

SUPPLEMENTAL INFORMATION #1

For Zoning Administrator of:
October 7, 2021

<input checked="" type="checkbox"/>	Consent Agenda Item	No. C-7
<input type="checkbox"/>	Continued Hearing Item	
<input type="checkbox"/>	Public Hearing Item	
<input type="checkbox"/>	Department Report	
<input type="checkbox"/>	Old Business	

Re: Aldebaran's Gaze, LLC, Special Permit

Record Number: PLN-12961-SP

Assessor Parcel Number: 223-091-003

on the north and west side of Ross Road, approximately 1 mile from the intersection of Wade Road and Ross Road, on the property known as 48 Ross Road, Garberville area

Attached for the Zoning Administrator's record and review is the following supplementary information item:

1. Revised Staff Report with the following revisions:
 - a) Changed the agents address.
 - b) Reduced the annual number of gallons required for irrigation from 124,870 gallons to 95,000 gallons.
 - c) Removed the condition to remove the 20,000-gallon bladder because the applicant removed the bladder in 2018.
 - d) Removed the condition to add 33,370 gallons of water storage to the project. The site currently has a sufficient amount of water storage to meet the forbearance period.
2. Revised Operations Plan prepared by the agent that reflect the changes in the staff report.
3. Revised Site Plan prepared by the agent that reflects the changes in the staff report.



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: October 7, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Aldebaran's Gaze, LLC, Special Permits**
Record Number PLN-12961-SP
Assessor's Parcel Number (APN) 223-091-003
Garberville area

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Please contact Christopher Alberts, Planner, at (707)-268-3771 or by email at calberts@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 7, 2021	Special Permits	Christopher Alberts

Project Description: A Special Permit for 10,000-square-feet of outdoor cannabis cultivation. Propagation is proposed in one 1,000-square-foot greenhouse. Water for irrigation will be sourced from a Point of Diversion (POD) from an onsite spring. The project is conditioned for the applicant to forbear from diverting from the spring annually from April 1 to October 31. Water storage onsite totals 111,500 gallons occurring in hard tanks ~~and one (1) 20,000-gallon water bladder~~. The applicant anticipates ~~124,870~~ 95,000 gallons of water will be required annually for irrigation. There will be two (2) cultivation cycles occurring annually. Processing such as drying, curing and trimming will occur onsite in an existing 658-square-foot drying shed and a 160-square-foot shipping container. The applicant anticipates three (3) employees will be required for operations annually. Power for the project will be provided by a 4kW Solar System with 38.4kWh battery bank ~~with a Honda EU2000, Honda EU3000 and Honda EU7000 back-up generators~~. A Special Permit is also requested for the ongoing use and maintenance of the point of diversion within the Streamside Management Area.

Project Location: The project is located in the Garberville area, on the north and west side of Ross Road, approximately 1 mile from the intersection of Wade Road and Ross Road, on the property known as 48 Ross Road.

Present Plan Land Use Designations: Residential Agriculture (RA40) General Plan 2017, Density: 40 acres per dwelling unit as specified on map, Slope Stability: High Instability (3).

Present Zoning: Agriculture General (AE), Special Building Site combining zone specifying a minimum parcel size of 40 acres (B-6).

Record Number: PLN-12961-SP

Assessor's Parcel Number: 223-091-003

Applicant

Aldebaran's Gaze, LLC
Bryan Harpel
PO Box 415
Garberville, CA 95542

Owners

Bryan Harpel
PO Box 415
Garberville, CA 95542

Agent

Margro Advisors
~~2306 Albee St~~ 117 Wildwood Ave.
~~Eureka, CA 95501~~ Rio Dell, CA 95562

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

Aldebaran's Gaze, LLC
Record Number: PLN-12961-SP
Assessor's Parcel Number: 223-091-003

Recommended Zoning Administrator Action

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

Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section § 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits and adopt the Resolution approving the Aldebaran's Gaze, LLC Special Permits as recommended by staff subject to the recommended conditions.

