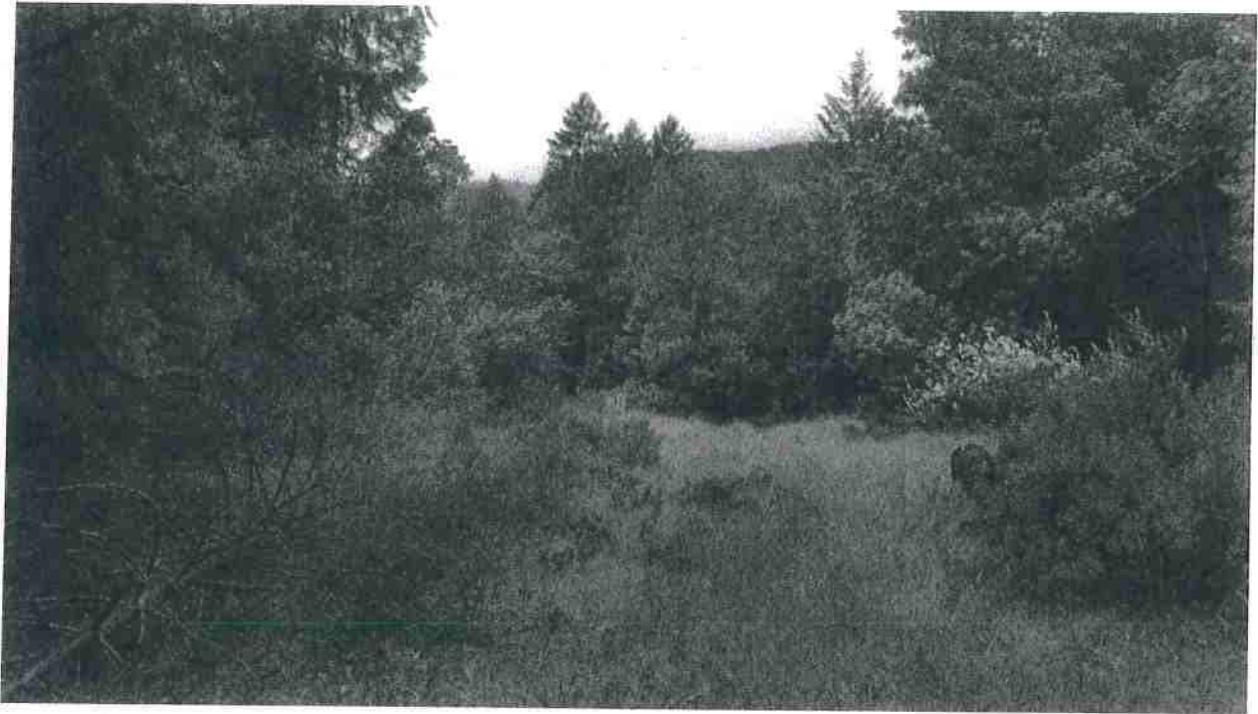
Picture 4. View to the east, from access road to the cultivation area



