



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: February 3, 2022

To: Humboldt County Planning Commission

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

Subject: **Kofman Realty, LLC, Conditional Use Permit**
Record Number: PLN-11759-CUP
Assessor's Parcel Number (APN:) 216-202-010
Alderpoint area

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Please contact Michael Holtermann, Planner, at 707-268-3737 or by email at mholtermann@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date February 3, 2022	Subject Conditional Use Permit	Contact Michael Holtermann
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Project Description: A Conditional Use Permit for 16,100 square feet (sf) of full sun outdoor cannabis cultivation. Processing and propagation will occur on the neighboring parcel under the same ownership (APN 216-202-009) in an existing 20x40 processing shed, and an additional existing 20x30 processing building. The applicant proposes to dry and cure cannabis in the existing structures, with all further processing including trimming occurring off site at a licensed third-party processing facility. The existing 20x30 processing facility will also be used for propagation annually, with the applicant proposing to propagate in the structure from February 1st through July 1st, after which the facility will transition to processing in the latter half of the year, drying, and curing harvested cannabis from September 1st to December 31st. Water will be sourced from a point of diversion on the neighboring parcel under the same ownership (APN 216-202-009), and the point of diversion will serve not only the cannabis cultivation on site, but also the cannabis cultivation on APN 216-202-009. The applicant expects to utilize 68,700 gallons of irrigation water for the project, as well as 160,300 gallons of irrigation water for the project on the adjacent legal parcel under the same ownership. Water from the point of diversion will be stored on APN 216-202-009 in hard sided tanks, with 32,800 gallons of storage currently existing, and 200,000 gallons of hard tank storage proposed. The applicant has demonstrated an existing water right to store up to 0.31-acre feet (approximately 101,014 gallons) of water from the point of diversion, and has elected to pursue expanded water rights to meet the total estimated water usage of 229,000 gallons. The applicant expects a maximum of 13 employees on site at peak operation across both parcels. Power will be supplied by generators.

Project Location: The project is located in Humboldt County, in the Alderpoint area, on the north side of Stewart Ranch Road, approximately 1.32 miles east from the intersection of Alderpoint Road and Stewart Ranch Road, then northeast on a private road for approximately 2.1 miles, on the property known to be in the north half of the northeast quarter of Section 01, Township 03 South, Range 05 East.

Present Plan Land Use Designations: Timberland (T); 2017 General Plan; Density: 40-160 acres per unit; Slope Stability: High Instability (3)

Present Zoning: Agriculture Exclusive (AE); Special Building Site (B-5(160)); Timber Production Zone (TPZ)

Record Number: PLN-11759-CUP

Assessor's Parcel Number: 216-202-010

Applicant

Kofman Realty, LLC
1601 N. Sepulvida #153
Manhattan Beach, CA 90266

Owner

Driver Cole
2728 W Main St #123
Medford, OR 97501

Agents

Timberland Resource Consultants
Dave Spinoza
165 South Fortuna Blvd, Suite 4
Fortuna, CA 95540

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: None.

Kofman Realty, LLC

Record Number: PLN-11759-CUP
Assessor's Parcel Number: 216-202-010

Recommended Planning Commission Action:

1. Describe the application as a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action:

Find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the Kofman Realty, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary:

Kofman Realty, LLC, seeks a Conditional Use Permit to allow the continued operation of an existing 16,100 square feet of full sun outdoor cannabis cultivation operation 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 is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Agriculture Exclusive (AE) and Timber Production Zone (TPZ). The applicant anticipates there will be two cultivation cycles annually.

Processing such as drying and curing will occur on the neighboring parcel under the same ownership (APN 216-202-009) within an existing 800-square-foot facility, as well as a 600 square foot building. The 600 square foot structure will serve as a propagation facility from February 1st through July 1st, after which the facility will transition to processing in the latter half of the year, drying and curing harvested cannabis from September 1st to December 31st. Trimming is proposed to occur offsite in a licensed third-party processing facility. The applicant expects a maximum of 13 employees on site at peak operation across both parcels. Power will be supplied by generators, which have been conditioned to be housed in secondary containment (**Condition B.7**).

Water Resources

Water will be sourced from a point of diversion on APN 216-202-009, and the point of diversion will serve the 16,100 square feet of full sun outdoor cannabis cultivation as well as the 37,578 square feet of cannabis on APN 216-202-009. The applicant expects to utilize 68,700 gallons of irrigation water for the project, as well as 160,300 gallons of irrigation water for the project on the adjacent legal parcel under the same ownership (APN 216-202-009). Water from the point of diversion will be stored in hard sided tanks on APN 216-202-009, with 32,800 gallons of storage currently existing, and 200,000 gallons of hard tank storage proposed. The applicant has demonstrated an existing water right to divert up to 0.24 acre feet (approximately 78,204 gallons) of water from the point of diversion and store up to 0.31 acre feet (101,014 gallons) of diverted water, and has elected to pursue expanded water rights to meet the total estimated water usage of 229,000 gallons. If the applicant is unable to obtain expanded water rights to meet cultivation demand, the applicant shall reduce the cultivation to an amount appropriate for the existing water right (**Condition A.16**).

The applicant submitted a Site Management Plan (SMP) prepared by Timberland Resource Consultants which states the applicant is a Tier 2 discharger. Recommended monitoring and mitigation measures have been included as a condition of approval (**Condition A.12**).

Tribal Consultation

The project is located in the Bear River Ancestral Territories. The project was referred to the Northwest Information Center and Bear River Band of the Rohnerville Rancheria. The applicant submitted a Cultural Resource Study (CRS) prepared by William Rich and Associates dated November 2021. The CRS concluded that there was a site of potential significance on APN 216-202-009, and recommended that until such a time as the site was formally evaluated through archaeological methods such as excavation and testing, the site be treated as a significant archaeological site, eligible for inclusion on the CRHR and thus considered a historical resource for the purpose of CEQA, and avoided from all damaging impacts. The report recommended that no further ground disturbance occur within the boundaries delineated for the archaeological site; however continued use of the existing water storage tanks and traveling over the existing road would not cause substantial adverse changes to the archaeological site. If cultivation methods or other conditions change, additional archaeological investigation and tribal consultation would become necessary. This has been included as an ongoing condition of approval (**Condition B.5**). Inadvertent discovery protocol is an ongoing condition of approval for this project (**Condition B.6**).

Biological Resources

The nearest Northern Spotted Owl (NSO) activity center (HUM0326) is located approximately 1.12-miles south of the cultivation site and the nearest NSO observation was observed approximately 1.08-miles south from the cultivation site. No mapped Marbled murrelet habitat is present within an approximately 9-mile radius of the subject parcel. There is a mapped occurrence of *Howellia aquatilis* (water howellia) in North Dobbyn Creek, which flows through a portion of the subject parcel, and North Dobbyn Creek is also an area of documented winter steelhead distribution. North Dobbyn Creek is approximately 1,000 feet from the proposed cannabis cultivation at the closest point. The applicant submitted a Site Management Plan (SMP) prepared by Timberland Resource Consultants dated January 29, 2021. Staff believes that if all recommended corrective actions in the SMP are followed there will be no adverse impacts on sensitive species in North Dobbyn Creek.

Access

The property is accessed via a private road from Stewart Ranch Road. According to the Road Evaluation submitted Registered Professional Engineer David Nicoletti, dated March 22, 2021, the Stewart Ranch Road segment is not developed to the equivalent of a road category 4 standard, and the private road is not developed to the equivalent of a road category 2 standard. A Roadway Evaluation was completed by David Nicoletti with relevant documentation and recommendations for roadway improvements to bring the roadway up to an acceptable standard, which have been included as conditions of approval (**Condition A.15**). The project was referred to the Department of Public Works who commented the applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance); the applicant shall rock the surface at the location of Stewart Ranch Road where it meets the access road to the parcel, for a minimum width of 20 feet and a length of 50 feet; and the applicant shall ensure that all gates are sufficiently setback from the county roads so that vehicles do not block traffic when staging to open/close the gate. These conditions 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 (**Conditions A.9-11**).

