

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on September 1, 2020

Resolution No. \_\_\_-\_\_\_ Resolution of the Board of Supervisors of the County of Humboldt DETERMINING THE PROJECT IS SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE PROJECT, ADOPTING FINDINGS OF FACT, DENYING THE APPEAL FOR RECORD NO. PLN-2019-15888 AND APPROVING THE HONEYDEW RANCH, LLC, CONDITIONAL USE PERMIT AND SPECIAL PERMIT, RECORD NO. PLN-12256-CUP.

**WHEREAS**, Humboldt County adopted the Commercial Medical Marijuana Land Use (CMMLUO) Ordinance on September 13, 2016, after adopting a Mitigated Negative Declaration finding that all potential impacts associated with implementation of the ordinance had been reduced to a less than significant level; and

**WHEREAS**, an application for a Conditional Use Permit and Special Permit have been submitted to the Humboldt County Planning and Building Department for an existing 16,175 square feet of mixed light cannabis cultivation and a 12,000-square-foot wholesale nursery on APN 107-272-005; and

**WHEREAS**, the Planning and Building Department reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, on October 3, 2019, the Planning Commission took the following actions:

1. The Planning Commission adopts the Mitigated Negative Declaration for the Honeydew Ranch, LLC, project; and
2. Reduced the total allowable cultivation area on the subject parcel from 8 acres to 6 acres; and
3. The Planning Commission makes all of the required findings for approval in Attachment 2 of the Planning Commission staff report for Case Number CUP-18-030 and SP-16-461 based on the submitted substantial evidence; and
4. Approved the Conditional Use Permit and Special Permit by a vote of 4-2; and

**WHEREAS**, Roxanne Kennedy (“Appellant”), on October 15, 2019, filed an appeal in accordance with the Appeal Procedures specified in Humboldt County Code Section 312-13 et seq.; and

**WHEREAS**, Humboldt County Code section 312-13.5 protects an applicant’s right by requiring a hearing within 30 days, but this may be waived by an applicant to attempt to resolve issues in the appeal. In this case extra time was taken to attempt to resolve issues,

but no resolution was achieved; and

**WHEREAS**, the Board of Supervisors held a duly-noticed public hearing, *de-novo*, on September 1, 2020, and reviewed, considered, and discussed application and appeal for the Special Permits; and reviewed and considered all public testimony and evidence presented at the hearing.

**Now, THEREFORE BE IT RESOLVED**, that the Board of Supervisors makes all the following findings:

**FINDING:**                   **CEQA.** The Conditional Use Permit and Special Permit are discretionary projects and therefore subject to the California Environmental Quality Act (“CEQA”). The ministerial aspects of the project were properly considered in the environmental review as part of the whole of the project. Environmental review for the proposed project included the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). Substantial evidence supports the conclusion that there will be no significant adverse effects on the environment.

**EVIDENCE:** a) CEQA Guidelines Section 15063 require the Lead Agency to conduct an Initial Study to determine if the project may have a significant effect on the environment and prepare a Negative Declaration if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment. The cultivation of cannabis and operation of a wholesale nursery will not detrimentally change aesthetics of the area, result in significant air quality impacts, result in decreased water quality, result in more traffic, increase wildfire risks, result in more housing units, result in unwanted odors, or produce noise or light inconsistent with any other cannabis cultivation site. The operational characteristics will be similar to neighboring uses of the site and other permitted uses in the AE Zoning District.

b) CEQA Guidelines Section 15073 requires the Lead Agency to provide a public review period to the State Clearinghouse for review by State agencies and the public. The IS/MND was circulated from June 17, 2019, to July 16, 2019, at the State Clearinghouse. Comments from the California Department of Food and Agriculture (CDFA) dated July 17, 2019, were received from circulation of the IS/MND and are included in Attachment 6 of this staff report. The IS/MND was revised to clarify the types of licenses the applicant is required to obtain from the CDFA, which include cultivation, processor and nursery licenses. These minor revisions do not affect the conclusions of the document and do not require recirculation pursuant to Section 15073.5 of the CEQA

Guidelines.

Where projects are of a mixed ministerial-discretionary character, they should be treated as a discretionary project for purposes of CEQA (*Day v. City of Glendale* (1975) 51 Cal.App.3d 817). The discretionary/ministerial character of a project is not determinative of environmental impact of a project and CEQA must be interpreted to afford the fullest environmental protection within the scope of statutory language. (*Id.*) The environmental review for this project thus considers the whole action including the mixed ministerial/discretionary project as discretionary for purposes of CEQA.

