



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: August 19, 2021

To: Humboldt County Planning Commission

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

Subject: **Nijushi, LLC Conditional Use Permit**
Record Number PLN-12245-CUP
Assessor's Parcel Number (APN) 208-271-007
2422 Bear Creek Road, Bridgeville, CA 95526

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	7
Maps	
Topographic Map	11
Zoning Map	12
Aerial Map	13
Site Plans	14
Attachments	
Attachment 1: Recommended Conditions of Approval	15
Attachment 2: CEQA Addendum	23
Attachment 3: Applicant's Evidence in Support of the Required Findings	28
Attachment 4: Referral Agency Comments and Recommendations	47

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

AGENDA ITEM TRANSMITTAL

Hearing Date August 19, 2021	Subject Conditional Use Permit	Contact Alec Barton
--	--	-------------------------------

Project Description: Nijushi, LLC seeks a Conditional Use Permit (PLN-12245-CUP) for 14,944 square feet (SF) of mixed light cannabis cultivation. Existing cultivation occurs in four (4) greenhouses (GH) totaling 10,864 SF. Proposed cultivation will occur in two (2) greenhouses totaling 4,080 SF. Plants are propagated in a 1,488-SF nursery onsite.

Irrigation water is sourced from a 450,000-gallon rainwater catchment pond and from two (2) points of diversion (PODs) on two (2) unnamed streams that are tributaries to the Mad River. Total estimated annual water use is 123,600 gallons (8.27 gallons/SF). Water is stored in the rainwater catchment pond and fourteen (14) hard tanks: eight (8) 2,500-gallon tanks, two (2) 1,500-gallon tanks, three (3) 550-gallon tanks, and one (1) 350-gallon tank. Total water storage is 475,000 gallons.

Drying and further processing will take place onsite in a proposed 600-SF facility. The applicant anticipates hiring two (2) employees to help with cultivation activities. The primary source of electrical power is two (2) 7-kW Honda Eu7000is generators, one (1) 3-kW Honda Eu3000is generator, and two (2) 2-kW Honda Eu2000is generators. Two (2) additional generators (Honda Eu7000is and Honda Eu3000is) are used as backup power sources.

Project Location: The project is located on both sides of Bear Creek Road, approximately 3.2 miles northwest from the intersection of State Highway 36, in the unincorporated Dinsmore area of central Humboldt County.

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

Present Zoning: Forestry Recreation (FR), Special Building Site (B-5(40))

Record Number: PLN-12245-CUP

Assessor's Parcel Number: 208-271-007

Applicant

Nijushi, LLC
2422 Bear Creek Road
Bridgeville, CA 95526

Owner

Aneliya Nikolova
421 Summit Road
Walnut Creek, CA 94598

Agents

Janssen Malloy LLP
C/O Jeffrey Slack
PO Box 1288
Eureka, CA 95502

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

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

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

Nijushi, LLC

Record Number: PLN-12245-CUP

Assessor's Parcel Number: 208-271-007

Recommended Commission Action

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

Adopt the Resolution to:

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

Executive Summary Nijushi, LLC seeks a Conditional Use Permit (PLN-12245-CUP) for 14,944 square feet (SF) of mixed light cannabis cultivation. Existing cultivation occurs in four (4) greenhouses (GH) totaling 10,864 SF. Proposed cultivation will occur in two (2) greenhouses totaling 4,080 SF. Plants are propagated in a 1,488-SF nursery onsite. The medical cannabis permit application is in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site has been issued a Zoning Clearance Certificate for Interim Permit (IP), based upon the Cultivation Area Verification (CAV) developed for the site. The cultivation area for this Conditional Use Permit is based upon the CAV prepared for the IP.

The project area is located on mountainous slopes with high instability. The present land use designation is Residential Agriculture (RA), as defined in the Humboldt County 2017 General Plan Update; and the 40-acre parcel is zoned Forestry Recreation (FR) and Special Building Site (B-5(40)). The parcel includes one (1) residence. Drying and further processing will take place onsite in a proposed 600-SF facility. The applicant anticipates hiring two (2) employees to help with cultivation activities.

The primary source of electrical power is two (2) 7-kW Honda Eu7000is generators, one (1) 3-kW Honda Eu3000is generator, and two (2) 2-kW Honda Eu2000is generators. Two (2) additional generators (Honda Eu7000is and Honda Eu3000is) are used as backup power sources. Consistent with past actions of the Planning Commission, the project has been conditioned to either connect to a utility provider or have an alternative renewable power source starting January 1, 2026 (**Condition 8**).

Water Resources

Irrigation water is sourced from a 450,000-gallon rainwater catchment pond and from two (2) points of diversion (PODs) on two (2) unnamed streams that are tributaries to the Mad River. The total amount of water that may be diverted from the PODs between November 1 and May 31 in a given year is 1.38099953 acre feet, and no diversion shall occur between June 1 and October 31. The rate of diversion to storage is limited to 14,400 gallons per day (10 gallons per minute x 1,440 minutes/day), pursuant to the current State Water Board's Cannabis Policy 78 (**Condition 11**).

Water is stored in the rainwater catchment pond and fourteen (14) hard tanks: eight (8) 2,500-gallon tanks, two (2) 1,500-gallon tanks, three (3) 550-gallon tanks, and one (1) 350-gallon tank. Total water storage is 475,000 gallons. The project will be able to comply with full forbearance requirements during the required period (April 1 – October 31). The project area is located within the Mad River watershed. There are three (3) onsite stream crossings.

A Site Management Plan (SMP) was prepared by Timberland Resource Consultants (February 28, 2018 and revised November 3, 2020) in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The project is historically enrolled with the North Coast Regional Water

Quality Control Board (NCRWQCB) for reporting of Tier 1 discharges (WDID: 1_12CC414128). The subject parcel includes unnamed watercourses flowing north-south through the property which are tributaries to the Mad River.

The SMP identifies measures to decrease erosion and sedimentation of waterways at twenty-eight (28) unique points in the project area, including: installing culverts, treating deficient roadways, removing trash and piles of soil, relocating storage facilities, discontinuing use of pit toilets, abandoning two (2) watercourse crossings, and implementing erosion control measures. As of October 15, 2020, implementation of all the identified measures have been completed.

The SMP also requires cultivators to regularly inspect and maintain the condition of access roads, drainage features, and watercourse crossings. Inspections shall occur prior to the onset of fall/winter precipitation and following storm events that produce 0.5 inch/day or 1.0 inch/week of precipitation. Required maintenance includes removing wood debris and sediment that may restrict drainage, placing sediment and debris outside of riparian setbacks and stabilizing all removed material, implementing winterization measures, and maintaining records of access road and drainage feature maintenance for annual reporting. Annual reports are due to North Coast Regional Water Quality Control Board (NCRWQCB) by March 1 of each year (**Condition 10**).

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (Notification No. 1600-2019-0033-R1). The LSAA addresses seven (7) project encroachments, including two (2) points of diversion (POD), four (4) stream crossings (STX), and one (1) stream restoration project. Both POD-1 and POD-2 are unpermitted diversions and require modifications to reach compliance. A single waterline is permitted at each location, and the applicant shall remove additional waterlines and associated infrastructure. The applicant shall bypass 90% of flow and ensure that the rate of diversion is no more than three (3) gallons per minute. Between May 15 and October 31, the applicant shall divert no more than 150 gallons per day from each POD (**Condition 11**). At STX-1, an undersized culvert will be replaced with a minimum 30-inch culvert. At STX-2, an undersized culvert will be replaced with a minimum 48-inch culvert. Both STX-3 and STX-4 must be decommissioned prior to restoring the stream channel with native vegetation. Finally, a seasonal stream that is rerouted into a drainage ditch shall be monitored for sediment delivery and the need for instream work or revegetation (**Condition 12**).

The LSAA identifies required measures that the applicant must apply to offset potential impacts to waterways within the area, including: 1) Document all activities that occur within waterways in the project area; 2) All work (excluding the water diversion) shall be confined to the dry weather period, from June 15 through October 15 of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; and 4) Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities. All work shall be completed by no later than October 15, 2021. (**Condition 13**).

Biological Resources

A list of potential special status species was generated in May 2021 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). Biological resources occurring within one (1) mile of the project area include Oregon goldthread and the American peregrine falcon. Neither of these species are listed on state or federal endangered species lists. Two special status species appear within two (2) miles of the project area: the summer-run steelhead trout (approximately 5,600 feet away in the Mad River) and the foothill yellow-legged frog (approximately 7,400 feet away). Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources with project are considered low and unlikely, with implementation of the mitigation measures identified in the CMMLUO Mitigated Negative Declaration (MND) adopted on January 26, 2016.

Tribal Cultural Resource Coordination

A records search for known cultural resources was requested from the Northwest Information Center (NWIC) by Bryan Much (July 26, 2019). The records search revealed that Study #S-6245 covered approximately 15% of the project area and identified no cultural resources within those portions of the project area (Berg 1983). The NWIC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band of the Rohnerville Rancheria was contacted and responded that the Inadvertent Discovery Protocol should be implemented, in case there is accidental discovery of previously unidentified historical artifacts or human remains (**Condition 14**).

Access

The project is located on both sides of Bear Creek Road, approximately 3.2 miles northwest from the intersection of State Highway 36, in the Dinsmore area of central Humboldt County. Bear Creek Road is a private road providing access to the site. Using forms provided by the Humboldt County Department of Public Works (DPW), the applicant prepared a Road Evaluation Report (March 20, 2019) and found it to be developed to the equivalent of a road category 4 standard. DPW recommended standard conditions of approval relating to roads, proximity of farms, and road grades (**Conditions 15, 16, and 17**) be applied to the project.