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

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

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning 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 that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 21-

Record Number: PLN-11759-CUP

Assessor's Parcel Number: 216-202-010

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Kofman Realty, LLC, Conditional Use Permit request

WHEREAS, Kofman Realty, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 16,100 square feet (sf) of full sun outdoor cannabis cultivation, with appurtenant propagation and drying activities on the neighboring parcel under the same ownership (APN 216-202-009);

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical 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 Mitigated Negative Declaration. 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 February 3, 2022, and reviewed, considered, and discussed the application for a 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 for the continued operation of an existing 16,100 square feet (sf) of full sun outdoor cannabis cultivation, with appurtenant propagation and drying activities on the neighboring parcel under the same ownership (APN 216-202-009). Water will be sourced from a point of diversion, and the point of diversion will serve not only the cannabis cultivation on site, but also the cannabis cultivation on the adjacent legal parcel under the same ownership (216-202-009). Power is provided by a generator.

EVIDENCE: Project File: PLN-11759-CUP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. 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 Prepared for the proposed project.

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 Site Management Plan dated January 29, 2021 was prepared by Timberland Resource Consultants to show compliance with the North Coast Regional Water Quality Control Board General Order.
- d) The project is located in the Bear River Ancestral Territories. The project was referred to the Northwest Information Center and Bear River Band of the Rohnerville Rancheria. The applicant submitted a Cultural Resource Study (CRS) prepared by William Rich and Associates dated November 2021. The CRS concluded that there was a site of potential significance on the neighboring parcel under the same ownership (APN 216-202-009) and recommended that until such a time as the site was formally evaluated through archaeological methods such as excavation and testing, the site be treated as a significant archaeological site, eligible for inclusion on the CRHR and thus considered a historical resource for the purpose of CEQA, and avoided from all damaging impacts. The report recommended that no further ground disturbance occur within the boundaries delineated for the archaeological site; however continued use of the existing water storage tanks and traveling over the existing road would not cause substantial adverse changes to the archaeological site. If cultivation methods or other conditions change, additional archaeological investigation and tribal consultation would become necessary. Inadvertent discovery protocol is an ongoing condition of approval for this project.

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 Timberland (T) 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.

4. FINDING

The proposed development is consistent with the purposes of the existing TPZ zone in which the cultivation sites are located.

EVIDENCE

- a) The Timberland Production Zone (TPZ) is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber. Grazing and other agricultural uses are principally permitted uses compatible with timber production as outlined in Humboldt County Code section 314-7.4. Preexisting cannabis cultivation does not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber.

- b) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 5 acres 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 16,100 square feet of outdoor cannabis cultivation on a 40-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations per DS-07-34 the subject parcel has been determined to be one legal parcel as described in the Certificate of Subdivision Compliance 2011-16986
- c) The applicant has demonstrated valid water rights for a point of diversion water source, has proposed appropriate water storage for the project, and will forbear from surface water diversion from April 1st to October 31st annually. If the applicant is unable to obtain expanded water rights to meet cultivation demand, the applicant shall reduce the cultivation to an amount appropriate for the existing water right.
- d) A Road Evaluation Report was submitted by David Nicoletti in June 2020 certifying that Stewart Ranch Road is not equivalent to a road Category 4 standard, and that the private access road is not equivalent to Category 2 standard. Included in the report are engineer recommendations that would allow the roads to accommodate the increased traffic from proposed use.
- e) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 16,100 square feet (sf) of full sun outdoor cannabis, and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that with completed engineer evaluation recommendations will safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- 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 applicant has demonstrated valid water rights for a point of diversion water source, has proposed appropriate water storage for the project, and will forbear from surface water diversion from April 1st to October 31st annually.
- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

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 was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

8. FINDING

The proposed project will not have an impact to sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).

EVIDENCE

The nearest Northern Spotted Owl (NSO) activity center (HUM0326) is located approximately 1.12-miles south of the cultivation site and the nearest NSO observation was observed approximately 1.08-miles south from the cultivation site. No mapped Marbled murrelet habitat is present within an approximately 9-mile radius of the subject parcel. There is a mapped occurrence of *Howellia aquatilis* (water howellia) in North Dobbyn Creek, which flows through a portion of the subject parcel, and North Dobbyn Creek is also an area of documented winter steelhead distribution. North Dobbyn Creek is approximately 1,000 feet from the proposed cannabis cultivation at the closest point. The applicant submitted a Site Management Plan (SMP) prepared by Timberland Resource Consultants dated January 29, 2021. Staff believes that if all recommended corrective actions in the SMP are followed there will be no adverse impacts on sensitive species in North Dobbyn Creek.

The applicant submitted a Site Management Plan (SMP) prepared by Timberland Resource Consultants which states the applicant is a Tier 2 discharger. The SMP list relevant mitigation and monitoring measures to achieve project compliance. The applicant shall implement and adhere to all recommendations and corrective actions found within the SMP. The applicant shall submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents with the State Water Resources Control Board.

9. Finding

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

Planning Watersheds.

Evidence

The project site is located in the Middle Main Eel Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 83 permits and the total approved acres would be approximately 40 acres of cultivation.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Approve the Kofman Realty, LLC, Conditional Use Permit, Application Number PLN-1 1759-CUP, subject to the conditions in Attachment 1.

Adopted after review and consideration of all the evidence on February 3, 2022.

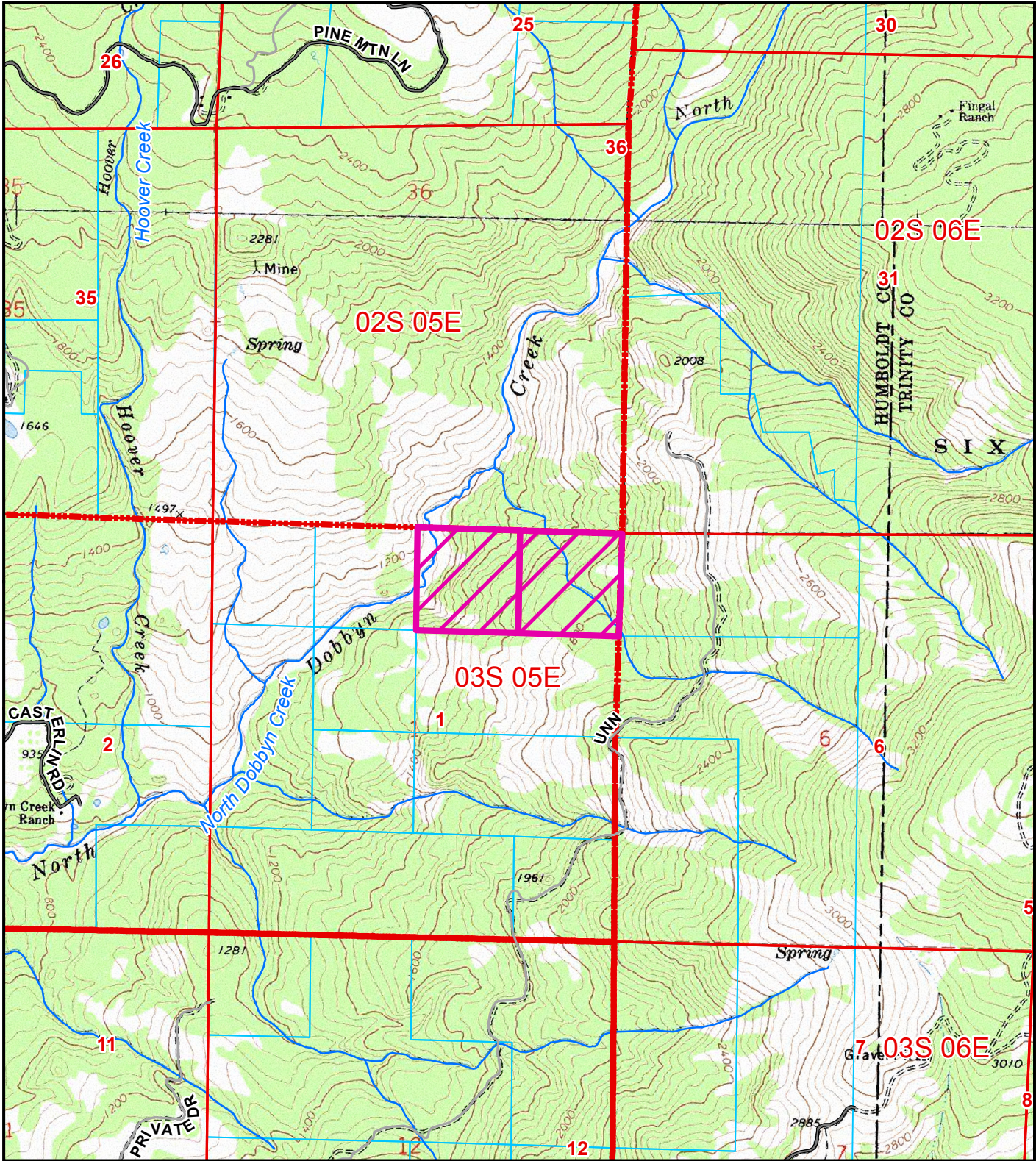
The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: _____ COMMISSIONERS: _____