### **FINDINGS FOR CONDITIONAL USE PERMITS AND SPECIAL PERMITS**

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

**EVIDENCE** a) The proposed project includes development of 27 new greenhouses, a 3,000,000-gallon rain catchment pond and a 5,000-square-foot processing structure. General agriculture is a use type permitted in the Agriculture Exclusive land use designation. General agriculture is also a principal permitted use in the Agriculture Exclusive zoning district. 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 subject parcel contains 40.2 acres of Prime Agricultural soil and can facilitate up to 8 acres of cultivation, which is 20% of the Prime Agricultural soil area, as stated by the CMMLUO. Greenhouses will have permeable flooring, therefore, not precluding the use of the Prime Agricultural soil in the future. 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.

**FINDING** The proposed development is consistent with the purposes of the existing zone in which the site is located.

**EVIDENCE** a) The AE zone is intended to apply to in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.

b) All general agricultural uses are principally permitted in the AE zone.

**FINDING**

The proposed development is consistent with the requirements of the Commercial Medical Marijuana Land Use Ordinance Provisions of the Zoning Ordinance.

**EVIDENCE**

- a) The CMMLUO allows for existing and proposed cannabis cultivation to be permitted in areas zoned AE.
- b) The CMMLUO allows 16,175 square feet of existing mixed-light cultivation subject to approval of a Conditional Use Permit.
- c) The CMMLUO allows wholesale nursery operations subject to approval of a Special Permit.

**FINDING**

The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is an existing cannabis cultivation site that has been in operation since at least 2010.
- b) The site is located within 0.5 miles of at least 4 approved cannabis cultivation projects, including an 8-acre operation on the adjacent parcels located on the south side of the Mattole River and a 1-acre operation on the adjacent parcel to the north therefore the project is similar and compatible to surrounding uses and character of the neighborhood.
- c) The proposed project would include development of a 3,000,000-gallon rain catchment pond that would store water for irrigation use, reducing reliance on two points of diversion from the Mattole River that were historically used for irrigation.
- d) The proposed project is required to adhere to the State Water Resources Control Board Cannabis Cultivation Policy that sets standard for stormwater management, water use and storage, fertilizer and amendment storage, and
- e) Greenhouses and processing facilities would be constructed to meet California Building Code standards, which includes requirements for earthquake and wildlife safety.
- f) Power is provided by P. G. & E. and a generator would be used as a backup emergency power source.
- g)

- h) Artificial lighting is required to meet Dark Sky standards for Zones 0 or 1 that allows for little or no light to escape from greenhouses, which will be achieved by cover greenhouses when using artificial lighting.

Conditions of approval require the applicant to participate in a road maintenance association and/or pay fair-share costs associated with maintenance, applicant shall submit a traffic management plan prior to commencing processing on-site. The traffic management plan shall include traffic calming measures, but not be limited to the following: posting speed limit signs, road improvements, such as turnouts where the road width is decreased and carpooling options, that may include a shuttle for employees to access the site.

The activity on site will not create impacts to the neighborhood that are more than what would be experienced with other uses permitted in the AE zoning district.

- i) As a standard condition of approval, the County requires that the building be fitted to preclude offensive odors being emitted to the neighborhood.

**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**

- a) This project will not affect any housing units and will not reduce the number of housing units identified in the Housing Element.

**FINDINGS FOR APPEAL**

**FINDING**

The grounds for appeal are not adequate to warrant granting the appeal.

**EVIDENCE**

- a) The Appellant claims that Old Hindley Ranch Road is not suited for commercial cannabis cultivation and processing activities, the noise from the fans drown out the noise of the Mattole River and odor permeates the area and has led to several complaints from neighbors. The appellant states that, if expanded, as proposed by the Project, these effects would only worsen despite the proposed mitigation measures, they will devalue neighboring properties. See Finding and Evidence 1 above for support for the conclusions of the draft Initial Study and Mitigated Negative Declaration prepared for the project.
- b) The appellant claims the evaluation of certain environmental factors, such as noise, odors, traffic and wildlife described by the Mitigated Negative Declaration (MND) were inadequate and failed to adequately analyze these potentially significant effects. Similar concerns with noise,

odors, traffic and wildlife, were restated by the Honeydew Ranch Neighbors (HRN) in a letter dated April 16, 2020, to the Board of Supervisors.