Timberland Conversion Mitigation

Several sites within the project area have undergone tree and vegetation removal to facilitate cannabis cultivation. A Timberland Conversion Evaluation Report was prepared by Timberland Resource Consultants (January 30, 2021) and documented a total of 1.11 acres of timberland conversion. Conversion occurred at the following sites: Cultivation Area (CA) A (0.11 acre), CA B (0.11 acre), CA C (0.22 acre), CA D (0.31 acre), and Off-Stream Pond (0.36 acre). The report identified several measures to address unpermitted timber removal at these locations, summarized as follows: No removal of dead, dying or diseased trees within a riparian setback; No removal of or damage to California black oak or Oregon white oak occurring within the project area; and treatment of all slash and woody debris created by the removal of trees. At CA D, the applicant may remove dead, dying or diseased trees within 100-150 feet of the cultivation area, but shall not remove tree stumps or create any disturbance that could result in timberland conversion. At CA E, the applicant may remove Douglas fir saplings within 100-150 feet of the cultivation area, but shall not remove tree stumps or create any disturbance that could result in timberland conversion (**Condition 18**).

Generator Use

The primary source of electrical power is two (2) 7-kW Honda Eu7000is generators, one (1) 3-kW Honda Eu3000is generator, and two (2) 2-kW Honda Eu2000is generators. Two (2) additional generators (Honda Eu7000is and Honda Eu3000is) are used as backup power sources. Consistent with past actions of the Planning Commission, the project has been conditioned to either connect to a utility provider or have an alternative renewable power source starting January 1, 2026 (**Condition 8**).

California Environmental Quality Act (CEQA)

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

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

ALTERNATIVES: The Planning Commission could elect to 1) not approve the project, or 2) require the applicant to submit further evidence or modify the project. If modifications may cause potentially

significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-X
Record Number PLN-12245-CUP
Assessor's Parcel Number: 208-271-007**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Nijushi, LLC Conditional Use Permit.

WHEREAS, Nijushi, LLC applied for Conditional Use Permit PLN-12245-CUP for 14,944 square feet (SF) of existing (10,864 SF) and proposed (4,080 SF) mixed light cannabis cultivation, with appurtenant propagation and drying activities;

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **August 19, 2021**, and reviewed, considered, and discussed the application for the requested Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

1. FINDING: **Project Description:** The application is a Conditional Use Permit (PLN-12245-CUP) for 14,944 SF of existing (10,864 SF) and proposed (4,080 SF) mixed light and an associated 1,488-SF nursery, with appurtenant propagation and drying activities. The primary source of electrical power is two (2) 7-kW Honda Eu7000is generators, one (1) 3-kW Honda Eu3000is generator, and two (2) 2-kW Honda Eu2000is generators. Two (2) additional generators (Honda Eu7000is and Honda Eu3000is) are used as backup power sources. Irrigation water is sourced from a 450,000-gallon rainwater catchment pond and two (2) points of diversion (PODs) on two (2) unnamed streams that are tributaries to the Mad River.

EVIDENCE: a) Project File: PLN-12245-CUP

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

EVIDENCE: a) Addendum to the MND prepared for the proposed project in compliance with CEQA.

b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

- c) A list of potential special status species was generated in May 2021 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). Biological resources occurring within one (1) mile of the project area include Oregon goldthread and the American peregrine falcon. Neither of these species are listed on state or federal endangered species lists. Two special status species appear within two (2) miles of the project area: the summer-run steelhead trout (approximately 5,600 feet away in the Mad River) and the foothill yellow-legged frog (approximately 7,400 feet away). Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources are considered low and unlikely, with implementation of the mitigation measures identified in the CMMLUO MND.
- d) A Site Management Plan (SMP) was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The project is historically enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for reporting of Tier 1 discharges (WDID: 1_12CC414128). The subject parcel includes unnamed watercourses flowing north-south through the property which are tributaries to the Mad River.
- e) A records search for known cultural resources was requested from the Northwest Information Center (NWIC). The records search revealed that Study #S-6245 covered approximately 15% of the project area and identified no cultural resources within those portions of the project area (Berg 1983). The NWIC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band of the Rohnerville Rancheria was contacted and responded that the Inadvertent Discovery Protocol should be implemented in case there is accidental discovery of previously unidentified historical artifacts or human remains (**Condition 14**).

FINDINGS FOR CONDITIONAL USE PERMIT

- 3. **FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
 - EVIDENCE:**
 - a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
 - b) There are no existing or proposed cultivation activities located within a Streamside Management Area (SMA).
- 4. **FINDING** The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) and Special Building Site (B-5(40)) zoning designations in which the site is located.
 - EVIDENCE:**
 - a) Forestry Recreation (FR) areas are intended to be applied to areas of the County in which forestry recreation is the desirable predominant use and agriculture is the secondary use. Special Building Site (B-5(40)) areas are

subzones that are intended to be combined with any principal zone, consistent with cultivation activities within the project area.

- b) Humboldt County Code section 313-106.6 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed light cannabis on a parcel over 1 acre, subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for a total of 14,944 SF of mixed light cultivation on a 40-acre parcel is consistent with the Humboldt County Code and with the Cultivation Area Verification prepared by the County. The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

5. FINDING

EVIDENCE:

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned Forestry Recreation (FR) and Special Building Sites (B-5(40)), (HCC 314-7.3).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created via Parcel Map recorded in Book of Parcel Maps 208, page 27.
- c) Irrigation water is sourced from a 450,000-gallon rainwater catchment pond and two (2) points of diversion (PODs) on two (2) unnamed streams that are tributaries to the Mad River. Total estimated annual water use is 123,600 gallons (8.27 gallons/SF). Water is stored in the rainwater catchment pond and fourteen (14) hard tanks: eight (8) 2,500-gallon tanks, two (2) 1,500-gallon tanks, three (3) 550-gallon tanks, and one (1) 350-gallon tank. Total water storage is 475,000 gallons.
- d) The slope of the land where cannabis will be cultivated is greater than 15%. Because this is an existing cultivation site, the CMMLUO does not require cultivation to occur on slopes of 15% or less.
- e) Several locations within the project area have undergone unpermitted timber conversion. A Timberland Conversion Evaluation Report identified mitigation measures the applicant must implement to address unpermitted timber conversion (**Condition 18**).
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any offsite residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

6. FINDING

The cultivation of 14,944 SF of mixed light cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE:

- a) Humboldt County Department of Public Works (DPW) reviewed the project referral and recommended standard conditions of approval relating to roads, proximity of farms, and road grades (**Conditions 15, 16, and 17**).
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres, and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the

area.

- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water is sourced from a 450,000-gallon rainwater catchment pond and two (2) points of diversion (PODs) on two (2) unnamed streams that are tributaries to the Mad River.

7. FINDING

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

EVIDENCE:

The parcel contains one (1) existing residential unit. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential unit onsite.

DECISION

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

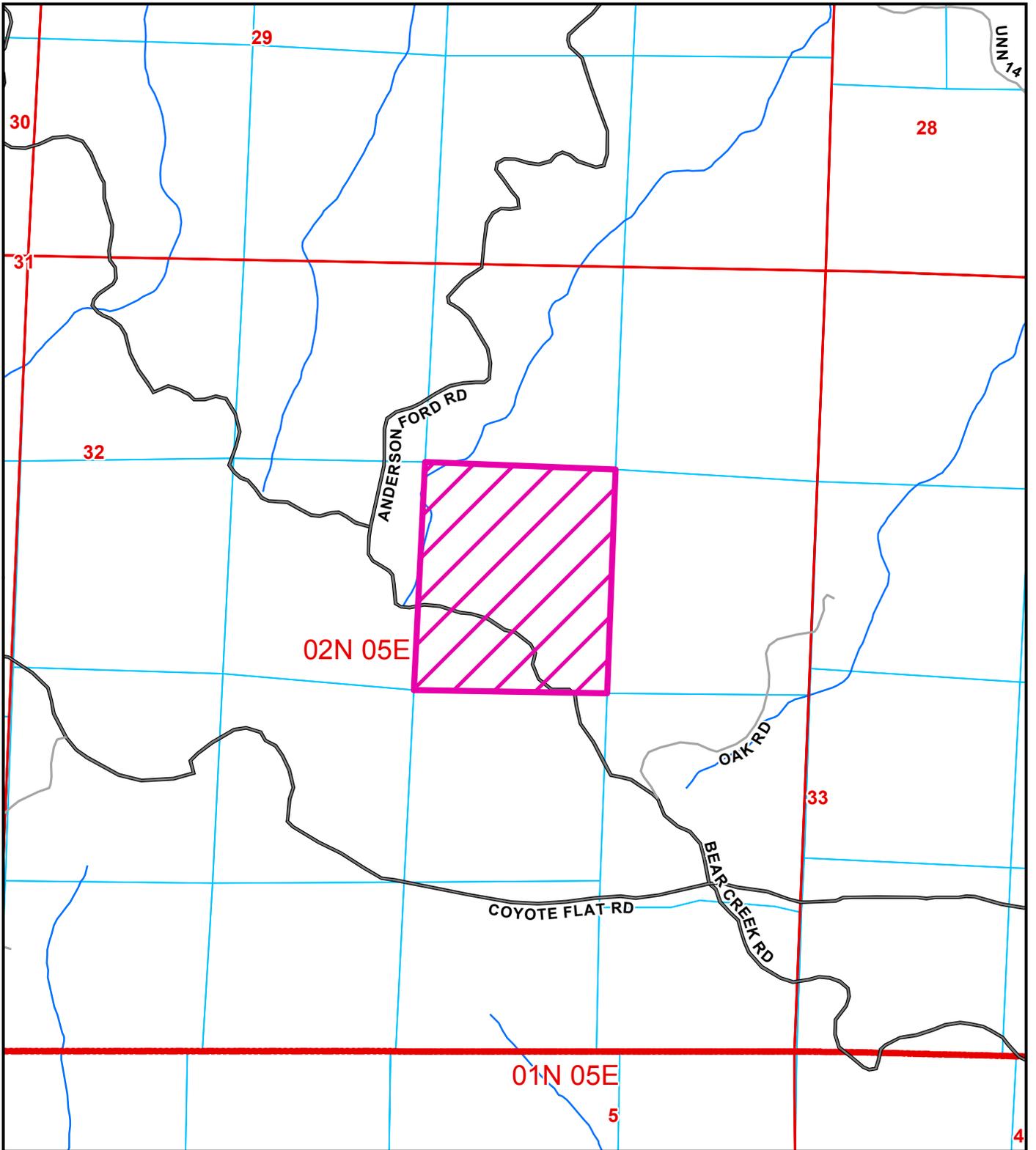
- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permit (PLN-12245-CUP) for Nijushi, LLC based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and
- Adopted after review and consideration of all the evidence on August 19, 2021.