Executive Summary: Aldebaran's Gaze, LLC seeks a Special Permit for the continued operation of an existing 10,000 square foot outdoor cannabis 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 Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Agriculture General (AE), with Special Building Site combining zone (B-6(40)). Cultivation will take place in two areas near the center of the parcel. Propagation is proposed within three (3) structures: one (1) 280-square-foot structure; one (1) 120-square-foot structure; and one (1) 700-square-foot structure. Artificial lighting used for ancillary propagation nursery and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO. Processing such as drying, curing and trimming will occur onsite in an existing 658-square-foot drying shed and a 160-square-foot shipping container. The applicant anticipates three (3) employees will be required for operations annually. Power for the project will be provided by a 4kW Solar System with 38.4kWh battery bank with a ~~Honda EU2000, Honda EU3000 and Honda EU7000~~ back-up generators. A Special Permit is also requested for the ongoing use and maintenance of the point of diversion within the Streamside Management Area.

Water Resources

Water for irrigation will be sourced from a Point of Diversion (POD) from an onsite spring. The project is conditioned for the applicant to forbear from diverting from the spring annually from April 1 to October 31. Water storage onsite totals 111,500 gallons occurring in hard tanks and ~~one (1) 20,000-gallon water bladder~~. The applicant anticipates ~~124,870~~ 95,000 gallons of water will be required annually for irrigation. The applicant has submitted a Streambed Alteration Agreement (Notification No. 1600-2017-0755-R1) for the use of the POD as a source of water for irrigation. ~~The project is conditioned for the applicant to remove the 20,000-gallon bladder. The project is also conditioned for the applicant to implement an additional 33,370 gallons of water storage in order to have sufficient water storage during the forbearance period.~~

Biological Resources

The California Natural Diversity Database (CNDDDB) indicates there are no mapped rare or endangered species located on the parcel. The nearest mapped Northern Spotted Owl activity center is located approximately 6.37-miles southeast from the project site and the nearest NSO observation is mapped approximately 0.83 miles southwest from the project site. Marbled murrelet habitat is mapped 4.69 miles west from the project site. The project is unlikely to have a direct or indirect impact to any rare or endangered species because the energy source for the project will

be sourced from PG&E solar; all artificial lighting used for ancillary propagation and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO.

Access

The property is accessed via private driveway from Ross Road. The applicant submitted a self-certified Road Evaluation Report dated March 21, 2018. According to the Road Evaluation Report, the entire road segment is developed to the equivalent of a road category 4 standard. The applicant also submitted a Road Evaluation prepared by DTN Engineering & Consulting dated November 13, 2019. According to the evaluation, Ross Road is developed to an equivalent standard of a Category 4 Roadway. The Department of Public Works commented all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Public Works also stated the applicant shall rock the encroachment of Ross Road where it meets Dyerville Loop Road for a minimum width of 20 feet and a length of 50 feet. The project is conditioned for the applicant to adhere to comments made by the Department of Public Works.

Tribal Consultation

The project is located within the Bear River Band and Sinkyone tribal Aboriginal Territories. The project is located in the Bear River Band Rancheria and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band, and Sinkyone Tribe. The Bear River Band recommended the applicant to have a Cultural Resource Study prepared for the project site. The applicant submitted a Cultural Resource Survey prepared by William Rich and Associates dated August 2019. The survey concluded there were no historic-era artifacts, features, sites, buildings, structures or other resources identified in the survey area. The project has an ongoing condition to include inadvertent archaeological discovery language.

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 Zoning Administrator (See Attachment 2 for more information).

RECOMMENDATION: Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

ALTERNATIVES: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number 21-

Record Number PLN-12961-SP

Assessor's Parcel Number: 223-091-003

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Aldebaran's Gaze, LLC, Special Permit.

WHEREAS, Aldebaran's Gaze, LLC, submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 10,000 square foot (SF) outdoor cannabis cultivation operation with appurtenant propagation and drying activities, and a Special Permit for the ongoing use and maintenance of a point of diversion within a Streamside Management Area;

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 Zoning Administrator held a duly-noticed public hearing on October 7, 2021, and reviewed, considered, and discussed the application for the Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Special Permit to allow 10,000 square foot (SF) outdoor cannabis cultivation operation with appurtenant propagation and processing activities. Propagation is proposed within three (3) structures: one (1) 280-square-foot structure; one (1) 120-sqaure-foot structure; and one (1) 700-square-foot structure. Power for the project will be provided by a 4kW Solar System with 38.4kWh battery bank with a ~~Honda EU2000, Honda EU3000 and Honda EU7000~~ back-up generators. Water for irrigation will be sourced from a Point of Diversion (POD) from an onsite spring. The project is conditioned for the applicant to forbear from diverting from the spring annually from April 1 to October 31. Water storage onsite totals 111,500 gallons occurring in hard tanks ~~and one (1) 20,000-gallon water bladder~~. The applicant anticipates ~~124,870~~ **95,000** gallons of water will be required annually for irrigation. A Special Permit is also requested for the ongoing use and maintenance of the point of diversion within the Streamside Management Area.