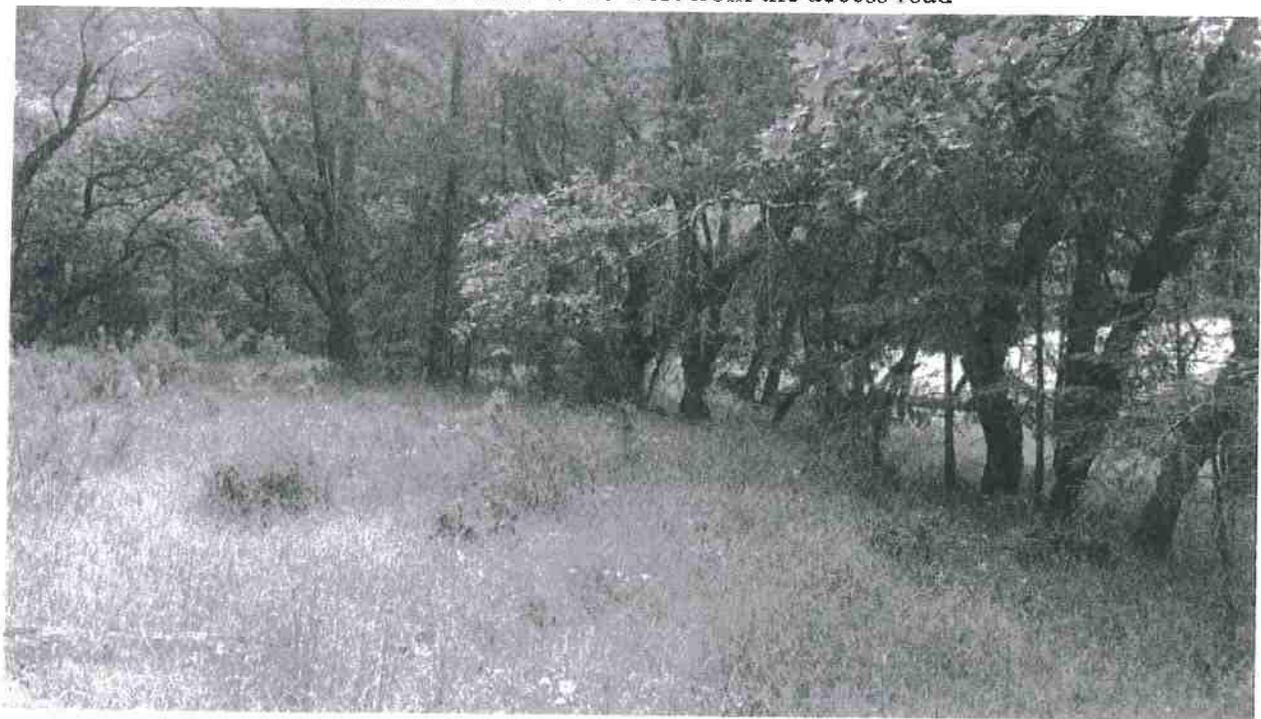
Picture 5. View of upland habitat, east of cultivation area



Picture 6. View to the southwest of cultivation area; dirt under tarp for summer vegetable garden



Picture 7. View to the west from the access road



Picture 8. View to the north, greenhouses to right



October 24, 2016

Heather Keating
1005 Patterson Road
Willow Creek, CA 95573

RE: Water use at 1005 Patterson Road

Heather Keating,

Your residence at 1005 Patterson Road in Willow Creek has a 5/8" water meter on the Willow Creek Community Services District water system. I understand you have inquired if this meter could be used for approximately 60,000 gallons of water per month for agricultural purposes. That amount of water is well within the capacity of a 5/8" meter.

Given your meter is already in service, the increase in water usage is acceptable to the Willow Creek Community Services District.

Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in black ink that reads "Susan O'Gorman".

Susan O'Gorman, PE
General Manager

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Division Environmental Health	✓	Comments and Approval in Acella	Attached
Public Works - Land Use Division	✓	Approval	Attached
Building Inspection Division	✓	Conditional Approval	Attached
Northwest Information Center	✓	Further study	On file and confidential
Tsnungwe Council	✓	Approval	On file and confidential
Hoop Valley Tribe		No Response	
Six Rivers National Forest	✓	Denial	Attached
California Department of Fish and Wildlife		No Response	
Humboldt County Sheriff	✓	Approval	On file
CAL FIRE	✓	"No comments"	Attached
Klamath Trinity Joint Unified School District		No response	
North Coast Unified Air Quality Management District		No Response	
County Counsel		No response	
RWQCB		No response	
District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
SWRCB - Division of Water Rights		No response	
Willow Creek Community Services District		No response	
Willow Creek Fire Protection District		No response	

Status:

[History](#)

PRE-SITE

Project Started

Yes No

AOB Inspection

Yes No

Soil Required Due to

Project is in flood zone A

Yes No

2nd Flood Certificate Required

Yes No

SRA requirements apply

Yes No

SRA water storage requirements apply

Yes No

Grading permit required

Yes No

Erosion and sediment control measures required

Lot created prior to 1992

Yes No

Incomplete Submittal Construction Plan

Yes No

 Standard Comment

Plans Stamped by Licensed Prof Required

Yes No

Soil Report Required

Yes No

FIRM panel number

(Text)