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

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

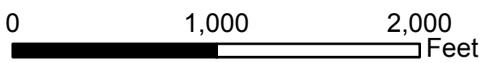
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

 John Ford, Director
 Planning and Building Department

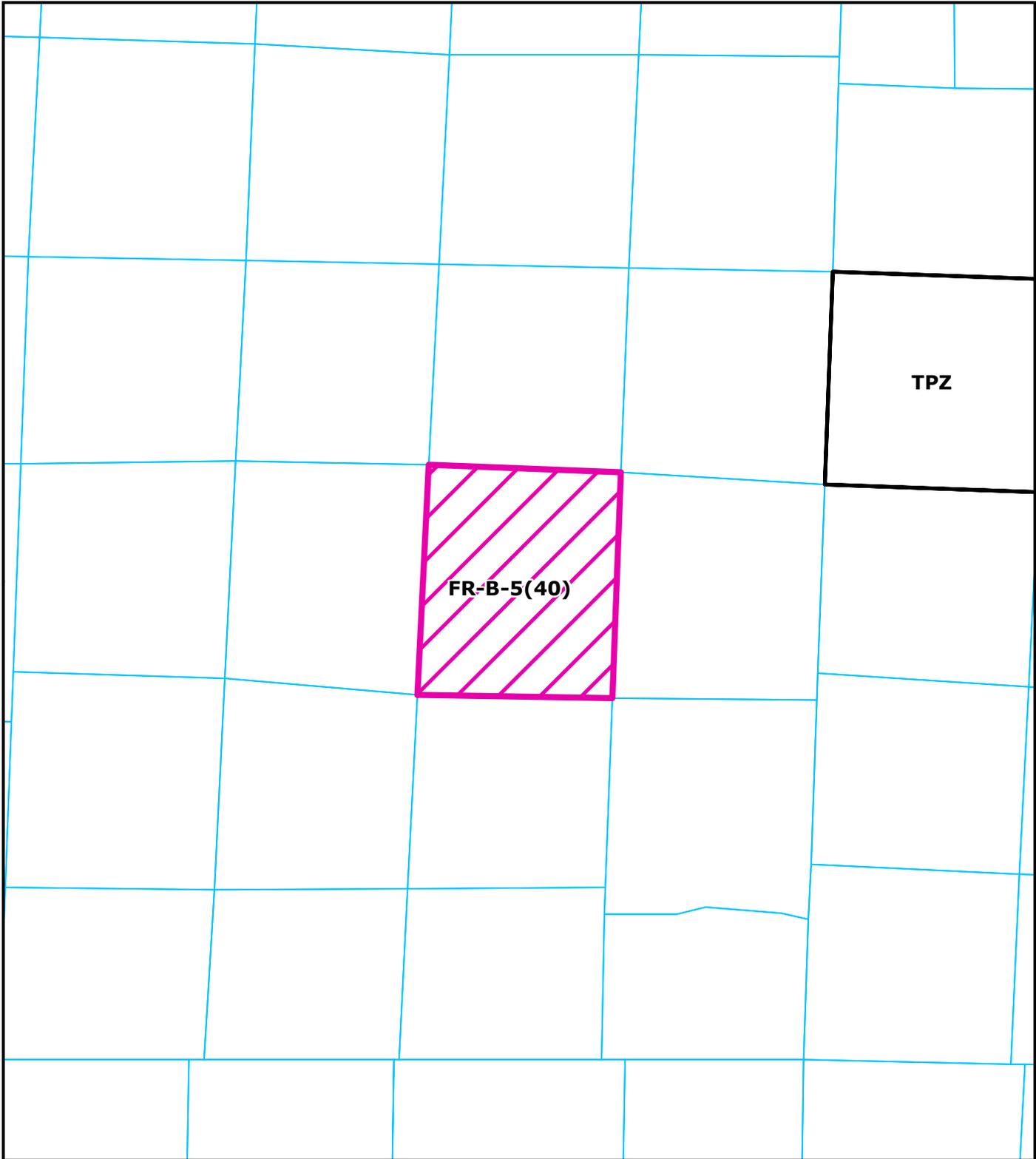


Project Area = 

TOPO MAP
PROPOSED NJUSHI, LLC
DINSMORE AREA
CUP-16-579
APN: 208-271-007-000
T02N R05E S32 HB&M (SHOWERS MTN)

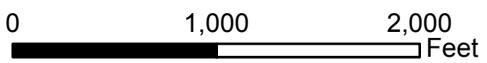


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

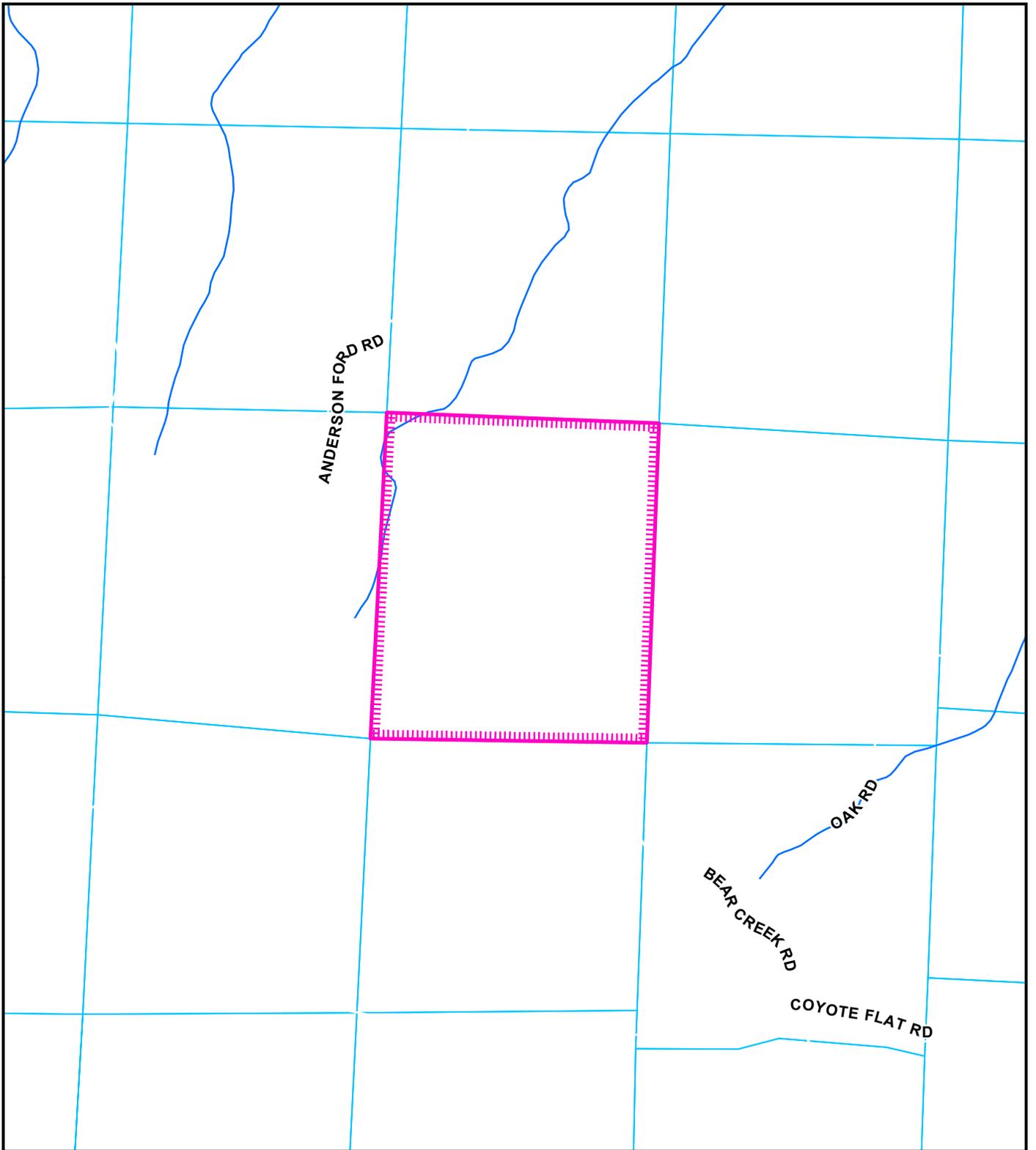


Project Area = 

ZONING MAP
PROPOSED NJUSHI, LLC
DINSMORE AREA
CUP-16-579
APN: 208-271-007-000
T02N R05E S32 HB&M (SHOWERS MTN)



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

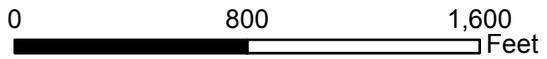


Project Area = 

AERIAL MAP
PROPOSED NJUSHI, LLC
DINSMORE AREA
CUP-16-579
APN: 208-271-007-000
T02N R05E S32 HB&M (SHOWERS MTN)



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.



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS, WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

A. General Conditions:

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #22. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall submit a soils report to the Humboldt County Department of Planning and Building within six (6) months of project approval. The report shall be completed to the satisfaction of the director of this department. The applicant shall obtain a grading permit and any necessary engineering permits for the rainwater catchment pond within six (6) months of project approval.
7. Onsite processing must be supported by a permanent means of sewage disposal. The owner/applicant/operator shall install a permitted onsite wastewater treatment system, associated with a permitted structure, to support the needs of the project. Permits shall be obtained from the Humboldt County Division of Environmental Health (DEH) prior to any construction.