DECISION: _____

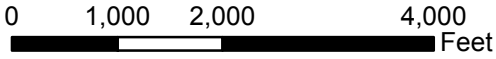
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director,
Planning and Building Department

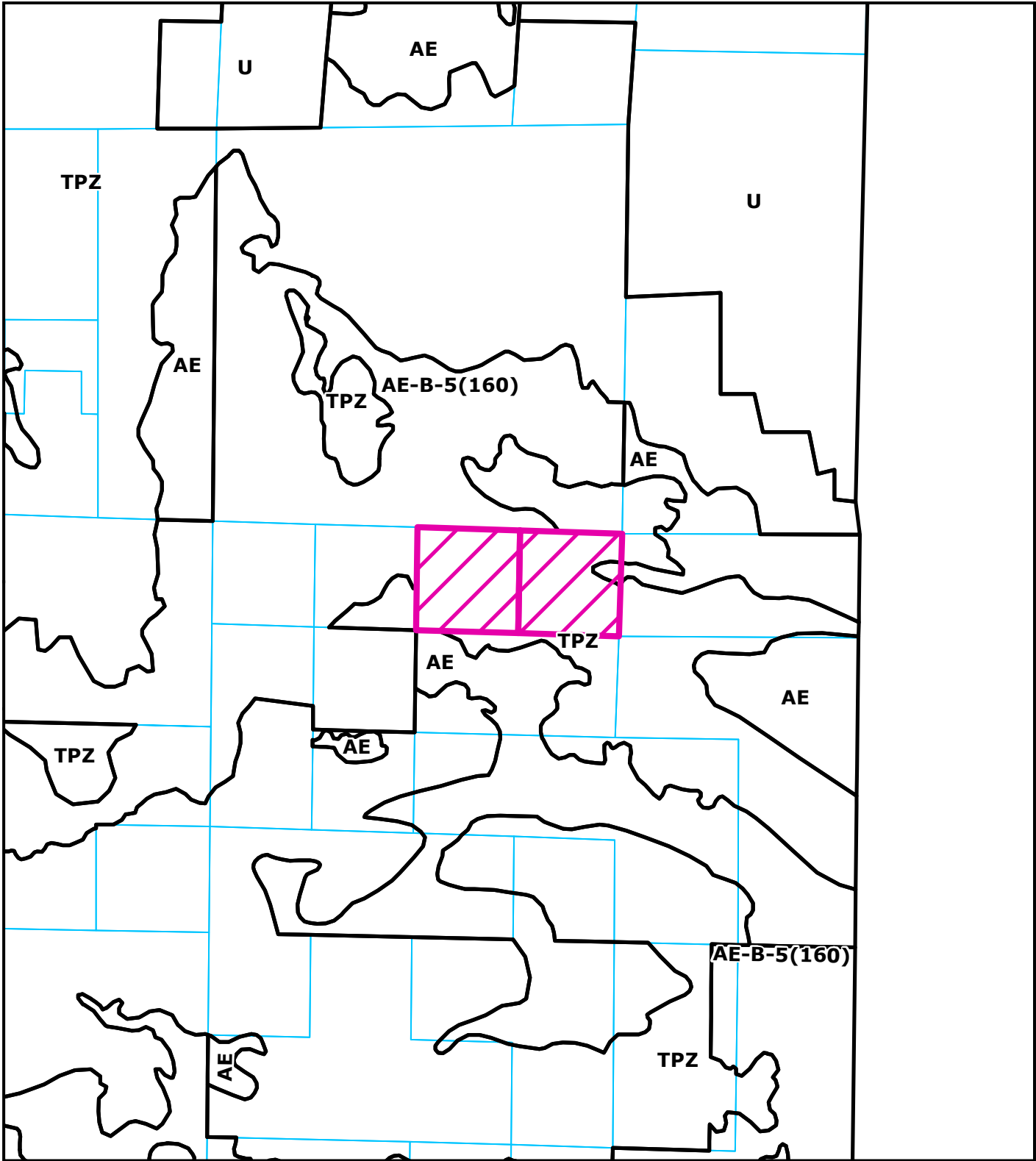


TOPO MAP
PROPOSED AP TRADITIONS
FORT SEWARD AREA
CUP-16-379
APN: 216-202-010-000; ET AL.
T03S R05E S1 HB&M (ALDERPOINT)