Flood elevation certificate required

Yes No

Project appears to be within wet area

Appr.SRA req. need to be shown on plot plan

Yes No

Driveway slope appears to be

Submit engineered foundation for

Applicant must locate property lines

Yes No

Plot plan incomplete, must be revised

Yes No

Other concerns exist

Yes No

2/25/19 PLANNING REFERRAL COMMENTS: Building Division

1. Plans and permit for tenant improvement to separate processing and non-volatile manufacturing spaces.
2. Provide floor plan for (proposed) tenant improvement and other tenant spaces in same building.
3. Describe the manufacturing process and equipment to be used in the building.
4. Submit products list, all equipment and listings for review.
5. Complete permit #18-22-B-6 final field report comments.

check spelling

Attachment(s) : 

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Caitlin Castellano, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 04/26/2019

RE:

Applicant Name	AMY WISER / ARMCO II LLC
APN	522-143-033
APPS#	PLN-2019-15365

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

The proposed access road has been surfaced, under EP16081x, to County standards. Plot Plan shows a second driveway, not open on the ground, to the south of the current surfaced access. If applicant is proposing to use this second access, Public Works will need to review the proposed encroachment. In addition, an Encroachment permit will be required to surface this driveway if location is approved.

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 15365

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

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

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
 3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245



4/23/2019

Project Referred To The Following Agencies:

Environmental Health, PW Land Use, Building Inspections, NCUAQMD, Klamath Trinity JUSD:School District, Cal Fish & Wildlife, Hoopa Valley Tribe, NWIC, Tsnungwe Council, **Six Rivers NF:Other**

Applicant Name Amy Wisner **Key Parcel Number** 522-143-033-000

Application (APPS#) PLN-2019-15365 Planning Application **Assigned Planner** Caitlin Castellano

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than: 5/8/2019

Planning Commission Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

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

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested Conditions Attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments:

Transportation of cannabis over Forest Service Lands is illegal including county roads crossing National Forest land

DATE: 23 April 2019 PRINT NAME: George Frey

authorized by easements or agreements including the Patterson Road. See attached letter for particulars concerning pertinent laws



United States
Department of
Agriculture

Forest
Service

Pacific Southwest Region
Six Rivers National Forest

1330 Bayshore Way
Eureka, CA 95501
707-442-1721
TDD: 707-442-1721
Fax: 707-442-9242

File Code: 1500
Date: August 29, 2018

Michelle Nelson
Planning and Building Department
Humboldt County
3015 H Street
Eureka, CA 95501

Dear Ms. Nelson:

Thank you for providing the USDA Forest Service with the opportunity to provide input to Humboldt County's land use regulations governing cannabis cultivation on private property as they relate to National Forest System (NFS) lands.

The use, cultivation and transportation of cannabis on Forest Service lands is illegal. The Comprehensive Drug Abuse Protection and Control Act of 1970, and more specifically Title II of the act (the Controlled Substances Act), lists cannabis as a Schedule 1 drug. The Forest Service does not have discretion to permit activities on NFS lands that will violate the Controlled Substances Act or any other federal law. The Forest Service cannot authorize any activities related to cannabis operations on public land, such as the cultivation, production, transportation, or distribution of supplies or product.

We recommend that applicants for county cannabis permits who are adjacent to or near Forest Service lands have their parcels surveyed by a professional land surveyor to ensure their operations are not trespassing upon or causing impacts to federal lands. Individuals that cause resource damage, including soil erosion and contamination to Forest Service administered lands from illicit acts including the manufacture of cannabis, may be subject to federal criminal and/or civil action. Permit applicants should be aware that transporting cannabis across an existing right of way on federal lands to access a private parcel, is also illegal under federal law, and violators could face federal criminal action.

We appreciate the opportunity to comment on the county's cannabis-use regulations. If you need further information on this subject, please contact me at (707) 441-3531.

Sincerely,

MICHAEL A. GREEN
Acting Forest Supervisor