8. The use of generators as a primary power source for cannabis related activities shall cease by December 31, 2025. The applicant shall either connect to a utility or have an alternative source of power starting January 1, 2026.
9. The applicant shall obtain a permit to operate all onsite generators from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department.
10. The applicant shall comply with the measures set forth in the Site Management Plan (SMP) prepared by Timberland Resource Consultants dated February 28, 2018 and revised November 3, 2020:
 - a. Inspect and regularly maintain the condition of access roads, drainage features, and watercourse crossings. Maintenance includes removing wood debris and sediment that may restrict drainage, placing sediment and debris outside of riparian setbacks and stabilizing all removed material, implementing winterization measures, and maintaining records of access road and drainage feature maintenance for annual reporting.
 - b. Conduct inspections prior to the onset of fall/winter precipitation and following storm events that produce 0.5 inch/day or 1.0 inch/week of precipitation.
 - c. Submit annual reports to North Coast Regional Water Quality Control Board (NCRWQCB) by March 1 of each year.
11. Per the Lake and Streambed Alteration Agreement (LSAA Notification No. 1600-2019-0033-R1), both POD-1 and POD-2 are unpermitted diversions and require modifications to reach compliance. A single waterline is permitted at each location, and the applicant shall remove additional waterlines and associated infrastructure. The applicant shall bypass 90% of flow and ensure that the rate of diversion is no more than three (3) gallons per minute. Between May 15 and October 31, the applicant shall divert no more than 150 gallons per day from each POD.
12. The applicant shall complete the following work as specified in the LSAA (Notification No. 1600-2019-0033-R1):
 - a. At STX-1, an undersized culvert shall be replaced with a minimum 30-inch culvert.
 - b. At STX-2, an undersized culvert shall be replaced with a minimum 48-inch culvert.
 - c. Both STX-3 and STX-4 shall be decommissioned and the stream channel at each location restored with native vegetation.
 - d. A seasonal stream that is rerouted into a drainage ditch shall be monitored for sediment delivery and the need for instream work or revegetation.
13. The applicant shall comply with the following required measures as specified in the LSAA (Notification No. 1600-2019-0033-R1):
 - a. Document all activities that occur within waterways in the project area.
 - b. All work (excluding water diversion) shall be confined to the dry weather period, from June 15 through October 15 of each year.
 - c. Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life.
 - d. Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities. All work shall be completed by no later than October 15, 2021.
14. The applicant shall implement the Inadvertent Discovery Protocol. In the event of the accidental discovery of historical artifacts or human remains, all work shall halt within 100 feet of the find and a qualified professional archaeologist and tribal representatives shall be contacted immediately to evaluate the find and clear the site for all further activities.
15. ROADS – PART 1. All recommendations in the *Road Evaluation Report* for non-county maintained roads shall be constructed/implemented to the satisfaction of the Planning and Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license.

A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

16. COUNTY ROADS – PROXIMITY OF FARMS. Applicant is advised that County maintained roads may generate dust and other impacts to farms. Applicant shall locate their farms in areas not subject to these impacts. Applicant shall be responsible for protecting their farms against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.
17. ROAD GRADES. Whether specifically addressed or not within the *Road Evaluation Report*, per County Code Section 3112-5, "No roadway grade in excess of 16 percent shall be permitted unless it has been demonstrated to be in conformance with the County Roadway Design Manual." Where portions of the road have grades that exceed 16 percent, those portions must be paved and must have an exception request approved.
18. The applicant shall comply with the measures set forth in the Timberland Conversion Evaluation Report (TCER) prepared by Timberland Resource Consultants dated January 30, 2021:
 - a. Dead, dying, and diseased trees may be removed within approximately 100-150 feet of Cultivation Area (CA) D. The stumps of the trees shall not be removed, nor shall there be any disturbance or grading that could result in timberland conversion.
 - b. Douglas fir saplings may be removed within 100-150 feet of CA E. The stumps of the trees shall not be removed, nor shall there be any disturbance or grading that could result in timberland conversion.
 - c. To eliminate fire hazard, all slash and woody debris created by the removal of trees shall be treated per 14CCR 914.5(b).
 - d. Removal of dead, dying, and diseased trees shall not occur within a riparian setback (Stream Management Area, or SMA). The registered professional forester (RPF) has flagged the 100-foot riparian buffer along the Class II watercourse located east of CA D.
 - e. No California black oak or Oregon white oak shall be removed or damaged.
 - f. The tree removal project shall comply with State Water Resources Control Board (SWRCB) Order WQ 2019-0001-DWQ. In particular, the project shall ensure compliance with the following: (1) Cannabis cultivators shall avoid damage to oak woodlands, and (2) Cannabis cultivators shall apply erosion repair and control measures to the bare ground to prevent discharge of sediment to waters of the state.
 - g. Treat slash and logs southwest of the off-stream pond as shown on the attached maps and photographs included in the TCER.
19. The applicant shall contact the Bridgeville Fire Protection District and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning and Building Department. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
20. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

21. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
22. The applicant shall schedule and obtain an onsite Building Division review to ensure that permits for all structures, greenhouses, water tanks or other cannabis and/or residential structures have been obtained. This inspection shall be scheduled within thirty (30) days of permit approval and conducted within three (3) months permit approval. Any structures identified to require permits shall be permitted through the Humboldt County Building Department within two (2) years of the inspection date.

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

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

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

9. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Any changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. When offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. The permittee shall have possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. The permittee shall be in compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. The permittee shall ensure confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. The permittee shall comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. The permittee shall comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL FIRE), if applicable.
18. The permittee shall consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).

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

Performance Standards for Cultivation and Processing Operations

24. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;

- (2) Emergency responder contacts; and
 - (3) Poison control contacts.
- c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. Onsite housing, if any
29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Activity Permit issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

- a. Identifying information for the new owner(s) and management as required in an initial permit application;
- b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
- c. The specific date on which the transfer is to occur;
- d. Acknowledgement of full responsibility for complying with the existing permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

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

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

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

ATTACHMENT 2

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

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

**APN 208-271-007; 2422 Bear Creek Road, Bridgeville, CA 95526
County of Humboldt**

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

May 2021

BACKGROUND

Purpose of Addendum

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

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

Project History

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

The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations and unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the MND. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." As applications are filed for new or differing cultivation activities, the "modification" to the CMMLUO is evaluated for consistency and compliance with the CMMLUO MND.

Modified Project Description

Nijushi, LLC seeks a Conditional Use Permit (PLN-12245-CUP) for 14,944 square feet (SF) of mixed light cannabis cultivation. Existing cultivation occurs in four (4) greenhouses (GH) totaling 10,864 SF. Proposed cultivation will occur in two (2) greenhouses totaling 4,080 SF. Plants are propagated in a 1,488-SF nursery onsite. Drying and further processing will take place onsite in a proposed 600-SF facility. The applicant anticipates hiring two (2) employees to help with cultivation activities. The primary source of electrical power is two (2) 7-kW Honda Eu7000is generators, one (1) 3-kW Honda Eu3000is generator, and two (2) 2-kW Honda Eu2000is generators. Two (2) additional generators (Honda Eu7000is and Honda Eu3000is) are used as backup power sources.

Irrigation water is sourced from a 450,000-gallon rainwater catchment pond and from two (2) points of diversion (PODs) on two (2) unnamed streams that are tributaries to the Mad River. Total estimated annual water use is 123,600 gallons (8.27 gallons/SF). The total amount of water that may be diverted from the PODs between November 1 and May 31 in a given year is 1.38099953 acre feet, and no diversion shall occur between June 1 and October 31. The rate of diversion to storage is limited to 14,400 gallons per day (10 gallons per minute x 1,440 minutes/day), pursuant to the current State Water Board's Cannabis Policy 78 (**Condition 11**).

Water is stored in the rainwater catchment pond and fourteen (14) hard tanks: eight (8) 2,500-gallon tanks, two (2) 1,500-gallon tanks, three (3) 550-gallon tanks, and one (1) 350-gallon tank. Total water storage is 475,000 gallons. The project will be able to comply with full forbearance requirements during the required period (April 1 – October 31). The project area is located within the Mad River watershed. There are three (3) onsite stream crossings.

The Site Management Plan (SMP) prepared by Timberland Resource Consultants identifies measures to decrease erosion and sedimentation of waterways at twenty-eight (28) unique points in the project area, including: installing culverts, treating deficient roadways, removing trash and piles of soil, relocating storage facilities, discontinuing use of pit toilets, abandoning two (2) watercourse crossings, and implementing erosion control measures. As of October 15, 2020, implementation of all the identified measures have been completed.

The SMP also requires cultivators to regularly inspect and maintain the condition of access roads, drainage features, and watercourse crossings. Inspections shall occur prior to the onset of fall/winter precipitation and following storm events that produce 0.5 inch/day or 1.0 inch/week of precipitation. Required maintenance includes removing wood debris and sediment that may restrict drainage, placing sediment and debris outside of riparian setbacks and stabilizing all removed material, implementing winterization measures, and maintaining records of access road and drainage feature maintenance for annual reporting. Annual reports are due to North Coast Regional Water Quality Control Board (NCRWQCB) by March 1 of each year (**Condition 10**).

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (Notification No. 1600-2019-0033-R1). The LSAA addresses seven (7) project encroachments, including two (2) points of diversion (POD), four (4) stream crossings (STX), and one (1) stream restoration project. Both POD-1 and POD-2 are unpermitted diversions and require modifications to reach compliance. A single waterline is permitted at each location, and the applicant shall remove additional waterlines and associated infrastructure. The applicant shall bypass 90% of flow and ensure that the rate of diversion is no more than three (3) gallons per minute. Between May 15 and October 31, the applicant shall divert no more than 150 gallons per day from each POD (**Condition 11**). At STX-1, an undersized culvert will be replaced with a minimum 30-inch culvert. At STX-2, an undersized culvert will be replaced with a minimum 48-inch culvert. Both STX-3 and STX-4 must be decommissioned prior to restoring the stream channel with native vegetation. Finally, a seasonal stream that is rerouted into a drainage ditch shall be monitored for sediment delivery and the need for instream work or revegetation (**Condition 12**).

The LSAA identifies required measures that the applicant must apply to offset potential impacts to waterways within the area, including: 1) Document all activities that occur within waterways in the project area; 2) All work (excluding the water diversion) shall be confined to the dry weather period, from June 15 through October 15 of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; and 4) Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities. All work shall be completed by no later than October 15, 2021. (**Condition 13**).

A list of potential special status species was generated in May 2021 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). Biological resources occurring within one (1) mile of the project area include Oregon goldthread and the American peregrine falcon. Neither of these species are listed on state or federal endangered species lists. Two special status species appear within two (2) miles of the project area: the summer-run steelhead trout (approximately 5,600 feet away in the Mad River) and the foothill yellow-legged frog (approximately 7,400 feet away). Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources are considered low and unlikely with implementation of the mitigation measures identified in the CMMLUO MND.