EVIDENCE: Project File: PLN-12961-SP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator 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 June 19, 2019 was prepared by the applicant to show compliance with the North Coast Regional Water Quality Control Board Order No. 2019-0023(WDID: 1B171380CHUM).
 - d) Final Streambed Alteration Agreement (Notification no. 1600-2017-0755-R1) prepared by the applicant dated January 28, 2019 for the use of the POD as a source of water for irrigation.
 - e) A Cultural Resources Investigation (CRI) prepared by William Rich and Associates dated August 2019 to show the project will not have an impact to historic cultural resources.
 - f) Slope Report prepared by DTN Engineering, Consulting, & Permitting dated November 13, 2019, to show slopes that cultivation is occurring on have no stability or environmental concerns.

FINDINGS FOR SPECIAL PERMITS

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

- EVIDENCE**
- a) General agriculture is a use type permitted in the Residential Agriculture (RA40) 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 Agriculture Exclusive (AE) zone in which the site is located.

- EVIDENCE**
- a) The Agriculture Exclusive (AE) zone is intended to be applied to bottomland farms and lands that can be irrigated. Typical uses include dairy, row crops, orchards, specialty agriculture, and horticulture. The protection of this use from encroachment from incompatible uses is essential to the general welfare.

- b) The Agriculture Exclusive (AE) is intended to provide standards and restrictions to agriculture-related recreation, general agriculture and intensive agriculture.
- c) Accessory agricultural uses and general agriculture are principally permitted uses in AE zones.
- d) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 1 acres subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 10,000 square feet of outdoor cannabis cultivation on a 50.56-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- e) The applicant is requesting a Special Permit for the ongoing use maintenance of the point of diversion within the Streamside Management Area per Section 314-61.1.5 HCC.

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 AE (HCC 314-55.4.8.2.2).
- b) The subject parcel was created Parcel Map 819.
- c) The applicant submitted a self-certified Road Evaluation Report which states the entire road segment is developed to the equivalent of a road category 4 standard. The applicant also submitted an Engineered Road Evaluation Report indicating Ross Road is developed to an equivalent standard of a Category 4 Roadway.
- d) The slope of the land where cannabis will be cultivated is less than 15%.
- e) The cultivation of cannabis will not result in the net conversion of timberland.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 10,000 square feet of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that is developed to the equivalent of a road category 4 standard and 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) Water for irrigation will be sourced from a Point of Diversion (POD) from an onsite spring that will not be used during the forbearance period.
- 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

- a) 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

- a) According to the California National Diversity Database there are no mapped rare or endangered species located on the parcel. The nearest Northern Spotted Owl (NSO) activity center is located approximately 6.37 miles south from the project site and the nearest NSO observation is located approximately 4.69 miles south from the project site. Marbled murrelet habitat is mapped on the adjacent parcels on the southside of the property.
- b) The applicant submitted a Site Management Plan (SMP) prepared by the applicant, dated June 19, 2019. The applicant is a Tier 1 Discharger and will include a monitoring element and will submit an annual report each year by March 31 that documents implementation and effectiveness of the management measures during the previous year.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permits for Aldebaran's Gaze, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on October 7, 2021.