- i. The Appellant points to the record of public comments to assert that the project would create impacts associated with aesthetics, air quality, hydrology and water quality, noise, odor, lighting, fire risk, and population and housing. However, public opposition to a project is not an environmental impact. As stated in CEQA section 21082.2(b): *The existence of public controversy over the environmental effects of a project shall not require preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment.*
- ii. Substantial evidence supports the conclusion that no significant impacts will occur, and no substantial evidence has been presented that any significant adverse impacts will occur. The facts are that the proposed use will have similar or less impacts than other similar uses, the air quality will be improved by consolidating several cultivation sites in one location and requiring a shuttle to be taken to the site, hydrology and water quality will be improved by adhering to State and local regulations for cannabis cultivation and stormwater management, the use of the greenhouses and new building for processing will comply with building and fire codes as well as report requirements, and the amount of noise and light from the site will be similar to other cultivation sites uses in this agricultural area.
- iii. As a standard condition of approval, commercial cannabis operations within enclosed buildings (e.g. processing within the 5,000-square-foot processing structure) are required to install mechanical ventilation with odor scrubbing technology. The conditions of approval are not mitigation measures to address a project-specific impact, but rather, are standard conditions regularly applied to similar activities.
- iv. The issues are discussed here to document that all potential impacts under the relevant CEQA Guidelines have been considered to addresses topics that are potentially relevant to the issues raised by Appellant. As the following discussion indicates, substantial evidence demonstrates that the proposed project will not result in potential significant impacts.
  - A. Aesthetics  
The site is currently developed with 9 greenhouses, 2 barns and 2 sheds. Greenhouses and other agricultural accessory structures are allowed to be constructed in the AE zoning district. Based on the site plan, the proposed processing

facility would be located approximately 150 feet from the edge of Old Hindley Ranch Road. The proposed processing structure will adhere to setbacks for the zoning district. The proposed processing facility will be reduced from a 2-story to a 1-story, 5,000-square-foot structure that will be used for drying and curing, therefore, further reducing potential impacts to aesthetics from the proposed project. Visual impacts from the Mattole River will be minimized by retaining natural vegetation along the unnamed water course and Mattole River on the subject parcel. The structure will meet setbacks as required by the County's *Streamside Management Area and Wetlands Ordinance* (SMAWO), as stated Mitigation AES-1.

B. Air Quality

Construction activities that last for less than one year, and use standard quantities and types of construction equipment, are not required to be quantified; construction will be completed with 14 weeks. Consolidation of multiple cultivation sites on the subject parcel will reduce overall Air Quality impacts from the baseline conditions of driving to multiple sites, therefore, the project will not have a significant impact on Air Quality.

C. Noise

There are no significant impacts associated with Noise because the noise increase would be of short duration and would occur during daytime hours. It is anticipated that construction would take approximately 3-4 months. Activities involved in construction would generate maximum noise levels, ranging from approximately 85 to 87 dB at a distance of 50 feet. Short term noise impacts from construction are mitigated by limiting the hours of operation and ensure equipment used for construction is in good working work and have factory-approved mufflers to reduce noise.

Long-term operation of the cannabis facility is not expected to generate significant noise levels that would exceed the Humboldt County General Plan Noise Element standards. Power is provided by P. G. & E. and the proposed project includes use a generator that is limited to a back-up power source when P. G. & E. is not available (e.g. due to weather conditions).

D. Population and Housing

There are no significant impacts associated with Population and Housing because growth-inducing impacts are generally caused by projects that have a direct or indirect effect on economic growth, population growth, or when the project taxes community service facilities which require upgrades beyond the existing remaining capacity. Additionally, the proposed project will not displace people or existing housing. There is a single-family residence on-site that will remain for use by the property owner. Employees will commute to and from the site; the proposed project does not propose any employee housing.

E. Hydrology and Water Quality

The IS/MND evaluated water use for the project as a whole, including the existing cultivation, wholesale nursery and the RRR sites. The 3,000,000-gallon rain catchment pond will support the entire project. Total water usage for the proposed project, including the existing cultivation area, wholesale nursery and RRR sites is 1,986,135 gallons, which is less than the maximum capacity of the rain catchment pond. Annual water use for domestic purposes is 112,000 gallons and will be diverted during the rainy season into storage tanks to ensure forbearance requirements are met.