A records search for known cultural resources was requested from the Northwest Information Center (NWIC). The records search revealed that Study #S-6245 covered approximately 15% of the project area and identified no cultural resources within those portions of the project area (Berg 1983). The NWIC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band of the Rohnerville Rancheria was contacted and responded that the Inadvertent Discovery Protocol should be implemented in case there is accidental discovery of previously unidentified historical artifacts or human remains (**Condition 14**).

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO, which were intended to mitigate impacts of existing cultivation.

Summary of Significant Project Effects and Required Mitigation

No changes are proposed for the mitigation measures identified in the original MND. The proposal to authorize 14,944 SF of mixed light cultivation within six (6) greenhouses, along with a 1,488-SF ancillary nursery, is fully consistent with the impacts identified and adequately mitigated in the original MND. The project, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Timberland Resource Consultants, dated 5/31/2019
- Site Management Plan (SMP) prepared by Timberland Resource Consultants, dated 2/28/2018 and revised 11/3/2020
- Cultivation, Operations, and Security Plan prepared by applicant, received 7/1/2019
- Lake and Streambed Alteration Agreement (LSAA) (Notification No. 1600-2019-0033-R1), received 7/15/2020
- Northwest Information Center (NWIC) records search conducted by Bryan Much on 7/26/2019
- Department of Public Works Road Evaluation Report, dated 3/20/2019
- Timberland Conversion Evaluation Report prepared by Timberland Resource Consultants, dated 1/30/2021

- CAL FIRE application communication with Lucas Titus, dated 7/16/2019

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Nijushi, LLC would be the same or similar. There would be no new significant environmental impacts or a substantial increase in the severity of previously identified significant impact, than the initial CMMLUO project for which the MND was adopted. Based upon this review, the following findings are supported.

FINDINGS

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

CONCLUSION

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

Attachment 3
Application Report of Findings

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

1. The name, contact address, and phone number(s) of the applicant. **(On file)**
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. **(On file)**
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by Timberland Resource Consultants, dated 5/31/2019, **Attached**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation, Operations, and Security Plan prepared by applicant, received 7/1/2019 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. **(On file)**
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan, item 4 above - **Attached**)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. **(On file)**
8. If any onsite or offsite component of the cultivation facility (including access roads, water supply, grading or terracing) impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife on June 22, 2020 (LSAA Notification No. 1600-2019-0033-R1). **(On file)**
9. If the source of water is a well, a copy of the County well permit, if available. **(Not applicable)**
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal

Fire. (Timberland Conversion Evaluation Report prepared by Timberland Resource Consultants, dated 1/30/2021)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. **(On file)**
12. Acknowledgment that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section, in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. **(On file)**
13. Acknowledgment that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). **(On file)**
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). **(On file)**

NJUSHI, LLC

CULTIVATION, OPERATIONS, AND SECURITY PLAN

OPERATIONS PLAN

*updated
7-29-2021*

1. Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage

WATER SOURCE AND STORAGE: Water for irrigation is currently sourced from diversion of an on-site watercourse. Applicant will submit an initial statement of water diversion for the stream and will develop both a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW) and a Water Management Plan (WMP) for submission to the North Coast Regional Water Quality Control Board (NCRWQCB). Applicant's Water Resources Protection Plan (WRPP) will be prepared by Pacific Watershed Associates. Applicant will develop a water budget to determine the required volume of water storage needed to forbear during low flow periods. A water monitoring plan will also be developed and implemented to document the exact timing and volume of water diversion, storage and use throughout the year. Applicant is also in the process of securing a diversion permit from the State Water Resources Control Board.

Current water storage on the parcel consists of twelve (12) water tanks with a combined total capacity of 22,950 gallons and an off-stream rain catchment pond with a capacity of approximately 250,000 gallons.

IRRIGATION PLAN: Irrigation water is applied at agronomic rates to conserve water and reduce the risk of runoff. Irrigation and feeding applications are done by hand. Applicant will be watering and feeding plants an average of twice per week during the growing season. Applicant will employ such water conservation techniques as using cover crops during the winter to protect and increase soil fertility and installing safety valves on irrigation equipment in the event of a leak. Applicant uses natural soil amendments to aid in soil moisture retention as part of the irrigation plan.

PROJECTED WATER USAGE: Applicant anticipates cultivating 14,944 ft² of mixed light cultivation over a 167-day cultivation cycle. Based on California Department of Fish and Wildlife (CDFW) estimates for cannabis irrigation needs and Applicant's irrigation practices detailed in the Cultivation Activities section of this report (an average of 62.03 watering days), Applicant anticipates using approximately 123,600 gallons of water

The above figures are weather dependent and are only estimated water usage totals. Applicant will install flow meters at all critical points to measure actual yearly water usage upon implementation of the project.

2. Description of Site Drainage, including Runoff and Erosion Control Measures

SITE DRAINAGE: There is one watercourse located on the property. Currently there is one stream crossings in use on the site. The culvert installed at the stream crossing may need to be upgraded. Access roads are rocked and Applicant has constructed a roadside ditch to promote drainage and minimize erosion. Applicant will consult with, and implement recommendations by Timberland Resource Consultants (TRC) to ensure adequate road drainage along roads and at the cultivation site.

EROSION CONTROL MEASURES: Applicant will continuously monitor discharge points to minimize potential erosion hazards. Applicant will address road erosion and rills by installing water bars and discharge points and installing outlets that disperse flows. Rolling dips will be utilized to disperse road surface runoff and prevent road surface erosion. Applicant will seed areas of exposed soils with native grasses to prevent bare soil erosion. Applicant will consult with, and implement recommendations by, Timberland Resource Consultants (TRC) to implement best management practices to prevent erosion from occurring around roads and developed areas.

RUNOFF CONTROL MEASURES: Applicant employs catchment saucers under all pots and maintains vegetation around cultivation and riparian areas to minimize runoff and sediment transportation to receiving waters. Applicant will re-seed and re vegetate any exposed soils around the cultivation areas. Applicant will consult with, and implement recommendations from TRC to improve runoff control measures on an as needed basis.

3. Details of Measures Taken to Ensure Protection of Watershed and Nearby Habitat

PROTECTION OF WATERSHED AND HABITAT: Cultivation areas, fertilizers, spoils, cultivation related waste and fuels are outside of the riparian buffer zone. Cultivation areas are all setback at least 200 feet from the watercourse located on the property. Applicant maintains sufficient buffer areas between the cultivation site and riparian zones and potential habitat. Applicant will consult with TRC to promote and maintain watershed and riparian habitat areas as the need arises.

CULTIVATION RELATED WASTE PROTOCOLS: Applicant is implementing measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in piles covered with plastic sheeting to prevent nutrient transport and will be reused as part of Applicant's soils management plan. Pots containing starts and clones will be washed, rinsed, and reused between seasons and recycled at the end of their useful life. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. All other associated waste will be placed in garbage cans with lids and placed on concrete surfaces to prevent nutrients from

being leached to groundwater or transported to watercourses. Applicant will determine frequency of disposal to permitted disposal sites that prevents rodent infestation and other nuisances on the property. This will likely be done on a bi-weekly schedule during the growing season.

REFUSE DISPOSAL: The site generates little human refuse. However, Applicant has garbage cans equipped with lids in secondary containment to prevent leaching and transport of foreign materials to receiving waters. The cans are stored outside under a canopy. Applicant will determine the frequency of pickup and delivery to disposal facilities that prevents rodent infestation and other nuisances on the property. This will likely be done on a bi-weekly schedule during the growing season.

HUMAN WASTE: Applicant is working with TRC to install a septic system sufficient to service the cultivation site. In the interim, Application will utilize ADA compliant portable toilets and handwashing facilities placed outside of SMA's. The portable toilets will be serviced on a weekly basis to prevent contamination on the property. Applicant will maintain service records.

4. Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Other Regulated Products

PESTICIDES: Pesticides are stored in a storage building that is equipped with a non-permeable floor liner to prevent leaching of pesticides into groundwater or transport to surface waters. Pesticides will be kept in original containers with labels affixed and kept in secondary containment totes to further minimize spills from transportation to groundwater or receiving surface waters. Approved spill proof containers with appropriate warning and information labels will be used to transport pesticides to and from site.

Applicant will maintain and keep personal protective equipment required by the pesticide label in good working order. Coveralls will be washed after use when required.

All required warning signs will be posted and material safety data sheets (MSDS) will be kept in the area where pesticides are stored. Emergency contact information in the event of pesticide poisoning shall also be posted at the work site including the name, address and telephone number of emergency medical care facilities. Change areas and decontamination rooms will be available off-site.

Before making a pesticide application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

FERTILIZERS: Fertilizers are stored on site in a storage building. Applicant will store and use fertilizers according to the protocols it uses for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching. Applicant will use all fertilizers according to the label and use personal protective equipment as required by the label.

Before making a fertilizer application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

SOIL AMENDMENTS: Applicant does not use soil amendments.

PETROLEUM PRODUCTS AND STORAGE: Applicant stores approximately 100 gallons of gasoline in gas cans and five portable propane tanks with a total storage capacity of approximately 30 gallons. All fuel related products are stored under cover. Applicant has a spill-proof kit on site to prevent seepage into groundwater or transport to surface water. Applicant will store combustible materials in a different location from petroleum products. Generators are equipped with secondary containment and spill-prevention kits are on-site. Applicant will muffle generator noise to less than 50 dbs. to prevent disturbance of surrounding habitat.

5. Description of Cultivation Activities (e.g. outdoor, indoor, mixed light)

CULTIVATION ACTIVITIES: Applicant is proposing to permit existing mixed light cultivation operation with cultivation area of approximately 14,944 square feet. Applicant will irrigate from a surface water diversion pursuant to agreement with DFW. Applicant will be hand watering to conserve water. Cover crops will be planted at the end of the year to promote soil regeneration.

Power is supplied via a generator. The generator is equipped with secondary containment to prevent seepage of fuels to groundwater or surface water. Applicant will sufficiently muffle sound from generators to less than 50 dbs. to protect surrounding habitat.