I, John Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

John H. Ford, Zoning Administrator,
Planning and Building Department

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMITS 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. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #14. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication

from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

7. 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 done will satisfy this requirement.
8. The applicant shall rock the encroachment of Ross Road for a minimum width of 20 feet and a length of 50 feet where it intersects Dyerville Loop Road. An encroachment permit shall be obtained from the Department of Public Works Land Use Division for work within the County right-of-way. Confirmation from the Department of Public Works that the work has been done will satisfy this requirement.
9. The applicant shall install water monitoring device on each source - surface diversion at spring and storage tanks applicable - to monitor water used for cannabis irrigation separate from domestic use.
10. The applicant shall contact the local fire service provider [Garberville Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning 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.
11. The applicant shall demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Confirmation from the Department of Environmental Health that the work has been done will satisfy this condition.
12. 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.
13. 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.
14. The applicant shall obtain a Right to Divert and Use Water from the State Water

Resources Control Board for the existing diversion.

- ~~15. The applicant shall remove the 20,000-gallon bladder and add a minimum of 33,370 gallons of tank storage in order to have sufficient water storage during the forbearance period to meet project needs.~~

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 light utilized in propagation greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (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. The use of monofilament netting for ~~all uses, including but not limited to~~ erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack

Card." This information shall also be provided to all employees as part of the employee orientation.

9. All components of 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.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. 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.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be

conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).

19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. 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.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

24. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;

- (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
- 28. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
- 29. 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.
- 30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a 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.
- 31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
- 32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental

conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.

33. **Transfers.** Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
34. **Inspections.** The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. 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.

ATTACHMENT 2

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

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

APN 223-091-003; 48 Ross Road, Garberville, County of Humboldt

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

October 2021

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 Special Permit (PLN-12961-SP) for 10,000 square feet of outdoor cannabis cultivation. Propagation is proposed within three (3) structures: one (1) 280-square-foot structure; one (1) 120-square-foot structure; and one (1) 700-square-foot structure. Artificial lighting used for ancillary propagation nursery and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO. Processing such as drying, curing and trimming will occur onsite in an existing 658-square-foot drying shed and a 160-square-foot shipping container. The applicant anticipates three (3) employees will be required for operations annually. Power for the project will be provided by a 4kW Solar System with 38.4kWh battery bank with a ~~Honda EU2000, Honda EU3000 and Honda EU7000~~ back-up generators. A Special Permit is also requested for the ongoing use and maintenance of the point of diversion within the Streamside Management Area.

Water for irrigation will be sourced from a Point of Diversion (POD) from an onsite spring. The applicant will be forbearing from diverting from the spring annually from April 1 to October 31. Water storage onsite totals 111,500 gallons occurring in hard tanks ~~and one (1) 20,000-gallon water bladder~~. The applicant anticipates ~~124,870~~ 95,000 gallons of water will be required annually for irrigation. The applicant has submitted a Streambed Alteration Agreement (Notification No. 1600-2017-0755-R1) for the use of the POD as a source of water for irrigation.

The project is located within the Bear River Band and Sinkyone tribal Aboriginal Territories. The project is located in the Bear River Band Rancheria and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River Band, and Sinkyone Tribe. The Bear River Band recommended the applicant to have a Cultural Resource Study prepared for the project site. The applicant submitted a Cultural Resource Survey prepared by William Rich and Associates dated August 2019. The survey concluded there were no historic-era artifacts, features, sites, buildings, structures or other resources identified in the survey area. The project has an ongoing condition to include inadvertent archaeological discovery language.

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 project 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 dated ~~November 13, 2019~~ **October 6, 2021**.
- Site Plan prepared by the Applicant dated ~~November 13, 2019~~ **October 6, 2021**.
- Cultural Resources Investigation (CRI) prepared by William Rich and Associates dated August 2019.
- Site Management Plan (SMP) prepared by the Margro Advisors dated November 13, 2019.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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. (Not applicable)
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 the agent dated ~~11/13/2019~~ 10/6/2021 – **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, outdoor), 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 agent dated ~~11/13/2019~~ 10/6/2021 - **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. (NOI and reporting, Site Management Plan (SMP) prepared by the Agent – On file. Notice of Applicability: Waste Discharge Requirements Water Quality WDID 1B171380CHUM – 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. (**Attached**)
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. Cultural Resource Inventory (CRI) Report prepared by prepared by William Rich and Associates dated August 2019. (On file)
16. Slope Report prepared by DTN Engineering, Consulting, & Permitting dated November 13, 2019. (**Attached**)

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	✓	Conditional Approval	On file with planning
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE	✓	Approved	Attached
California Department of Fish & Wildlife		No response	
Bear River Band	✓	Conditional Approval	On file with planning
Northwest Information Center	✓	Conditional Approval	On file with planning
Sheriff		No response	
County Counsel		No response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	
District Attorney		No response	
Ag Commissioner		No response	

**Cultivation Plan for Bryan Harpel,
Aldebaran's Gaze
Parcel # 223-091-003**



The following plan describes the general operations for managing 10,000 sq ft outdoor cultivation site.

1. Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, from 100 to 900 gallons per day. Details of the grower's cultivation and water usage is outlined below.

Water used for cannabis cultivation is sourced from an onsite stream and stored to water tanks and bladders. The site relies on the tank capacity to store approximately 111,500 gallons of total water for irrigation. Gravity directs water from the stream to an irrigation tank, then gravity flow directs to storage tanks and bladders. A sump pump and feeder tank distributes water to the cultivation site. All irrigation is dispersed through drip irrigation.

During the beginning of the grow season, clones are watered every 3-4 days. Once transplanted the plants are watered every other day progressing to daily watering depending on need. Drip irrigation to enclosed soil beds, along with surrounding vegetation is used to conserve water and prevent runoff.

The following provides reported 2020 Water Board irrigation usage in gallons:

1.a. Water USE by month

Jan	Feb	Mar	Apr	May	June
0	0	0	500	4200	7100

July	Aug	Sept	Oct	Nov	Dec
27,070	17,960	17,960	7,420	0	0

2. Watershed Protection

To protect nearby watershed areas and nearby habitat the site is managed to meet standard conditions and follow best practices in accordance with guidelines provided by the State Water Resources Control Board (SWRCB). These practices address erosion control and drainage

features, spoils management, water storage and use, irrigation runoff, fertilizers and pesticides, and stream and wetland buffers when applicable.

The most active steps for this site include:

- Seeding and usage of vegetative ground cover
- Gravel for driveways and pathways for added sediment control
- Base enclosure of plant beds to prevent run-off
- Use of straw, straw waddles, or wood chips around and over bare areas to prevent sediment flow
- Outsloping and ditch-relief maintained to ensure proper capture and capacity of seasonal flow

These measures will ensure no sediment movement will occur on previously graded areas.

The parcel has one Class II watercourse running through it. The cannabis cultivation areas are over 100 feet from the waterway, as required in the SWRCB specifications.

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

3. Power Source

The site uses a newly installed 4kW Solar System with 38.4kWh battery bank, with two (2) Honda EU2000 and EU7000 back-up generators. Usage is on average 11.7kWh per day depending on the need for and duration of ventilation, and use of farming equipment. As the generators are all rated by the manufacturer under 60dB, they meet perimeter noise restrictions required by environmental regulations.

4. Site Structures

There is one residential structure, along with two sheds one for storage and the other for drying. During the season there are up to 15 temporary greenhouses used for cultivation. Two existing greenhouses, one completed greenhouse and one completed Spring 2020 both used for propagation, along with five sheds, for amendments, fuel, drying, solar, and tools. (See Site Map for details).

Greenhouse #2 includes a small relocation of prior grow plants from the nearby hillside area just west of the current location. Relocation was made to prevent environmental impacts due to potential irrigation runoff due to the slope of the hill. (See Cultivation Site Relocation Assessment for details).

5. Materials Storage

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

- Plant Therapy
- Earth Juice PH up
- Earth Juice PH down
- Cocoa Wet
- Bat and seabird guano
- Dr. Earth Bud and Bloom
- Liquid bone meal
- Molasses
- Eco Nutrients: Fish and Shrimp Hydrolysate
- Humboldt Ag: Compost Tea Blend

An onsite shed is used for the storage of amendments. Materials are kept in their original containers with product labels in place and legible. Appropriate Material Safety Data Sheets (MSDS) are kept onsite as a component of the cultivator's SMP.

Fuels are kept off-ground with secondary containment or within an onsite shed along with a Spill Prevention, Countermeasures, and Cleanup (SPCC) kit. As a safety measure, kits provide a supply of clean-up materials in the event of accidents, and are kept within fuel storage areas.