The applicant is enrolled in the State Cannabis Cultivation Regulatory Program, which requires preparation of a Site Management Plan (SMP). For operators that were previously enrolled under the Regional Water Quality Control Board's Order No. R1-2015-0023, as is the case with Honeydew Ranch, the SMP can supplement the Water Resources Protection Plan (WRPP). The SMP, as an addendum to the WRPP, includes additional site and operational designs required to meet the State Policy requirements regarding water quality and irrigation run-off.

With implementation of conditions of approval requiring compliance with State agencies regulation for cannabis cultivation and water diversion, which includes transition from diversionary source of water (shallow well that is tributary to the Mattole River) to rain catchment and utilizing best management practices to manage stormwater run-off, appropriate, the site conditions will be improved from the baseline conditions. It is not anticipated that proposed project



will have a significant impact on hydrology and water quality on the subject parcel.

F. Wildfire

The proposed project includes cannabis cultivation, a wholesale nursery and development of 26 greenhouses, a 3,000,000-gallon rain catchment pond and a 5,000-square-foot processing facility on a parcel zoned AE. The project is located less than 1 mile from the nearest fire station and includes development of agricultural accessory structures on a parcel zoned AE where development of these structures would be principally permitted for similar agricultural development projects. The structures are required to meet the California Building Code requirements for fire safety, that includes both building materials and equipment. The proposed project includes development of a 3,000,000-gallon rain catchment pond that can be used for fire protection in the case of emergency and the subject parcel has a low instability rating and does not have any mapped historic landslide areas.

G. Public Safety

Cannabis-related operations are commonly associated with greater security-related demands, which may result in an increase in law enforcement services provided by the County Sheriff's Department. Entrance to the property is through a locked entry gate and all cultivation facilities, including greenhouses and processing building are enclosed in a secure privacy fence. Other security measures include restricted access signs, exterior lighting to light entrances, motion activated security lights, security cameras, and an alarm system. While this project would not, on its own or cumulatively, trigger enough demand for law enforcement services to result in the need for new or physically altered law enforcement facilities, the inclusion of the proposed security design features further bolsters that determination.

**NOW, THEREFORE,** be it resolved that the Board of Supervisors hereby:

- 1 Adopts the findings contained herein;
- 2 Adopts the Initial Study and Mitigated Negative Declaration, State Clearinghouse No, 2019069066, and directs the Planning and Building Department to file a Notice of Determination with the Humboldt County Recorder's Office, pursuant to the California Environmental Quality Act;
- 3 Denies the Appeal submitted by Roxanne Kennedy; and
- 4 Approves the Conditional Use Permit and Special Permit subject to the conditions of

approval contained in Attachment 1 of this Resolution.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on September 1, 2020, by the following vote:

Adopted on motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_ and the following vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chair

\_\_\_\_\_,  
Humboldt County Board of Supervisors

STATE OF CALIFORNIA)) SS. County of Humboldt

I, Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State of California

By: KATHY HAYES

Date: \_\_\_\_\_, 2020

By \_\_\_\_\_ Deputy

## ATTACHMENT 1

### 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.**

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2-29. 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.
2. No additional cultivation associated with the RRR sites is allowed until the applicant can demonstrate that the proposed rainwater catchment pond was constructed with proper permits and the sufficient rainwater was captured during the ~~2019—2020~~ **2020-2021** rainy season to support cultivation operations in ~~2020~~ **2021**. Upon construction of the rainwater catchment pond, the applicant shall cease use of the point of diversion from the spring-fed pond. Demonstration of the condition being met includes obtaining the appropriate permits from the Building Inspection Division and providing proof, such as photographs and mathematical calculations prepared by a licensed civil engineer that the water captured in the rainwater catchment pond will support the full build out.
3. The applicant shall secure permits for all existing and proposed structures (including greenhouses and processing facility) and grading related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition. Until then, existing structures used in the cannabis operation are not to be used or occupied until all required permits have been obtained.
4. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Furthermore, construction of farmworker housing will need to comply with Health and Safety Codes 17021.5 and 17021.6. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.