Applicant is anticipating one cycle of mixed light cultivation per year.

The lighting source for the mixed light facilities will comply with the International Dark Sky Association's standards as outlined in the Commercial Medical Marijuana Land Use Ordinance. Applicant will tarp and sufficiently shield greenhouses so that light will not escape to neighboring parcels.

Applicant anticipates hiring two employees.

Applicant will comply with all applicable federal, state, and local laws and regulations governing California agricultural employers. Applicant will execute a statement declaring it is an agricultural employer as defined in the California Labor Code.

Applicant will follow all performance standards outlined in Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO") with respect to cultivation activities, including developing employee safety protocols which include: 1) an emergency action response plan and spill prevention protocols; 2) employee accident reporting and investigation policies; 3) fire prevention policies; 4) maintenance of Material Safety Data Sheets (MSDS); 5) materials handling policies; 6) job hazard analyses; and 7) personal protective equipment policies. Applicant will ensure that all safety equipment is in good and operable condition, and provide employees with training on the proper use of safety equipment.

Applicant will post and maintain an emergency contact list which includes: 1) operation manager contacts; 2) emergency responder contacts; and 3) poison control contacts. All cultivation activities will be charted and calendared and visibly posted in the cultivation facilities.

6. Schedule of Activities During Each Month of the Growing and Harvesting Season

January through March

- Purchase clones of desired strains
- Clean greenhouses and make any necessary repairs
- Prepare beds and greenhouses for planting
- Pot clones and starts
- Approximate generator use: 18 hours

April

- Begin watering soil
- Begin planting on approximately April 30
- Attach greenhouse tarp covers
- Approximate generator use: 18 hours

May

- Water greenhouses every fifth day
- Apply nutrient feed with every other watering
- Continue planting
- Approximate generator use: 18 hours

June

- Water greenhouses every fourth day
- Apply nutrient feed with every other watering
- Continue planting
- Approximate generator use: 18 hours

July

- Water greenhouses every third day
- Apply nutrient feed with every other watering

- Pull tarps for light deprivation
- Approximate generator use: 12 hours

August

- Water greenhouses every other day
- Apply nutrient feed with every other watering
- Pull tarps for light deprivation
- Approximate generator use: 12 hours

September

- Water greenhouses every other day
- Apply nutrient feed with every other watering
- De-leaf plants
- Begin harvesting
- Trim and manicure harvested plants
- Approximate generator use: 16 hours

October, November, December

- End of year reporting
- Clean and landscape areas used in cultivation
- Plant cover crops
- Approximate generator use: 0 hours

PROCESSING PLAN AND ACTIVITIES

PLAN: Processing activities will take place on site in a processing shed. Finished product will be dried in a separate shed.

Employees will have access to ADA-compliant portable toilet facilities as referenced above two support a maximum of two employees. The processing facility will meet commercial food grade handling standards, as well as supplies for cleanliness and sanitation. Hand sanitizing liquid, gloves, potable water, and face masks shall be provided to employees. Applicant will provide bottled drinking water.

The dry rooms and processing facilities will be sanitized after every use using organic cleaning products to prevent mold growth and other contaminants. A daily cleaning routine for all work rooms and surface areas will be prepared and carried out by employees. Employees will be required to wash their hands prior to handling the product and after using the restroom. Sanitary equipment and products such as hand sanitizing liquids, paper towels, gloves, water and face masks will be provided on-site and kept in good and operable condition. Emergency contact numbers will be posted in working areas, including local poison control center.

Applicant will implement the following safety practices as a part of the processing plan: 1) functioning safety equipment, including masks, gloves, and respiratory equipment will be provided to employees in good and operable condition; 2) sanitized protective overcoats will be provided to prevent cross contamination and skin irritation; 3) poison control and emergency services contacts will be posted in processing areas; 4) safety signage will be posted and spillage prevention policies will be developed; 5) safety training on proper use of trimming equipment; and 6) development and implementation of a workplace health and safety survey.

PROCESSING ACTIVITIES: During harvest months, the climate is warm and dry. Therefore, harvested plants can be air-dried. Humidity and temperature will be monitored to ensure proper conditions for curing. Cut flowers will be de-leafed and inspected for mold and then brought to the dry room. Flowers will remain on stalk and hung on screen racks for approximately 4-7 days. The dry room is thermostatically controlled to regulate temperature and humidity levels.

The Applicant will use a moisture meter to determine dryness. If the moisture content is below 15%, mold development is prevented. Upon reaching sufficiently safe moisture content, flowers will be bucked, placed into sealed plastic bins, and moved into the curing room. The cure room is also thermostatically controlled to regulate temperature and humidity and to ensure an even, slow cure. Bins will be regularly opened and closed to enhance flavor and aroma and to ensure a fully dried product for packaging and storage in the cultivation facility.

Flowers will then be bagged, barreled, and moved to storage rooms where they will remain until ready to be trimmed. Flowers will be hand-trimmed and finished. They will be separated and packaged in one-pound increments, bagged, sealed, and moved back into storage for transport. Trim will be gathered for secondary manufacturing markets.

SECURITY FEATURES

Applicant has implemented security measures to safeguard the product and prevent nuisance from occurring on the property. Deer fencing has been installed around the cultivation areas. Security gates are installed along all main roads. All doors and windows on buildings are lockable. Finished product is stored in a locked area away from the processing facility. There are locked gates on all access roads. "No Trespassing" signs and "Private Property" signs have been posted along the property perimeter.

To ensure the non-diversion of product, Applicant will enroll in a track and trace program upon the implementation of those programs at the state and local level. Applicant is a cultivation-member of Humboldt Sun Growers Guild, a California Non-Profit Medical Cannabis Collective, that provides medical cannabis to qualified patients and primary caregivers. Applicant will comply with SB 420 and the Attorney General Guidelines for the Security and Non-Diversion of Medical Cannabis (2007).

NJUSHI, LLC

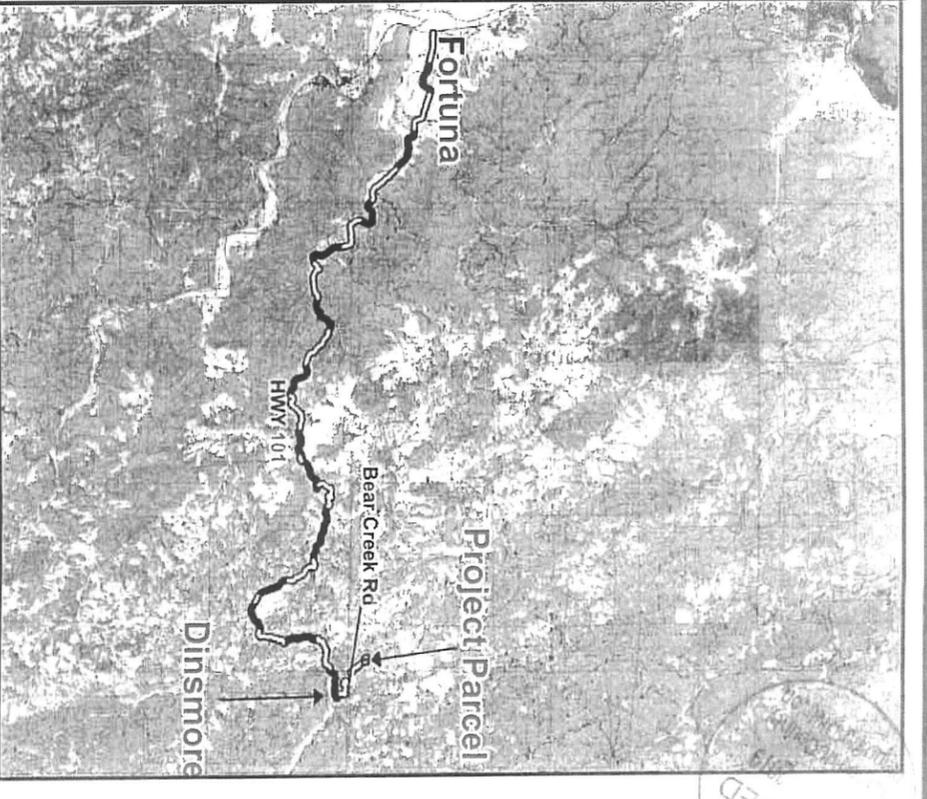
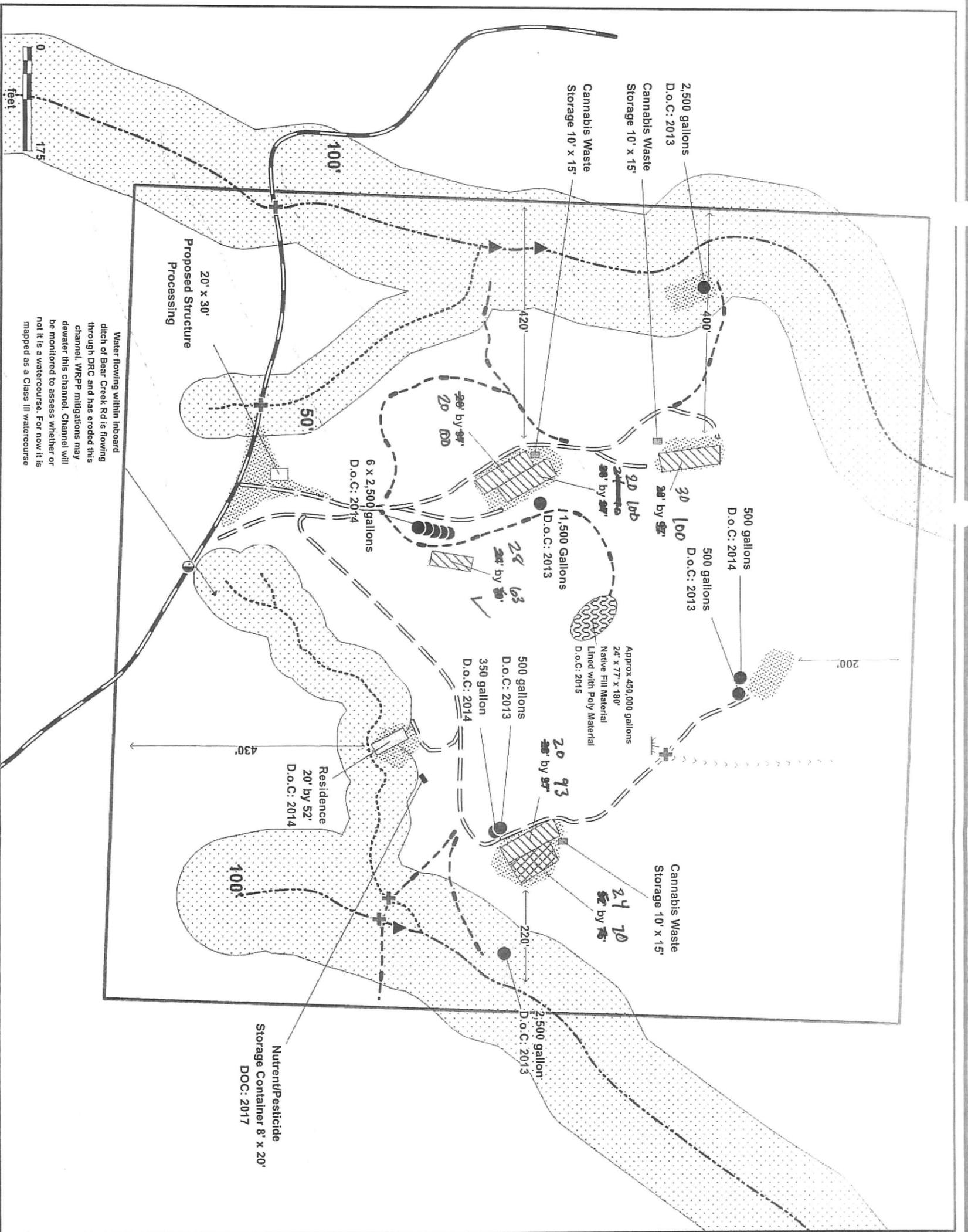
APN 208-271-007