6. Waste Management

Unusable plant waste is burned. Unusable soil, along with other solid waste is stored in containers with covers and transported to the Redway Transfer Station, on a weekly basis. Recyclables are taken monthly. Materials intended for reuse are stored in a clean and safe manner to be managed and reused as needed.

A Porta Potty is onsite to sufficiently manage human waste for up to 20 people, and prevent threats to local wildlife and water sources. The pre-existing septic system is currently in process for permitting and once the permits are obtained will be utilized.

Drinking water is made readily available from water sourced from the domestic water supply.

7. Cultivation Activities

Jan-Feb	<input type="checkbox"/> Submit SWRCB enrollment report and fee <input type="checkbox"/> Install and repair any infrastructure <input type="checkbox"/> Perform initial site inspection
Mar-Apr	<input type="checkbox"/> Verify proper amendments storage and record inventory <input type="checkbox"/> Acquire clones and begin nursery <input type="checkbox"/> Begin tilling soil and amendments to prepare for planting <input type="checkbox"/> Plant clones to initial pots (Crop #1) <input type="checkbox"/> Begin daily plant inspections <input type="checkbox"/> Check water meters and record monthly usage
May-Jun	<input type="checkbox"/> Transfer plants to soil beds in cultivation area <input type="checkbox"/> Add nutrients as needed <input type="checkbox"/> Install bamboo support and ties to plants for stability <input type="checkbox"/> Plant clones to initial pots (Crop #2)
Jul-Aug	<input type="checkbox"/> Harvest plants (Crop #1) <input type="checkbox"/> Machine Trim <input type="checkbox"/> Dry crop <input type="checkbox"/> Process off-site <input type="checkbox"/> Package and store <input type="checkbox"/> Remove and compost plant waste following harvest <input type="checkbox"/> Transfer plants to final beds in cultivation area (Crop #2) <input type="checkbox"/> Install bamboo support and ties to plants for stability
Sep-Oct	<input type="checkbox"/> Harvest plants (Crop #2) <input type="checkbox"/> Machine Trim <input type="checkbox"/> Dry crop <input type="checkbox"/> Process off-site <input type="checkbox"/> Package and store <input type="checkbox"/> Remove and compost plant waste following harvest

8. Soil Management

Amendment items are purchased, applied, stored and inventoried. Once tilling is completed and soil has been prepared, planting begins.

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

9. Cultivation Cycles

The site produces two outdoor crop cycles. In May and August, clones are planted to soil beds until harvested in August and October. Timing will vary depending on environmental factors including weather and plant types.

10. Plant Management

During the cultivation cycle plants are inspected daily. Irrigation is monitored and adjusted based on impact of various factors, mainly heat and precipitation. During the vegetative state plants are watered and periodically upgraded to larger pots until ready for final planting. Plants are then transplanted to final soil beds where they are trellised with bamboo supports for stability.

11. Processing Practices

Plants are harvested in the field and machine trimmed, and then taken to a shed for final drying. If additional processing is needed it will be taken off-site to a proper facility. The final cannabis product will then be packaged and stored in a secure location.

12. Staffing

The site is a family farm currently only utilizing 1-3 individuals part-time as needed to support farm operations. No lodging for part-time staff will be provided onsite. Processing will be done off-site as needed. A third-party licensed contractor or temporary employment agency services may be utilized on a temporary basis to support operations.

This minimal employee need/use will result only in a minor traffic increase to possibly one car with two trips per day minimizing impacts to the road due to farm activities.

13. Security Measures

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

- Road access is restricted by locked gates. Gates are of heavy steel construction with a steel combination lock.
- A guard dog provides onsite protection against human intruders and invasive wildlife.
- Surveillance cameras monitor the site
- A 24/7 onsite presence provides additional monitoring

14. Health and Safety

When employees are hired this site will be operated as an "agricultural employer" as defined by the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code, and comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers. At the first establishment of 20 or more employees, the firm will sign and enact a Labor Peace Agreement and allow upon written request, all bona fide labor organizations access at reasonable times to areas in which the farm's employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment.