5. The applicant shall secure the approval from the Department of Environmental Health that the Onsite Wastewater Treatment System (OWTS) is capable of handling the peak number of employees (24) prior to the issuance of a building permit. Alternatively, the applicant shall design and install a new OWTS or increase the capacity of the existing OWTS to be used for the processing facility. A letter or similar communication from the Department of Environmental Health indicating approval has been issued will satisfy this condition.
6. The applicant shall provide an invoice, or equivalent documentation, to the Department of Environmental Health to confirm the use of portable toilets with hand washing stations to serve the needs of cultivation staff prior to annual renewal of the permit until the permitted OWTS has been installed. A letter from those agencies indicating approval has been issued will satisfy this condition.
7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
8. The applicant shall adhere to the following conditions required by the Department of Public Works in their referral response dated March 5, 2018:
  - a. All private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit or Public Works approval for a business license.
  - b. The applicant shall obtain an encroachment permit from the Department of Public Works to pave a minimum width of 20 feet and a length of 50 feet where Old Hindley Ranch Road meets Mattole Road and complete the required improvements. A letter or similar communication from the Department of Public Works stating this work is completed to DPW's satisfaction will complete this condition.
9. In accordance with **Mitigation Measure BIO-1 and HYD-1**, the applicant shall implement all corrective actions detailed within the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. As part of development of the stormwater system at the project site, the existing 30-inch concrete culvert would be upgraded to a 48-inch CMP to withstand the 100-year peak streamflow. This culvert is currently in disrepair and would be replaced with a larger culvert. After replacement of the culvert pipe, the outlet would be armored with rock

to provide energy dissipation and to minimize erosion. All construction would be done during the summer months when the water level is lowest. Construction would follow erosion control best management practices as outlined in the WRPP, CDFW's Streambed Alteration Agreement, and RWQCB Order No. R1-2015-0023. If a rain event occurs during the construction period, all construction-related activities shall cease for a period of 48-hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of frogs. If no special-status frogs are found, construction activities may resume. This activity would occur outside of the 200-foot setback from the Mattole River and a minimum 100-foot setback from wetlands and small tributaries. Any removal of riparian vegetation from these maintenance activities would be replaced at a 3:1 ratio at an appropriate location on the project site. This could include the enhancement of existing wetland and riparian areas on the project site. If applicable, a mitigation plan would be prepared and submitted to regulatory agencies for review and concurrence prior to replacement of the culvert. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the RWQCB. A letter or similar communication from the RWQCB verifying that all of their requirements have been met by the listed dates or the applicant has proven to the satisfaction of the RWQCB or the Third-Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]

10. The Biological Resources Technical Report, dated October 2018, indicated that seasonally appropriate surveys for Pacific gilia, the only special-status plant species likely to be present in the grassland habitat, may be required prior to Project implementation to determine if this special status species is present. In accordance with **Mitigation Measure BIO-1**, prior to any proposed grading or further development of the property a qualified botanist shall prepare a seasonally-appropriate botanical surveys. These surveys shall follow the Protocol for Surveying and Evaluating Impacts to Special Status native Plant Populations and Natural Communities (CDFW 2018) and abide by the biological report content and standards described in the Humboldt County Code Sections 314-61.1.17 and 314-61.1.18. Further, bat and nesting bird surveys conducted by a qualified biologist are required to occur for any vegetation clearing that is proposed to occur during the reproductive season (March 1<sup>st</sup> – September 14<sup>th</sup>). Furnishing reports of these surveys to CDFW and the County is made a condition of approval. Any special status plant species or Environmentally Sensitive Habitat Associations encountered will be flagged in the field and protected under consultation with CDFW and contain a minimum of 100 feet setbacks from all cultivation areas or appurtenant buildings. No grading, restoration, removal of structures, or development of new structures is allowed until this condition has been met and approved by CDFW and the Humboldt County Planning Division.
11. In accordance with **Mitigation Measures BIO-1, BIO-2, and BIO-3**, the applicant shall adhere to the measures to protect fish and wildlife resources from the final Lake

and Streambed Alteration Agreement, Notification No. 1600-2017-0436-R1, for culvert encroachment and two points of diversion (spring and well). In particular, this shall include: limiting spring water diversion to no more than 200 gallons per day at less than 3 gallons per minute during the period of May 15 to October 30 of any year; to irrigate no more than two acres of cultivation areas using water drawn from the well during the period of May 15 to October 30 in 2018; and, to then limit withdrawal of water from the well to the period of December 15 to May 1 of each year thereafter.