Project Area = 

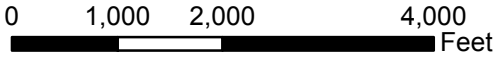


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

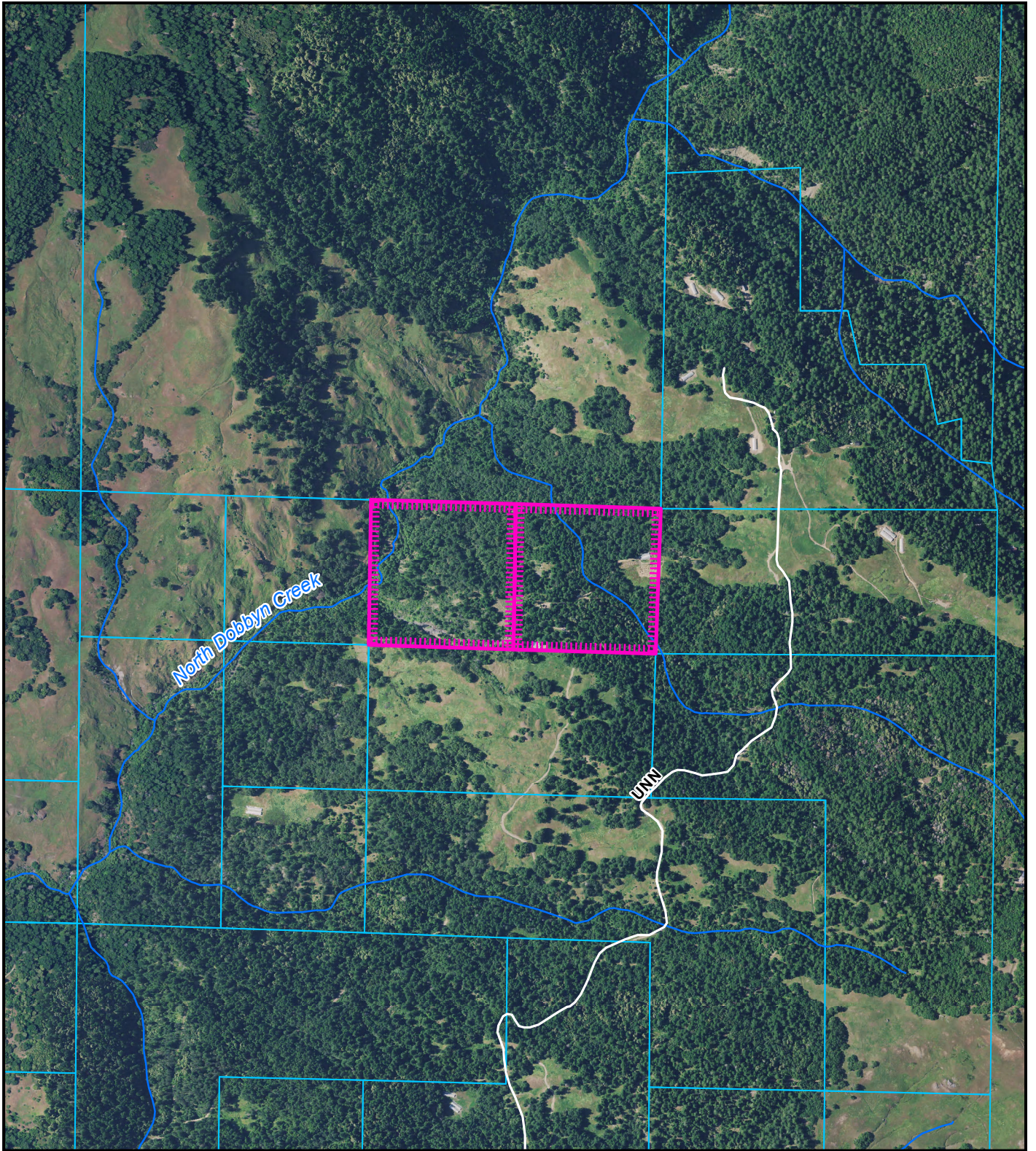


ZONING MAP
PROPOSED AP TRADITIONS
FORT SEWARD AREA
CUP-16-379
APN: 216-202-010-000; ET AL.
T03S R05E S1 HB&M (ALDERPOINT)

Project Area = 

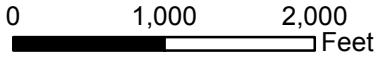


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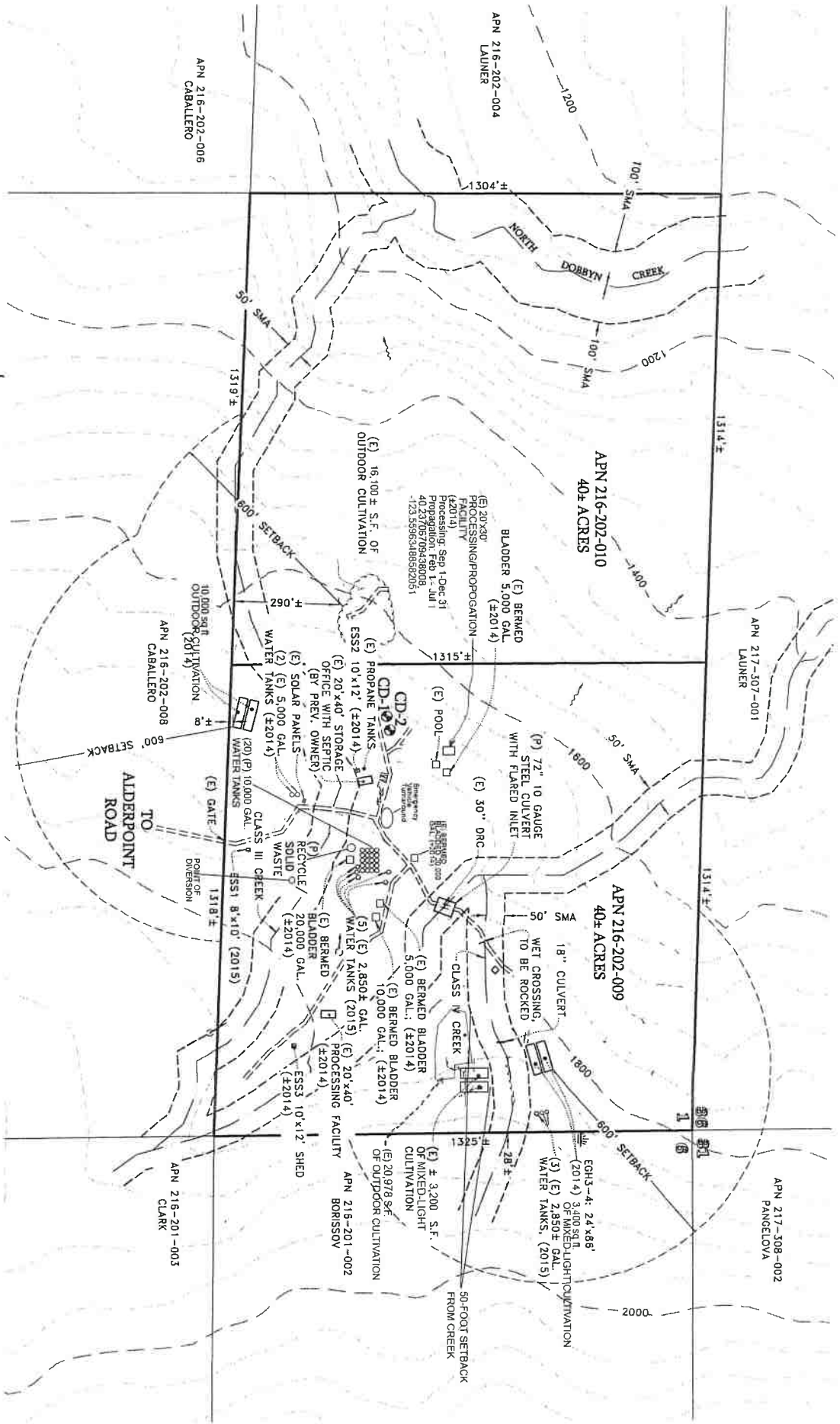


Project Area = 

**AERIAL MAP
PROPOSED AP TRADITIONS
FORT SEWARD AREA
CUP-16-379
APN: 216-202-010-000; ET AL.
T03S R05E S1 HB&M (ALDERPOINT)**



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APPLICANT
 AT TRADITIONS
 c/o MICHAEL COLTON
 426 FIRST STREET
 EUREKA, CA 95501
 (707) 410-9354

OWNER
 CHET DRIVER
 3205 UNIVERSITY DR SUITE D
 NACOGDOCHES, TX 75965



EASEMENTS AND ENCUMBRANCES NOT SHOWN HERON
 (PER CONDITION OF TITLE GUARANTEE BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED AUGUST 18, 2017)
 #4. ANY RIGHTS, INTERESTS, OR EASEMENTS IN FAVOR OF THE PUBLIC, WHICH EXIST OR ARE CLAIMED TO EXIST OVER ANY PORTION OF SAID LAND COVERED BY WATER, INCLUDING A PUBLIC RIGHT OF ACCESS TO WATER.
 #7. AN EASEMENT FOR THE PURPOSE OF PUBLIC ROADS PER BOOK 288 OF DEEDS, PAGE 138, HUMBOLDT COUNTY RECORDS.