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

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

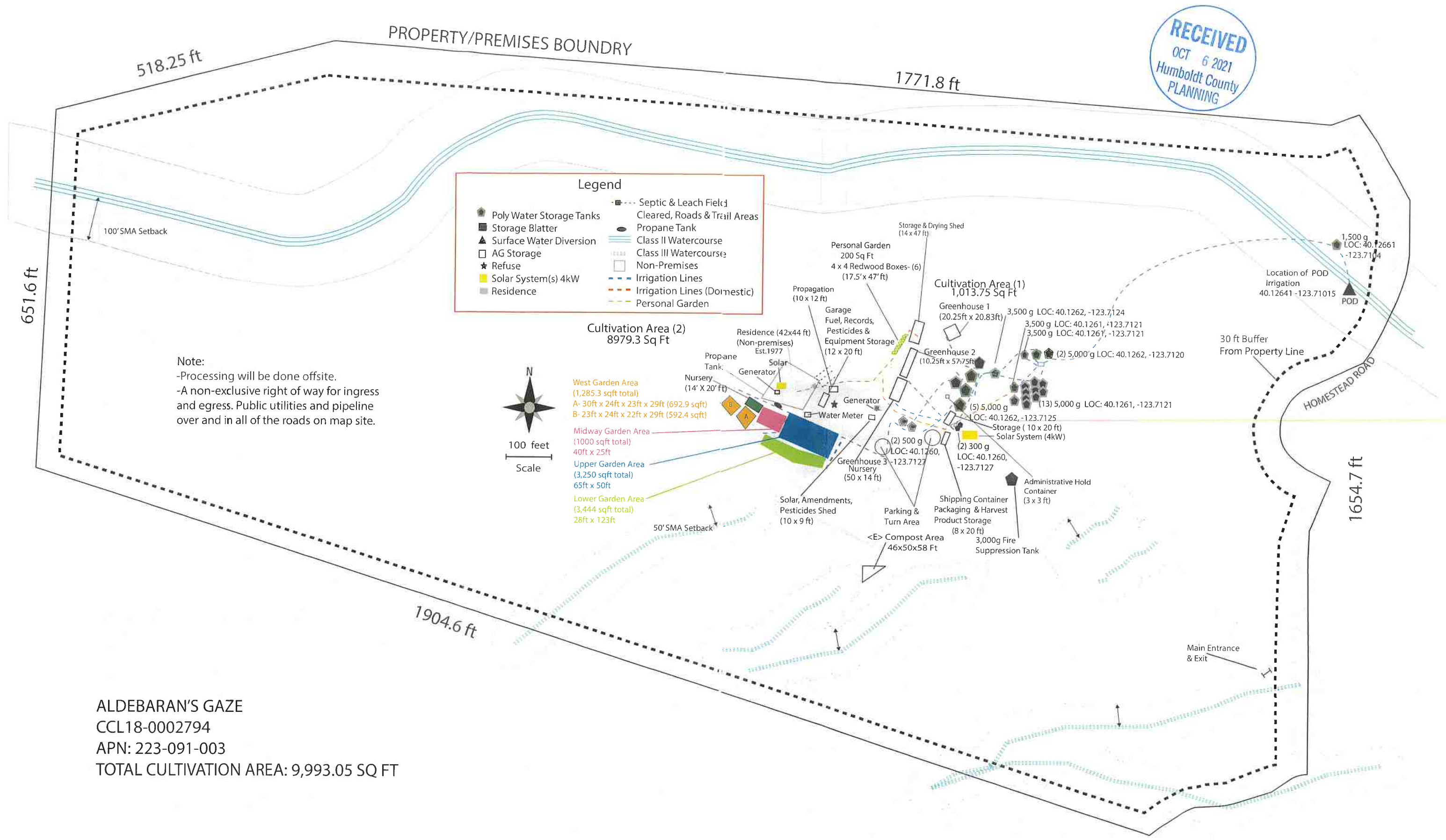
- *Injury and Illness Prevention Program (IIPP) Plan* - T8 CCR Section 3203 of the General Industry Safety Orders
- *Agricultural Occupations Notice* - Industrial Welfare Commission Order No. 14-2001
- *Professional, Technical, Clerical, Mechanical, and Similar Occupations Notice* - Industrial Welfare Commission Order No. 4-2001
- *Safety and Health Protection on the Job* - Labor Code section 6328
- *California Minimum Wage* - MW-2017 General Minimum Wage Order
- *Healthy Workplaces/Healthy Families Act of 2014 Paid Sick Leave* - Division of Labor Standards
- *Payday Notice* - Labor Code section 207
- *Emergency Numbers* - Title 8 Section 1512 (e), California Code of Regulations
- *Access to Medical and Exposure Records and General Industry Safety Order 3204*