ADDENDUM TO CULTIVATION OPERATIONS PLAN

APPS NO. 12245



SOILS MANAGEMENT PLAN: Applicant limits the amount of imported soil to the site. Crops are cultivated in beds and soils are left in place. To decrease likelihood of runoff and erosion, applicant will plant cover crops to both reduce runoff and increase soil productivity. If necessary, spent soils will be piled in an area of the property to reduce the amount of runoff to water courses. Spent soil piles will receive erosion control treatments such as tarping and covering, straw waddle placement to prevent runoff to watercourses, and strawing and seeding to prevent erosion of spent soil piles. Spoil piles may be removed from site to a permitted off-site disposal area that is licensed to accept spent soils. Applicant intends to reduce the amount of spent soils removed from site by re-amending and re-using soils in place.



Directions:
 Beginning on 101 Southbound, take SR 36 Exit
 Continue on SR-36 eastbound for approx. 47.7 mi
 Take left off SR-36 on Bear Creek Rd travelling north
 Continue on Bear Creek Rd for approx. 2.7 mi
 Arrive at gate of property

Landowner: *Anelija* Stanislav Nikolova



165 South Fortuna Boulevard, Fortuna, CA 95540
 707-725-1897 • fax 707-725-0972
 trc@timberlandresource.com

Bear Creek Rd Allows Easement for All Parcels Down Road
 No Schools, Public Parks, or Places of Worship within 600'
 Applicant: Njushi LLC
 APN: 208-271-007
 Acres: 44.79
 Zoning: FR - Forest Recreation
 14,944 sq. ft. Outdoor Packaging Occurs Off-site

Map Date: 05/31/2019
 Created By J. Henry
 Showers Mountain, CA 7.5" Quad

- Property Line
- Class II Watercourse
- Class III Watercourse
- Rain Catchment Pond
- Spring
- Stream Management Area (SMA)
- Bear Creek Road
- Seasonal Road
- ATV Trail
- Graded Areas
- Stream Crossing
- Ditch Relief Culvert (DRC)
- Surface Diversion
- Poly Storage Tank
- Light Deprivation
- Immature Plant Area
- Cannabis Waste Storage



1/28/2020

TO: Humboldt County Planning & Building

**RE: Cultivation Operations Plan Addendum
Njushi LLC, PLN-12245-CUP, APN
2008-271-007**

In response to the expansion violation issued against the property on December 28th, 2020, we have reconfigured the site plan to make the CAV, existing site layout and proposed site layout all align with one another. This site plan is attached.

Greenhouses 1-6 were in place as they currently stand with mixed light cultivation in 2015, as seen on the attached satellite photos. Measurements as shown on the site plan therefore are exactly the same as they were in 2015, and sum to 14,944 square feet of preexisting mixed light cultivation.

Because the interim permit was issued for 11,000 ft², only greenhouses 1, 2, 3, and 5 (shown in bright green on the site map) will be cultivated in 2021, as they sum to an allowable 10,864 ft². An additional greenhouse, shown in hashed green on the map, is a nursery used for immature plants only. This is the only greenhouse that was not in place prior to 2016, but does not constitute an expansion, as no cultivation takes place within.

Once the applicant receives full entitlement for the total preexisting cultivation area of 14,944 ft², proposed greenhouses 4 and 6 (shown in yellow on the map) will be reactivated for use as cultivation sites, bringing the total to 14,944 ft² as it was prior to 2016, with the addition of a 1,488 ft² nursery equal to <10% of the canopy space.

Hopefully this explanation will be sufficient to show the preexisting cultivation amount in support of an increased permitted canopy size. Please feel free to reach out with any questions or concerns.

Latitude: 40.5106 Longitude: -123. ...



Available Images

Date Range All Images

	2015-11-04	0.50 m	0.0%	Sharpened
	2015-09-02	0.50 m	4.29%	PAN
	2015-08-29	0.50 m	29.3%	PAN
	2014-08-20	0.50 m	0.0%	PAN
	2014-07-31	0.50 m	0.0%	Sharpened
	2013-11-15	0.50 m	0.6%	Sharpened



24 ft. x 70 ft. = 1680 sq. ft.

Date Range	All Images
2016-06-02 0.50 m 0.0%	PAN
2016-06-02 0.50 m 0.0%	PAN
2016-05-09 0.30 m 0.6%	Sharpened
2015-11-04 0.50 m 0.0%	Sharpened
2015-09-02 0.50 m 4.29%	PAN
2015-08-29 0.50 m 29.3%	PAN
2014-08-20 0.50 m 0.0%	PAN
2014-07-31 0.50 m 0.0%	Sharpened
2013-11-15 0.50 m 0.6%	Sharpened



97 ft. x 28 ft. = 2,716 sq. x2 = 5432 sq. ft.



Available Images

Date Range All Images

	2017-12-21	0.50 m	12.66%	Sharpened
	2017-03-12	0.50 m	0.0%	PAN
	2016-07-28	0.50 m	0.0%	PAN
	2016-06-03	0.30 m	0.0%	Sharpened
	2016-06-02	0.50 m	0.0%	PAN
	2016-06-02	0.50 m	0.0%	PAN
	2016-05-09	0.30 m	0.6%	Sharpened
	2015-11-04	0.50 m	0.0%	Sharpened
	2015-09-02	0.50 m	4.29%	PAN



28 ft. x 97 ft. = 2,716 sq. ft.

Available Images

Date Range  All Images 

	2016-07-28	0.50 m	0.0%	PAN
	2016-06-03	0.30 m	0.0%	Sharpened
	2016-06-02	0.50 m	0.0%	PAN
	2016-06-02	0.50 m	0.0%	PAN
	2016-05-09	0.30 m	0.6%	Sharpened
	2015-11-04	0.50 m	0.0%	Sharpened
	2015-09-02	0.50 m	4.29%	PAN
	2015-08-29	0.50 m	29.3%	PAN
	2014-08-20	0.50 m	0.0%	PAN