UTILITIES

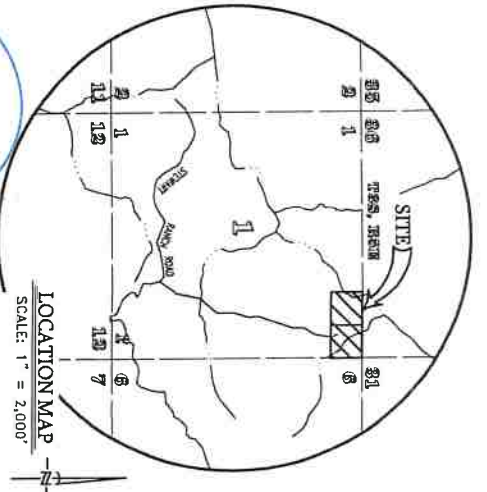
WATER & SEWER	ON-SITE
GAS	ON-SITE (PROPANE)
ELECTRIC	SOLAR
PHONE	CELL
TV	DISH

LEGEND

SYMBOL	INDICATES
(P)	PROPOSED
(E)	EXISTING
TYP.	TYPICAL
GAL.	GALLON
S.F.	SQUARE FEET
EGH	EXISTING GREENHOUSES
ESS	EXISTING STORAGE SHEDS
SMA	STREAMSIDE MANAGEMENT AREA
1200	EXISTING SPRINGS
1200	CONTOURS AT 200 FOOT INTERVALS
1200	STREAM
CD-1	SEWAGE DISPOSAL TEST HOLE LOCATION
1200	WETLAND (PER NOI PREPARED BY NRW)

NOTES

- THIS PLOT PLAN FOR APN'S 216-202-009 AND 216-202-010, HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL, MEDICAL MARIJUANA LAND USE ORDINANCE (CMU) NO. 2559 IN ORDER TO PERMIT THE SITE'S COMMERCIAL AGRICULTURAL OPERATIONS, STRUCTURAL AND SEPTIC SYSTEM, AND FOR ENROLLMENT AND CERTIFICATION UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R1-2015-0021. ON APN 216-202-009 APPLICANT HAS APPLIED FOR EXISTING OUTDOOR IN AMOUNT OF 38,000 S.F., ON APN 216-202-010 APPLICANT HAS APPLIED FOR 23,000 S.F. OF EXISTING OUTDOOR WHICH IS PROPOSED TO BE REDUCED TO APN 216-202-009 PENDING THE OUTCOME OF A PRIME AG REPORT BY DRS. SLOPES TO THE CULTIVATION SITE ON APN 216-202-010 ARE IN EXCESS OF 15%, AND ITS WATER SOURCE IS AN UNPERMITTED WELL.
- ACCESS TO THE SITE IS VIA HIGHWAY 36 AND ALDERPOINT ROAD.
- THE PARCELS HAVE SPLIT GENERAL PLAN DESIGNATIONS OF TIMBERLAND AND AGRICULTURAL GENERAL (TAG), AND ARE SPLIT-ZONED AGRICULTURE EXCLUSIVE AND TIMBERLAND PRODUCTION ZONE, WITH A COMBINING ZONE SPECIFYING A 180-ACRE MINIMUM PARCEL SIZE (AE-B-3(C)(80)(172)).
- APN 216-202-009 IS DEVELOPED WITH SIX (6) GREENHOUSES, ONE (1) STORAGE OFFICE, THREE (3) STORAGE SHEDS, ONE (1) PROCESSING FACILITY, FIVE (5) BLADDERS, TEN (10) WATER TANKS AND SEVERAL CULTIVATION AREAS. APN 216-202-010 HAS ONLY CULTIVATION, AS SHOWN HERON.
- MOST OF SITE IMPROVEMENTS WERE MADE BY PREVIOUS OWNER, IN 2014.
- CONTOURS SHOWN HERON ARE AT 200 FOOT INTERVALS, AND ARE BASED ON USGS 8 ARC-SECOND DIGITAL ELEVATION MODELS.
- THE APPROXIMATE LOCATION OF NORTH DOBBYIN CREEK TOGETHER WITH ITS 100' FOOT "UNDEVELOPABLE" STREAM MANAGEMENT AREA (SMA), IS AS SHOWN HERON, AND A CREEK CROSSING IS REQUIRED.
- NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, OR PUBLIC PARKS ARE KNOWN TO EXIST WITHIN SIX HUNDRED FEET (600') OF THE CULTIVATION SITE.
- THE PROJECT IS NOT LOCATED WITHIN AN AREA WHERE KNOWN CULTURAL RESOURCES HAVE BEEN LOCATED, HOWEVER, AS THERE EXISTS THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.
- A CROSSING PERMIT WILL BE APPLIED FOR IN CONNECTION WITH THIS PROJECT. LEGACY GRADING WILL BE PERMITTED, AS WILL THE CREEK A GRASSING LOCATED IN THE CENTER OF APN 216-202-009.
- SEWAGE DISPOSAL TESTING, DESIGN AND REPORT PREPARATION HAS BEEN COMPLETED BY OASBERG & PRESTON (SEE "SEWAGE DISPOSAL REPORT" FOR CHET DRIVER & MICHAEL COLTON, DATED NOVEMBER 21, 2015).
- WATER FOR THE PARCELS IS FROM AN ON-SITE WELL LOCATED ON APN 216-202-009 (BY BUSINELL), AS SHOWN HERON. ALL WATER RESOURCES IS/WILL BE PERMITTED. WATER STORAGE REQUIRED FOR THE SITE'S AGRICULTURAL OPERATIONS WILL BE EXPANDED OVER THE NEXT YEAR TO PROVIDE FOR IRRIGATION THROUGHOUT THE FORGEBEARANCE PERIOD. ALL STORAGE IS PROPOSED TO BE IN BLADDERS AND/OR HARD TANKS.
- THIS PROJECT IS IN A STATE RESPONSIBILITY AREA (SRA), AND CURRENT SRA FIRE SAFE STANDARDS FOR ROADWAYS, DRIVEWAYS, TURNOUTS, ETC. SHALL BE ADHERED TO.
- A SOILS REPORT FOR THIS PROJECT HAS BEEN PREPARED BY WHITCHURCH ENGINEERING, INC., DATED DECEMBER 27, 2016, WHICH DETAILS SITE SPECIFIC GEOTECHNICAL RECOMMENDATIONS.
- THIS PLOT MAY BE BASED ON RECORD INFORMATION ONLY, AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS AND DISTANCES SHOWN HERON MAY HAVE BEEN COMPILED FROM RECORD DATA ONLY, SUCH AS ASSESSOR'S MAP, DEEDS, ETC., AND SHOULD BE CONSIDERED APPROXIMATE IN NATURE. IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
- MINIMUM BUILDING SETBACKS ARE:
 AE: FRONT - 20', REAR - 20', SIDE - 6', FARM OUTBUILDINGS (NOT LESS THAN 20' FROM ANY DWELLING ON THE PREMISES)
 TP2: FRONT - 20', REAR - 30', SIDE - 30'.
 17. AGRICULTURAL OPERATIONS WILL BE OWNER-OPERATED WITH THREE (3) EMPLOYEES DURING PEAK OPERATIONS.
 18. THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.



OASBERG & PRESTON
 KIMBERLY D. PRESTON
 LICENSED LAND SURVEYOR
 No. 9153
 STATE OF CALIFORNIA

DESIGNED BY:	DATE:
S.G.N.	10/16/16
DRAWN BY:	DATE:
C.W.B.	10/15/16
CHECKED BY:	DATE:
KIMBERLY D. PRESTON	08/28/17

APPS #11760 & #11759
 APN 216-202-009 & 216-202-010

PLOT PLAN

SCALE:	AS SHOWN
208' H.L.	16-1905
THREE	DATE:
1	1

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 this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at 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, the Department will file the Notice of Determination and will charge this cost to the project.
5. The applicant shall submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the 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. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status.
6. 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 #7 through #17. 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.
7. The applicant shall secure permits for all structures related to the cannabis cultivation and

other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

8. The applicant shall discontinue the use of, decommission, and remove all water bladders from the property. Final signoff from the Planning Department will satisfy this condition.
9. The applicant shall ensure that all gates are setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. No materials shall be stored within the County right of way. Final signoff from the Department of Public Works that the work has been completed will satisfy this condition.
10. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Confirmation from the Department of Public Works that the work has been completed will satisfy this condition.
11. The applicant shall rock the surface at the location of Stewart Ranch Road where it meets the access road to the parcel, for a minimum width of 20 feet and a length of 50 feet. Confirmation from the Department of Public Works that the work has been completed will satisfy this condition.
12. The applicant shall implement all corrective actions and adhere to mitigation and monitoring actions found within the Site Management Plan prepared by Timberland Resources Consultants dated January 29, 2021. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed. Final signoff from the Planning Department will satisfy this condition.
13. Prior to cultivation the applicant shall install water a monitoring device on the point of surface diversion, and storage tanks - to monitor water used for cannabis irrigation separate from domestic use. Final signoff from the Planning Department will satisfy this condition.
14. The applicant shall provide portable toilets at cultivation sites for seasonal cultivation activities, or install a permitted onsite wastewater treatment system associated with a permitted structures. If the applicant elects to provide portable toilets for seasonal cultivation activities, the applicant shall retain receipts to be furnished during annual inspections.
15. The applicant shall complete all road improvement recommendations outlined in the Roadway Evaluation prepared by DTN Engineering and Consulting. Upon completion, the applicant shall submit a letter or similar documentation from a qualified professional to the Planning Department verifying that the work has been completed. Final signoff from the Planning Department will satisfy this condition.
16. Prior to initiating cultivation or ground disturbing activities, the applicant shall submit a revised Site Plan showing a cultivation area of 5,495 square feet on APN 216-202-010 within the existing project footprint. The applicant shall not cultivate in amounts exceeding 5,495 square feet on