- *Injuries Caused by Work* - Title 8, California Code of Regulations, Division of Workers' Compensation section 9881
- *Whistleblower Protections* - Labor Code Section 1102.8(a)
- *No smoking signage* - Labor Code section 6404.5(c)(1)
- *Farm Labor Contractor Statement of Pay Rates* - California Labor Code Section 1695(7)
- *Insurance and Paid Leave Notice to Employees* - DE 1857A
- *Equal Employment Opportunity is the Law* - EEOC-P/E1 and Americans with Disabilities Act
- *Human Trafficking Public Notice* - Civil Code § 52.6

15. International Dark Sky Standards

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

RECEIVED
 OCT 6 2021
 Humboldt County
 PLANNING



651.6 ft

518.25 ft

PROPERTY/PREMISES BOUNDARY

1771.8 ft

Legend

- Poly Water Storage Tanks
- Storage Blatter
- ▲ Surface Water Diversion
- AG Storage
- ★ Refuse
- Solar System(s) 4kW
- Residence
- Septic & Leach Field
- Cleared, Roads & Trail Areas
- Propane Tank
- Class II Watercourse
- Class III Watercourse
- Non-Premises
- Irrigation Lines
- Irrigation Lines (Domestic)
- Personal Garden

Note:
 -Processing will be done offsite.
 -A non-exclusive right of way for ingress and egress. Public utilities and pipeline over and in all of the roads on map site.



Cultivation Area (2)
 8979.3 Sq Ft

- West Garden Area (1,285.3 sqft total)
 A- 30ft x 24ft x 23ft x 29ft (692.9 sqft)
 B- 23ft x 24ft x 22ft x 29ft (592.4 sqft)
- Midway Garden Area (1000 sqft total)
 40ft x 25ft
- Upper Garden Area (3,250 sqft total)
 65ft x 50ft
- Lower Garden Area (3,444 sqft total)
 28ft x 123ft

- Personal Garden 200 Sq Ft
- 4 x 4 Redwood Boxes- (6) (17.5' x 47' ft)
- Propagation (10 x 12 ft)
- Garage Fuel, Records, Pesticides & Equipment Storage (12 x 20 ft)
- Residence (42x44 ft) (Non-premises) Est. 1977
- Propane Tank
- Nursery (14' X 20' ft)
- Solar Generator
- Water Meter
- Generator
- Storage & Drying Shed (14 x 47 ft)
- Cultivation Area (1) 1,013.75 Sq Ft
- Greenhouse 1 (20.25ft x 20.83ft) 3,500 g LOC: 40.1262, -123.7124
- Greenhouse 2 (10.25ft x 57.75ft) 3,500 g LOC: 40.1261, -123.7121
- Greenhouse 3 Nursery (50 x 14 ft) (2) 5,000 g LOC: 40.1262, -123.7125
- (2) 500 g LOC: 40.1260, -123.7127
- (2) 300 g LOC: 40.1260, -123.7127
- Storage (10 x 20 ft)
- Solar System (4kW)
- (5) 5,000 g LOC: 40.1261, -123.7121
- (13) 5,000 g LOC: 40.1261, -123.7121
- Administrative Hold Container (3 x 3 ft)
- Shipping Container Packaging & Harvest Product Storage (8 x 20 ft)
- 3,000g Fire Suppression Tank
- Solar, Amendments, Pesticides Shed (10 x 9 ft)
- Parking & Turn Area
- Compost Area 46x50x58 Ft
- 1,500 g LOC: 40.12661, -123.7104
- Location of POD Irrigation 40.12641 -123.71015
- POD
- 30 ft Buffer From Property Line
- HOMESTEAD ROAD
- Main Entrance & Exit

1654.7 ft

1904.6 ft

ALDEBARAN'S GAZE
 CCL18-0002794
 APN: 223-091-003
 TOTAL CULTIVATION AREA: 9,993.05 SQ FT