12. In accordance with **Mitigation Measure BIO-2**, once the project commences, the proposed rainwater catchment pond would create a new aquatic environment which may attract, entrap, or impact wildlife. As such the mitigation measures to protect fish and wildlife resources from the water storage pond agreed to in the projects current CDFW streambed alteration agreement (#1600-2017-0436-01) are required to be met as a condition of approval. In addition, any proposed submersible pumps that would be used to transfer water from the rainwater catchment pond to the various parts of the site have the potential to impact wildlife including amphibian or reptile species if not property screened. To prevent impacts to these species during the term of the project, pumps would be installed that contain screens meeting the CDFW fish screening criteria.
13. In accordance with **Mitigation Measure BIO-4**, any on-site lighting existing in the five existing, the proposed mixed light greenhouses, and the existing nursery greenhouses shall be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary.
14. In accordance with **Mitigation Measure BIO-1**, the applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament 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 weaves.
15. In accordance with **Mitigation Measure NOI-1**, the applicant shall enforce the following construction-related noise requirements:
  - a. The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall be limited to between the hours of 8 A.M. and 5 P.M. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
  - b. No heavy equipment related construction activities shall be allowed on Sundays or

holidays.

- c. All stationary and construction equipment shall be maintained in good working order and fitted with factory approved muffler systems.
16. In accordance with **Mitigation Measure PUB-1**, the applicant shall ensure that the applicant implements the detailed security plan contained in the Cultivation and Operations Plan prepared for the project (Six Rivers Construction and Consulting, 2018a). Implementation of the security plan measures would minimize impacts on local law enforcement service provided by the County Sheriff's Department.
17. Noise generated from generators shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. The applicant shall schedule a site inspection with the Planning Department within 30 days of the effective date of this permit to conduct a conformance evaluation. If the applicant is unable to show conformance with this condition, no fan or lights are authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.
18. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. If the applicant is unable to show conformance with this condition, no fan or lights are authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.
19. No additional cultivation associated with the RRR sites is allowed until the applicant can demonstrate that the proposed rainwater catchment pond was constructed with proper permits and the sufficient rainwater was captured during the 2019 – 2020 rainy season to support cultivation operations in 2020. Upon construction of the rainwater catchment pond, the applicant shall cease use of the points of diversion for irrigation uses. Demonstration of the condition being met includes obtaining the appropriate permits from the Building Inspection Division and providing proof, such as photographs and mathematical calculations prepared by a licensed civil engineer that the water captured in the rainwater catchment pond will support the full build out.
20. The Applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the summer months. The Applicant shall install additional water storage tanks if needed. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month and source. The water use for cultivation is limited to the amount of water available in storage tanks.



21. The applicant shall provide the Planning Department of copy of the Notice of Applicability and Site Management Plan, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. The applicant shall complete and implement all corrective actions detailed within the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order and Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. A letter or similar communication from the SWRCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of SWRCB that the plan to complete the improvements by the listed dates is sufficient, will satisfy this condition.
22. The applicant shall adhere to the Final Lake and Streambed Alteration Agreement (Notification #1600-2016-0272-R1) effective May 18, 2018, by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
23. The applicant shall provide copies of appropriative rights obtained for domestic and irrigation uses from the State Water Resources Control Board. Alternatively, the applicant shall provide a Statement from the State Water Resources Control Board that appropriate rights are not required for the project.
24. The applicant shall demonstrate that the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
25. Within 1 year, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of Old Hindley Ranch Road and Applewood Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association, and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.
26. The applicant shall submit a traffic management plan for review and approval by the Planning Director prior to commencing processing on-site. The traffic management plan shall include traffic calming measures, but not be limited to the following: posting speed limit signs, road improvements, such as turnouts where the road width is decreased and carpooling options, that may include a shuttle for employees to access the site.

27. The applicant shall contact the local fire service provider [Honeydew Volunteer Fire Department] 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 on a form provided by the Humboldt County Planning Division. 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.

28. That the pond be designed to hold no more than the necessary volume of water needed for the project, with consideration to evaporative loss and designed in such a way to accommodate annual pond dewatering. The volume of water contained within the pond should be based on the square footage and method of cultivation in use prior to January 1, 2016. The applicant shall install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends the spillway be designed and placed to allow for a minimum of two-feet of freeboard.

The applicant shall install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed, and made of solid material (e.g. wood). The applicant shall comply with the attached CDFW Bullfrog Management Plan (Exhibit A). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year. That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.

29. The property owner 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.

30. The processing facility will only process cannabis cultivated on the subject parcel. This permit does not authorize processing of cannabis cultivated on any other parcel owned by the applicant or cultivated by others.

31. If a rain event occurs during the construction period, all construction-related activities shall cease for a period of 48-hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of frogs. If no special-status frogs are found, construction activities may resume.

32. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors

(currently \$125.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.

33. 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 \$2,404.75 payable to the Humboldt County Clerk/Recorder (\$2,354.75 for CDFW filing fee and \$50 for County Clerk). If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
34. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.