APN 216-202-010 until a valid water right demonstrating the total proposed 229,000 gallons of irrigation needs has been secured, which the applicant shall submit to the Planning Department for review and approval. Upon Planning Department review and approval of a water right appropriate for the proposed 229,000 gallon irrigation amount, the applicant may cultivate the full 16,100 square feet as proposed on APN 216-202-010.

17. The applicant shall contact the local fire service provider [Alderpoint VFC] 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 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.
18. 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.
19. 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.
20. The applicant shall record a contingent easement regarding the ongoing use and maintenance of the point of diversion located on the adjacent parcel (APN 216-202-009). The contingent easement shall ensure that in the event that APN 216-202-009 is transferred to a separate ownership from the subject APN an easement for the use of the point of diversion shall be granted to the subject parcel.
21. The applicant shall install a SRA turnaround within 50 feet of the cultivation area at the terminus of the access driveway. Prior to construction the applicant shall submit plans for the turnaround including the location, dimensions, and setbacks as appropriate for Planning Department approval. Final signoff from the Planning Department that the work has been completed will satisfy this condition.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl 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 habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through 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; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
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. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation 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. No further ground disturbance shall occur within the delineated boundaries for the archaeological site as outlined in the Cultural Resources Investigation prepared by William Rich and Associates dated November 2021. Continued use of existing water storage and the existing access road will not cause substantial adverse impacts to the archaeological site. If cultivation methods change, additional archaeological investigation and tribal consultation will be necessary.
6. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist 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.

7. Generators shall be stored in secondary containment units to prevent fuel/chemical spills and provide noise attenuation.
8. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
9. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

10. The use of anticoagulant rodenticide is prohibited.
11. 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.
12. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
13. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
14. 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.
15. 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.
16. 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.
17. 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).
18. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) 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.
19. 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), if applicable.

20. 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.
21. 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).
22. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
23. Pay all applicable application, review for conformance with conditions and annual inspection fees.
24. 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.
25. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
26. 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

27. Pursuant to the MCRSA, 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."
28. 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).
29. 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.
30. 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. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
31. 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. On-site housing, if any
32. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP 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.
33. 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 reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection 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.
34. 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.

35. 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.
36. 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.
37. 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.

ATTACHMENT 2

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

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

APN 216-202-010; Alderpoint area, County of Humboldt

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

January 2022

Background

Modified Project Description and Project History –

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. 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 by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Conditional Use Permit PLN-11759-CUP for 16,100 square feet (sf) of full sun outdoor cannabis cultivation.

Water will be sourced from a point of diversion on APN 216-202-009, and the point of diversion will serve the 16,100 square feet of full sun outdoor cannabis cultivation as well as the 37,798 square feet of cannabis on APN 216-202-009. The applicant expects to utilize 68,700 gallons of irrigation water for the project, as well as 160,300 gallons of irrigation water for the project on the adjacent legal parcel under the same ownership (APN 216-202-009). Water from the point of diversion will be stored in hard sided tanks on APN 216-202-009, with 32,800 gallons of storage currently existing, and 200,000 gallons of hard tank storage proposed. The applicant has demonstrated an existing water right to store up to 0.31 acre feet (approximately 101,014 gallons) of water from the point of diversion, and has elected to pursue expanded water rights to meet the total estimated water usage of 229,000 gallons.

The nearest Northern Spotted Owl (NSO) activity center (HUM0326) is located approximately 1.12-miles south of the cultivation site and the nearest NSO observation was observed approximately 1.08-miles south from the cultivation site. No mapped Marbled murrelet habitat is present within an approximately 9-mile radius of the subject parcel. There is a mapped occurrence of *Howellia aquatilis* (water howellia) in North Dobbyn Creek, which flows through a portion of the subject parcel, and North Dobbyn Creek is also an area of documented winter steelhead distribution. North Dobbyn Creek is approximately 1,000 feet from the proposed cannabis cultivation at the closest point. The applicant submitted a Site Management Plan (SMP) prepared by Timberland Resource Consultants dated January 29, 2021. Staff believes that if all recommended corrective actions in the SMP are followed there will be no adverse impacts on sensitive species in North Dobbyn Creek.

The project is located in the Bear River Ancestral Territories. The project was referred to the Northwest Information Center and Bear River Band of the Rohnerville Rancheria. The applicant submitted a Cultural Resource Study (CRS) prepared by William Rich and Associates dated November 2021. The CRS concluded that there was a site of potential significance on APN 216-202-009, and recommended that until such a time as the site was formally evaluated through archaeological methods such as excavation and testing, the site be treated as a significant archaeological site, eligible for inclusion on the CRHR and thus considered a historical resource

for the purpose of CEQA, and avoided from all damaging impacts. The report recommended that no further ground disturbance occur within the boundaries delineated for the archaeological site; however continued use of the existing water storage tanks and traveling over the existing road would not cause substantial adverse changes to the archaeological site. If cultivation methods or other conditions change, additional archaeological investigation and tribal consultation would become necessary. Inadvertent discovery protocol is an ongoing condition of approval for this project.

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. These include, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 30,978 square feet (sf) of outdoor cannabis cultivation, and 6,600 sf of mixed light cannabis cultivation with ancillary propagation and drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the

following information and studies, among other documents:

- Cultivation and Operations Plan prepared by the applicant received November 23, 2021.
- Site Plan prepared by the Omsberg and Preston dated November 23, 2021.
- Site Management Plan (SMP) prepared by Timberland Resource Consultants dated January 29, 2021.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required 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. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by Omsberg and Preston– Attached with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by the applicant received 11/23/21- Attached)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
6. 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. (Site Management Plan (SMP) prepared by the applicant – On file. Notice of Intent – On file)
7. If any on-site or off-site 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. (Notification on file)
8. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of

Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under 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)
15. Road Evaluation Report prepared by David Nicoletti dated June 8, 2020.

Cultivation and Operations Plan
for
APN 216-202-009 (Apps. #11760) &
APN 216-202-010 (Apps. #11759)



Project overview

This application concerns a cannabis farm which has been in existence since prior to January 1st, 2016. We are seeking a Cultivation Permit for 37,578 square feet (6,600 square feet of which is eligible for mixed light cultivation and 30,978 square feet of outdoor cultivation) on APN 216-202-009 and 16,100 square feet of existing outdoor cultivation on APN 216-202-010.

We have a septic system and Engineers from Omsberg & Preston have prepared our Sewage Disposal Report, dated November 21, 2016. A Soils Report has been prepared by Whitchurch Engineering, dated December 27, 2016. Both Reports are available upon request.

We are working with Timberland Resource Consultants (TRC) to develop our Water Management Plan (WMP) and Water Resources Protection Plan (WRPP), in order to be in compliance with the North Coast Regional Water Quality Control Board's Order No. R1-2015-0023. We will be submitting the WRPP being prepared by Timberland Resource Consultants, which will outline the forbearance and bypass flow requirements for the surface water diversion.