28 ft. x 97 ft. = 2716 sq. ft.; 75 ft. x 32 ft. = 2400 sq. 5116 sq. ft. total



Distance Measurement

Start Draw Edit Draw Delete Draw

Border Color 

Border Width

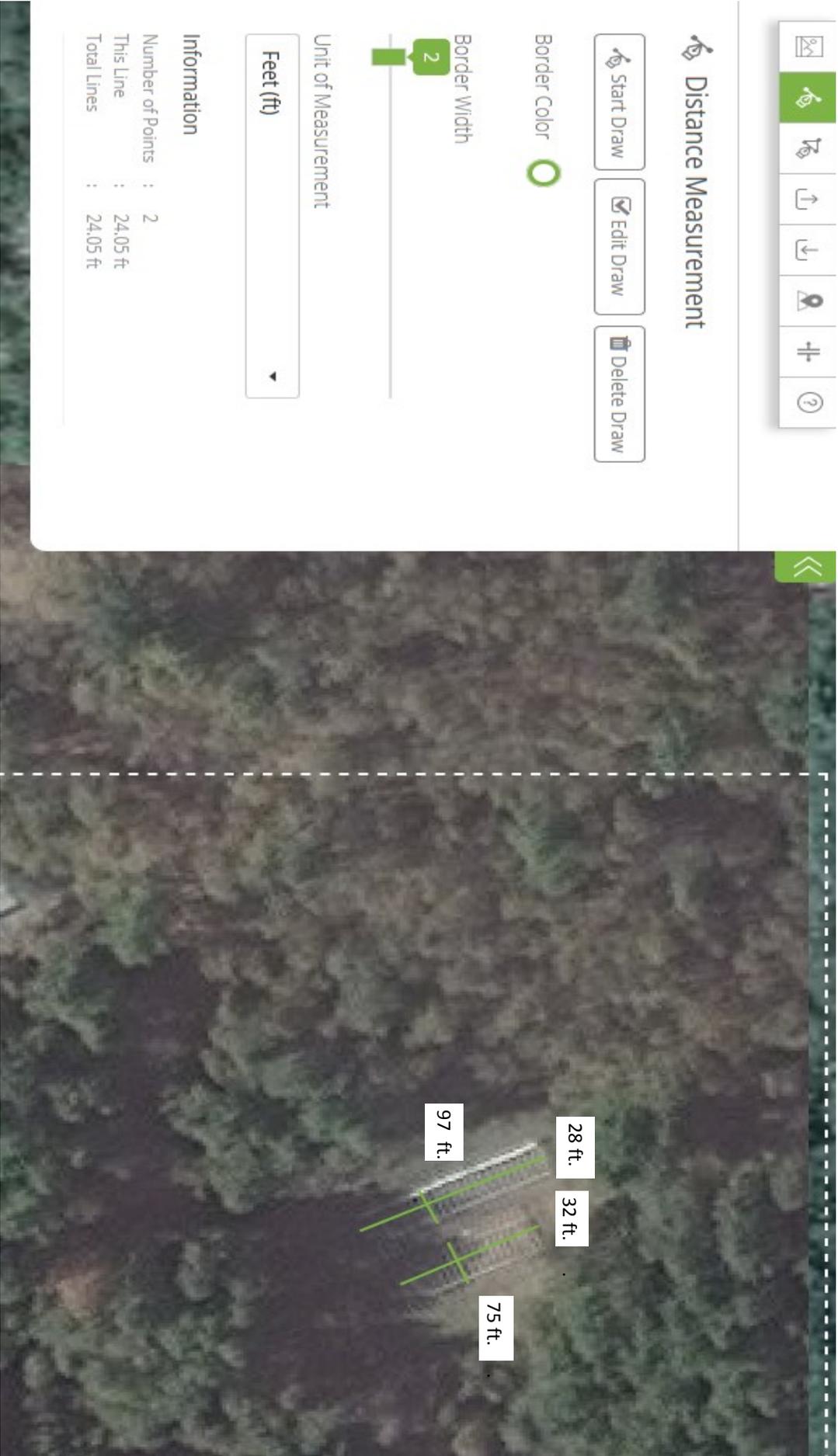
2 

Unit of Measurement

Feet (ft) 

Information

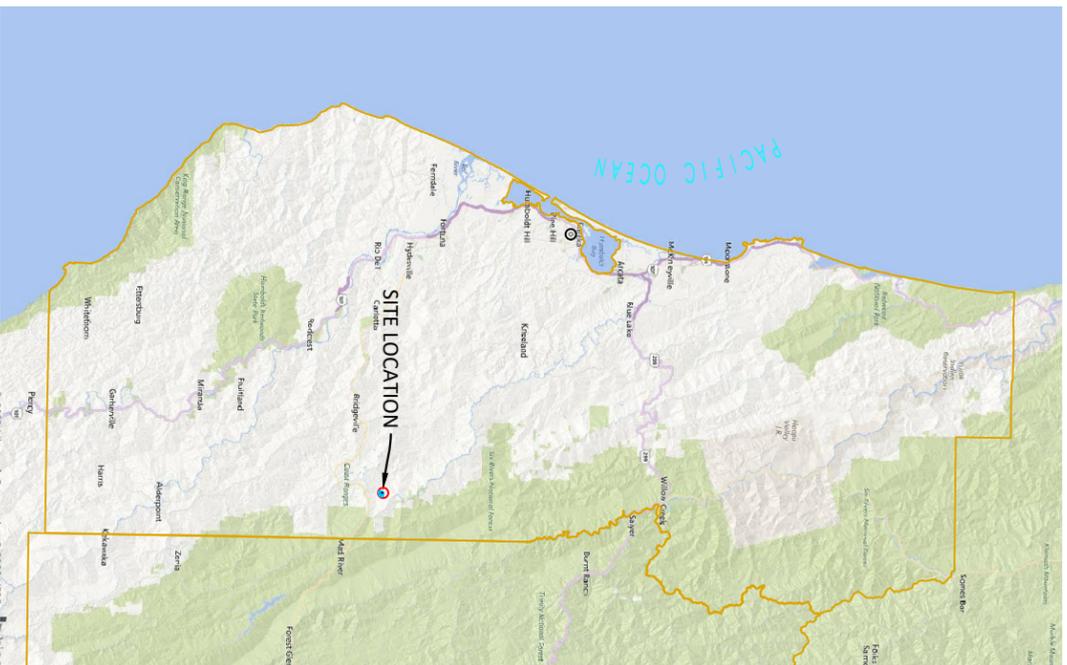
Number of Points : 2
This Line : 24.05 ft
Total Lines : 24.05 ft



Total Sq.ft. on property is 14,944 sq. ft.

VICINITY MAP

1:10,000



PROJECT DIRECTIONS

- FROM: EUREKA, CA
- HEAD SOUTH ON US-101 (20 MI)
- TAKE EXIT 685 FOR CA-36 E (0.3 MI)
- TURN LEFT ONTO CA-36 E (41.2 MI)
- DRIVE TO BEAR CREEK RD (2.3 MI)
- TURN LEFT ONTO DINSMORE RD (0.3 MI)
- CONTINUE ONTO BEAR CREEK RD (1.7 MI)

TRAVEL TIME

APPROXIMATELY: 1 H 20 MIN (58 MI)

SHEET INDEX

- CP-COVER PAGE
- C1-PARCEL OVERVIEW

PROPERTY LINES, DISTANCES, AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON AERIAL MAPS AND GPS DATA TAKEN IN THE FIELD.

PROJECT INFORMATION

LAT/LONG: 40.5108, -123.6344
 APN: 208-271-007
 APPLICANT: NJUSHI
 PARCEL SIZE: ± 40 ACRES
 ZONING: FR-B-5(40)
 APPLICATION TYPE: -

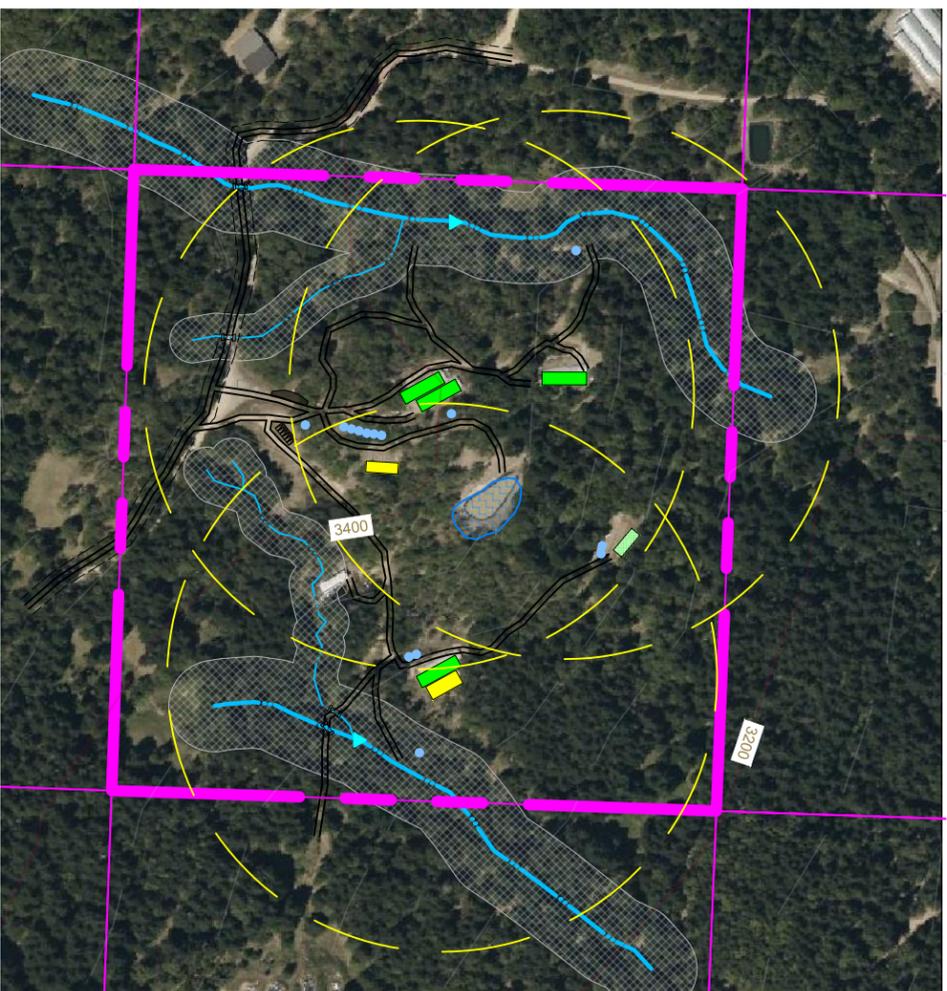
COASTAL ZONE: **N**
 100 YEAR FLOOD: **N**

AGENT:

KAYLIE SAXON
 GREEN ROAD CONSULTING INC
 1650 CENTRAL AVE, SUITE C
 MCKINLEVILLE, CA 95519
 707-630-5041

NJUSHI, LLC
 APN: 208-271-007

AERIAL MAP



PROJECT INFORMATION

PROPERTY OWNER	ANELIYA NIKOLOVA
ADDRESS	APN: 208-271-007
SHEET INFO	COVER PAGE

REVISIONS

NO	NOTES	DATE
1	NOTES-NITIALS	00-00-00
2	NOTES-NITIALS	00-00-00
3	NOTES-NITIALS	00-00-00
4	NOTES-NITIALS	00-00-00
5	NOTES-NITIALS	00-00-00
6	NOTES-NITIALS	00-00-00

DATE	1/27/21
DRAFTER	XX
SCALE	AS SHOWN

SHEET
CP



ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Humboldt County Division of Environmental Health	✓	Conditional approval	On file
Humboldt County Building Inspection Division	✓	Conditional approval	On file
Humboldt County Department of Public Works	✓	Conditional approval	On file
CAL FIRE	✓	Comments	On file
Northwest Information Center (NWIC)	✓	Comments	On file and confidential
Bear River Tribal Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Humboldt County Counsel		No response	
California Department of Fish and Wildlife (CDFW)		No response	
North Coast Regional Water Quality Control Board (NCRWQCB)		No response	
North Coast Unified Air Quality Management District (NCUAQMD)		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County Sheriff	✓	Approved	On file
California Division of Water Resources		No response	
South Trinity Joint Unified School District		No response	
Ruth Lake Community Services District			
Ruth Lake Fire Protection District			