Increased road activity is not anticipated due to the efficient nature of our cultivation activities. A Road Evaluation Form will be submitted to Public Works if deemed necessary.

Increased road activity is not anticipated due to the efficient nature of our cultivation activities and mechanized processing. Agricultural operations will be owner-operated, with between three (3) and five (5) full-time employees during peak operations and an additional one (1) to eight (8) temporary employees during times of peak work demand.

1. Description of water source, storage, irrigation plan, and projected water usage.

Main water Source:

-Winter (November - April) ground water diversion

Water Storage/Existing water tanks: Two (2) 5,000-gallon water tanks and 8-2,850 water tanks, all filled through ground water diversion.

Water Storage/Proposed water tanks: Twenty (20) 10,000-gallon water tanks, all filled through ground water diversion.

Total water storage will be 232,800 gallons stored in water tanks.

Bladders

All bladders on the site are decommissioned and will be removed from the premises. They are currently not in use and will not be used in the future on the premises.

Irrigation plan:

-Water supplied from tanks using (1) gravity, (2) 79cc gas powered water pump, and (3) electric/solar powered pumps.

-Half (1/2) inch drip line with thirty-six (36) inches of spacing between all outdoor plants; average consumption is 1 gallon of water per plant, per watering. Watering from May 1 - June 30 will take place every 3 days, for a total of 20 days of watering, or 20-gallons per plant. Watering July 1-September 31 will take place every 2 days, for a total of 45 days of watering, or 45-gallons per plant. In total, each plant will use 65-gallons of water per year. We will have an estimated 2,000 outdoor plants, using an annual total of 130,000 gallons of water.

-Quarter (1/4) inch drip line with eighteen (18) inches of spacing between plants in greenhouses. Average consumption is 1/2 gal of water per plant, per waterin. Watering from May 1 - June 30 will take place every 3 days, for a total of 20 days of watering, or 10-gallons per plant. Watering July 1-September 31 will take place every 2 days, for a total of 45 days of watering, or 23-gallons per plant. In total, each plant will use 33-gallons of water per year. We will have an estimated 3,000 greenhouse plants, using an annual total of 99,000 gallons of water.

Water usage May-June: 70,000 gallons/month

Water usage July-September: 159,000 gallons/month

Total annual water usage: 229,000 gallons

Total annual water usage by APN 216-202-009: 160,300 gallons

Total annual water usage by APN 216-202-010: 68,700 gallons

2. Description of site drainage, including runoff and erosion control measures.

Site Drainage/Erosion Control Plan:

-Installation of straw waddles and silt fencing at all runoff points, roads, around/through the gardens, and greenhouses. We propose to install drainage rock in all runoff channels, and install culverts to create rock fords at all road crossings. Seeding wildflowers wherever applicable.

Stormwater Management Plan:

We aim to capture, treat, and infiltrate stormwater runoff through the incorporation of small-scale landscape-based features throughout the project site. These small landscape features will intercept stormwater runoff and slow its flow to reduce the detrimental effects of increased peak flows. This will capture runoff, promote natural infiltration, and process pollutants through natural biological activity in soil rendering some pollutants less toxic. This will include several of the following: planting trees to intercept rainfall before it meets impermeable developed surfaces; rain barrels at the end of roof gutters to catch water and store for irrigation or release into vegetated areas, vegetated buffer strips to filter surface runoff before it flows to storm drain systems or surface waters, and bioretention facilities to promote natural filtration of stormwater runoff through surface vegetation and soil infiltration.

3. Detail of measures taken to ensure protection of watershed and nearby habitat.

All the garden locations are over 50 feet away from the Class II and III water courses on the property. We do not believe the cultivation sites pose a danger to any sensitive watershed or habitat areas.

We have two mobile generators, 2000-Watt gas generator used daily from noon to 10PM, on average, depending on growing cycle. No generators used for outdoor cultivation unless needed for our fire plan and 3000-Watt gas generator that powers work area/tool room that runs 4-8 hours per day depending on workload and time of year. All generators are housed in a non-spill and weather safe area.

The generators used meet the threshold of the "60 decibel maximum" performance standard outlined in the CMMLUO and will not negatively affect nearby habitats or neighboring properties. It has been determined that no noise buffering measures need to be taken.

We are currently in good standing with all state environmental agencies and we will work closely with Natural Resource Management Corporation and Civil Engineers from Omsberg & Preston, on the design and development of the property over the next few years as we upgrade and improve the existing conditions.

We are familiar with the local endangered species, which we have not observed on our property. We care very much for the environment and are committed to proper land stewardship in our agricultural practices.

4. Protocols for proper storage and use of fertilizers, pesticides, and other regulated products utilized.

-Protocols will be implemented for storage of nutrients and fertilizers: All fertilizers, pesticides, and other regulated products are to be stored in metal or wood structures, blocked off the ground, and pond liner put in place as protective barrier. Eye protection and other precautions will be implemented as well as a "Days without incident" chart to keep everyone aware and avoid incidents.

5. Description of Cultivation Activities:

The existing cultivation on APN 216-202-009 consists of 37,578 square feet (6,600 square feet of which is eligible for mixed light cultivation and 30,978 square feet of outdoor cultivation), while the existing cultivation on APN 216-202-010 consists of 16,100 outdoor cultivation.

All cultivation will occur outside of all Streamside Management setback areas.

A nursery and propagation area is planned to be 20' by 30' and will be the same facility as the processing facility located at 40.23706709438008, -123.55963488582051. It will be used for processing from September 1 through December 31 and will be used for propagation from February 1 through July 1.

6. Nutrients

Nutrient list: OMRI Listed; Proprietary blend mostly soil amendments and brewed teas and top dressing, fertigation feeding systems.

{Amendments:} alpha pellets, biolive, archipelago bat guano 0-7-0, chicken manure, bone meal, mycos, Azos, kelp meal, dolomite, azomite, max-sea

{Vegetative stage:} Liquid Karma, Jims Juice, liquid kelp, cal-mag, root accelerator, max-sea top dressing, azomite, domolite, bone meal, kelp meal, blood meal, crab meal, fossilized seabird guano/Veg+Bloom products.

{Foliar Feeds/Preventative Sprays:} Applied 3x/wk

Neem oil, Coco Wet, Grenvedo, Venerate, cayenne pepper, Lemon Juice, hydrogen peroxide, zinc, boron, Epson salts, trace minerals, water soluble kelp, Jims Juice 10/1 ratio; focus on lower leaf

{Flowering stage:} hydroplex, liquid karma, kelp help, golden bloom, botanicare bloom, molasses, bone meal.

Finishing products: food grade molasses, budswell, 5-10 days flush of water only.

{Amendments:} alpha pellets, biolive, archipelago bat guano 0-7-0, chicken manure, bone meal, mycos, Azos, kelp meal, dolomite, blood meal, bone meal, kelp meal, oyster shell, doug fir wood chips (Proprietary blend legal repercussions will come to anyone that copies, manufactures, or sells our nutrient regiment).

Fire Prevention/Action Plan: float valves in all water tanks so that there is always at least 5000 gallons of water that is centrally located in the property, and 2in PVC buried pipe that runs through entire property, along with 3 feet tall water spouts every 200 yards with hoses coiled and a plan of action all workers are aware of. Also burn only on approved days; purchase yearly burn permit. Monthly weed eating and landscape maintenance/erosion control modified and upgraded as necessary to ensure a flame retardant, defensible perimeter, as well as a defensible plan of action coordinated with the neighbors in case of any emergence of fire in surrounding areas.

7. Schedule of activities during each month of the growing and harvesting season.

Farming Season:

March

- Season begins: site preparation, structure repair and development as needed, maintenance of water lines, amending of soil for the season
- Property maintenance as the weather permits

April

- Clones acquired from licensed distributors (future plans for in-house genetic maintenance)

- Propagation and crop preparation, mother stock established
- General crop maintenance

May

- First crop planted and hardened off, initial bloom cycle begins
- Water, fertilizer, and pesticide use monitoring and recording

June

- Blooming cycle continues; general crop maintenance
- Mother stock maintenance, propagation of second crop
- Water, fertilizer, and pesticide use monitoring and recording

July

- First stage of harvest begins
- Drying and curing of first round ensues
- Mechanical processing and packaging of product
- Crop maintenance
- Water, fertilizer, and pesticide use monitoring and recording

August

- Second crop planted and hardened off
- Water, fertilizer, and pesticide use monitoring and recording

September

- Blooming cycle continues; general crop maintenance
- Water, fertilizer, and pesticide use monitoring and recording

October

- Second stage of harvest begins
- Drying and curing of second round ensues
- Mechanical processing and packaging of product

November

- Farming season conclusion, harvest/processing completion
- Soil tilled and covered or planted with winter crop to secure during the rainy season
- Winterization procedures: water lines disconnected and capped as needed, supplies stored

December-February

- Property maintenance as needed, weather permitting

8. Invasive Species Control Plan

We will use our own resources along with hiring Timberland Resource Consultants to identify, control, and monitor invasive vegetation within sensitive environmental areas, such as streams and wetlands. The goal is to prevent expansion of invasive species. This will involve monitoring of vegetative areas throughout the project site for invasive species. Also, any new material such as seed mixes, mulch, topsoil, sand, gravel, crushed stone, and rock brought to the Project area from an outside source will be free of invasive plant materials. If unavoidable areas containing target invasive species are encountered

within regulated wetlands/streams, then appropriate treatment and removal methods will be conducted. Therefore, hand removal of all plant materials including root mass, rhizomes, and stolons would be performed within the Project's area of disturbance, followed by proper disposal. Specific disposal methods for removed plant material will be determined based on the density and quantity of invasive species encountered, and may include herbicide treatment, placement in an interim designated secure container, transport in a sealed container and proper offsite disposal in a designated secure container.

9. Materials management plan/Hazardous waste statements/site assessment:

We will compost all cannabis waste on the premises by breaking down the stalks, stems, and leaves using a wood chipper or manually, and then composting in an enclosed bin with sealed floor. We will also self-haul waste to a manned fully permitted solid-waste landfill.

Any hazardous materials that cannot be composted or self-hauled will be disposed of through pick-up by a certified hazardous waste-management company in proper containers and will be stored in proper containers until pick-up.

10. Sewage Disposal Plan

Sewage may be disposed of through two systems: (1) on-site portable toilet in which a certified company will come bi-weekly to dispose of waste and (2) previously-existing on-site septic system.

11. Soils Management Plan

All soil used for cultivation will be used in beds and fabric pots which will be reused through the process of rototilling after each harvest. Any additional soil stored on site will be covered with plastic tarps, weighed down with heavy cement, and surrounded with hay wattles.

12. Processing Plan:

All products and byproducts will be dried on the grounds, in a sterile environment to ensure quality, the wet cannabis is hung on hangers, then transferred to steel cables that will support the weight. We run dehumidifiers to ensure an even and consistent outer crispness of the product, and after the optimal dryness is achieved, we place the product in airtight storage containers to allow the inner wetness to re-hydrate the cannabis. All of this takes place in dry, pre-existing buildings that are cleaned before every harvest. Our employees are local workers, and veterans who have been trained through local/site specific processing training programs. Gloves will be worn to ensure sanitation before ever starting work. Testing will be conducted to ensure consistent quality, and no residual elements or PM or mites.

All trimming will be done off-site through a licensed distribution facility.

13. Parking Plan

On-site parking will allow enough space for 6 vehicles at any given time and enough space to turn around easily, even with a 30-foot trailer. Dedicated parking spots will be located at the entrance of the property and will not block any entrances or exits so access will be clear in the event of an emergency.

14. Energy Plan

No generators are used for the outdoor cultivation, unless needed for our fire plan. A 120,000 Watt diesel generator is used for supplemental lighting for moms and starts, and a 3,000 Watt gas generator powers the work area/tool room that runs 4-8 hours per day depending on workload and time of year.

The generators are housed in a non-spill and weather safe area. The generators used meet the threshold of the "60 decibel maximum" performance standard outlined in the CMMLUO and will not negatively affect nearby habitats or neighboring properties. It has been determined that no noise buffering measures need to be taken.

The project site will use generators as the primary power source. All electrical connections will be certified by a licensed electrical engineer and any structures using power will be permitted through the County.

15. Security Plan

One full-time security personnel at the property always, from January through December using motion activated recording equipment at all applicable locations along with game cameras in various locations. Multiple motion sensors at the entrance gate letting us know if any vehicle or ATV is near our premises.

16. Noise Source Assessments and Mitigation Plan

We will utilize sound level meters at the perimeter of the property to properly measure decibel readings throughout the season to ensure that sound levels are minimal. We will mitigate sound levels by not playing loud music, not operating any heavy machinery, lawn care equipment, or any machinery that creates high sound levels before 9am or after 7pm.

17. Light Pollution Control Plan

In order to mitigate light pollution during non-daytime hours, we will turn off all outdoor lights with the exception of road lights for safety and any greenhouses that utilize lights during these hours will be covered with a plastic that prevents any light from being visible outside of the structure.

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
Building Inspection Division	✓	Approval	On file
Division Environmental Health	✓	Conditional Approval	On file
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFire		No response	
Bear River Band of the Rohnerville Rancheria	✓	Further Study	On file and confidential
Northwest Information Center	✓	Further Study	On file and confidential
Ag Commissioner		No response	
Humboldt County Sheriff	✓	Approval	On file
County Counsel		No response	
Southern Humboldt Joint Unified		No response	
Humboldt County District Attorney		No response	
North Coast Regional Water Quality Control Board		No response	
North Coast Unified Air Quality Management District		No response	
State Water Resources Control Board – Division of Water Rights		No response	
California Department of Fish & Wildlife		No Response	



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

ON-LINE
 WEB: CO.HUMBOLDT.CA.US

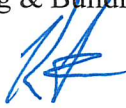
PUBLIC WORKS BUILDING
 SECOND & L ST., EUREKA
 FAX 445-7409

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

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

LAND USE	445-7205
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LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michael Holtermann, Planner, Planning & Building Department
 FROM: Kenneth M. Freed, Assistant Engineer 
 DATE: 09/02/2021

RE:	Applicant Name	KOFMAN REALTY, LLC
	APN	216-202-010
	APPS#	PLN-11759-CUP

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

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

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.
No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, stamped received by the Humboldt County Building Division on March 22, 2021, with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed.

The Department requires all recommendations in completed.

The Department is aware that multiple road evaluation reports have been prepared for this road. Because there is more than one road evaluation, all of the recommendations in the various road evaluation reports need to be combined into one action plan. If the road maintenance association will not be responsible for constructing all of the improvements in the action plan, it is recommended that the proportioning of the improvements be clearly documented so that each applicant knows exactly what portion of the action plan that they are responsible for constructing.

Whether specifically addressed or not within the road evaluation report, per Section 1273.03 of State Fire Safe Regulations, California Code of Regulations (CCR), Title 14 Natural Resources, Division 1.5 Department of Forestry, Chapter 7 - Fire Protection, Subchapter 2 SRA Fire Safe Regulations, which have been established pursuant to California Public Resource Code Section 4290 et seq. (a) *At no point shall the grade for all roads and driveways exceed 16 percent;* (b) *The grade may exceed 16%, not to exceed 20%, with approval from the County of Humboldt Planning & Building Department with mitigations, such as paving, to provide for the same practical effect. Mitigation measures other than paving require an exception to be approved per Section 1270.06.* [Note: Fire Safe Regulations set forth in County Code Section 3111-1, et seq. have been superseded by the 01/01/2020 CCR since County Code has not been recertified by the Department of Forestry pursuant to Section 1270.04.]

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

COUNTY ROADS- PROXIMITY OF FARMS:

Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) 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.

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

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

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. Applicant must apply for and obtain an encroachment permit from the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing intersection culverts; minimum size is typically 18 inches.

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //