

ATTACHMENT 1

DRAFT BOARD RESOLUTION

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on June 26, 2018

RESOLUTION No. ____ - ____

RESOLUTION OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF HUMBOLDT

CERTIFYING COMPLIANCE WITH THE

CALIFORNIA ENVIRONMENTAL QUALITY ACT AND

REZONING PROPERTY IN THE PIERCY AREA FROM

UNCLASSIFIED (U) TO AGRICULTURE GENERAL WITH A

SPECIAL BUILDING SITE COMBINING ZONE (AG-B-5(10))

FILE #; CASE #;

WHEREAS, Summit West Property Management, LLC submitted an application and evidence in support of approving a Zone Reclassification from Unclassified (U) to Agriculture General with a Special Building Site combining zone specifying a minimum parcel size of 10 acres (AG B-5(10)), consistent with the adopted General Plan land use designation of RA 5-20; and

WHEREAS, the proposed Zone Reclassification may be approved if it can be found that: (1) The proposed change is in the public interest; (2) The proposed change is consistent with a comprehensive view of the General Plan; and (3) The amendment 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; and

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

WHEREAS, an Addendum to the certified Programmatic EIR (EIR) for adoption of the County General Plan (SCH# 2007012089) (September 25, 2017) adopted by the County Board of Supervisors October 23, 2017 was prepared. The property proposed for development at this time was included in discussions of the EIR, as required by Section 15074(b) of the CEQA Guidelines, and there is no substantial evidence that the proposed project will have a significant effect on the environment or that there are changed circumstances; and

WHEREAS, Exhibit A to this resolution includes evidence in support of making all of the required findings for approving the proposed Zone Reclassification application (Case No.: ZR-17-006); and

WHEREAS, the Planning Commission reviewed and considered said reports and other written and spoken evidence and testimony presented to the Commission during a public hearing on April 5, 2018, and

WHEREAS, at their April 5, 2018 meeting, the Planning Commission recommended the Board consider the Addendum to the previously certified Program Environmental Impact Report, make the necessary findings for the zone reclassification, and approve the zone reclassification.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors, based upon reports to the Planning Commission and Board of Supervisors, testimony presented at the public hearings, and having considered the recommendation of the Planning Commission, that the Board:

1. Considered the Addendum to the previously certified Environmental Impact Report prepared pursuant to CEQA Guidelines sections 15162 and 15164 (Attachment 6) and the EIR, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment not previously identified, analyzed, and mitigated in the EIR.” and
2. Make the findings for the Zone Reclassification as detailed in Exhibit A to this Resolution; and
3. Adopt the Ordinance(Attachment 2) amending Section 311-7 of the Humboldt County Code to rezone property in the Fickle Hill area from Unclassified (U) to Agriculture General with a Special Building Site combining zone specifying a minimum parcel size of 10 acres (AG B-5(10)).

BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that:

1. Planning Division Staff is hereby directed to prepare and file a Notice of Determination with the County Clerk and the State Office of Planning and Research.
2. The Clerk of the Board is hereby directed to give notice of the decision to the applicant, the County Assessor’s Office and any other interested party.
3. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after its adoption.

Ryan Sundberg, Chair,
Humboldt County Board of Supervisors

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

AYES: Supervisors--
NOES: Supervisors--
ABSENT: Supervisors--
ABSTAIN: Supervisors--

STATE OF CALIFORNIA)
) ss.
County of Humboldt)

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on _____

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

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the Seal of
said Board of Supervisors

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

By _____

EXHIBIT A

Section 213-50 of the Zoning Ordinance states the following findings must be made to approve changes in the Zoning Maps

Section(s)	Applicable Requirements
§312-50 of the Zoning Ordinance	Finding A1. That the proposed zoning change is consistent with the General Plan.
<p>Evidence Supporting Finding A1</p> <p>General Plan section 4.8.1, the Residential Agricultural (RA) designation</p> <p>...applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. RA5-20 are rural residential designations for lands with slopes generally less than 30 percent and served by individual water and wastewater systems and good road access. (page 4-45)</p> <p>The subject parcel is approximately 12.81 acres in size, is served by on-site water and sewage disposal systems, and is accessed directly from Fickle Hill Road, a County-maintained road. Per the County's GIS data, while the south and southern portions of the parcel contain slopes less than 15 percent, the balance of the property has steeper slopes. The entirety of the property has a High Instability seismic safety rating per the GIS data.</p> <p>The Zoning Consistency Matrix, Table 4-H, identifies Flood Plain (FP), Residential Suburban (RS), Residential One-Family (R-1), Rural Residential Agricultural (RA), Agricultural Exclusive (AE), Agricultural General (AG), Timber Production Zone (TPZ), and Forestry Recreation (FR) as principal zoning districts that are consistent with the Residential Agricultural designation; however, zoning districts RS, R-1, RA, and AG are consistent with the RA land use designation "only when combining zone density/minimum size designators are consistent with the General Plan policies and standards" (Table 4-H). The proposed rezone includes the approval of a Special Building Site combining zone that specifies a minimum parcel size of ten (10) acres (B-5(10)) for consistency with the General Plan.</p> <p>Pursuant to the applicability description, Humboldt County Code Section, 314-7.2, the Agriculture General (AG) zoning district is intended to be applied in areas in which agriculture is the desirable predominant use and rural residential uses are secondary.</p> <p>Table 4-B of the General Plan shows the range of allowable use types for the RA5-20 Residential Agriculture Plan Designation. The enumerated allowable use types range of single family residential, second residential units, cottage industries, neighborhood commercial, to a variety of agricultural uses of varying levels of intensity: general agriculture, intensive agriculture, and stables and kennels. While the commercial cultivation cannabis is a highly regulated specialty crop [Reference HCC Section 314-55.4.3.7], and is not a General Agriculture use type classification unless a Zoning Clearance Certificate, Special Permit, or Use Permit is first obtained from the County of Humboldt, commercial cannabis operations may entail activities, infrastructure, that may manifest themselves and result in a profile similar to more traditional agricultural endeavors with respect to cultivation structures, irrigation water needs, ancillary structures.</p>	

ATTACHMENT 2

Ordinance No. _____

Exhibit A (map), Exhibit B (legal description)

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT,
STATE OF CALIFORNIA**
Certified copy of portion of proceedings, Meeting on _____, 2018

ORDINANCE NO. _____

AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE
BY REZONING PROPERTY IN THE FICKLE HILL AREA IN ARCATA
[ZR-17-006 (SUMMIT WEST PROPERTY MANAGEMENT, LLC)]

The Board of Supervisors of the County of Humboldt ordains as follows:

AN ORDINANCE AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE TO REZONE
PROPERTY IN THE FICKLE HILL AREA

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying 15.46 acres in the Fickle Hill area of Arcata known as 7090 Fickle Hill Road, APN 313-203-020 and described in the attached Exhibit "A" from Unclassified (U) to Agriculture General with a Special Building Site combining zone specifying a minimum parcel size of ten (10) acres (AG B-5(10)). The area described is also shown on the Humboldt County zoning map L-23, adopted by Ordinance 1191 on 1/24/1978 attached.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 20__, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

ABSTAIN: Supervisors:

Chairperson of the Board of Supervisors of the
County of Humboldt, State of California

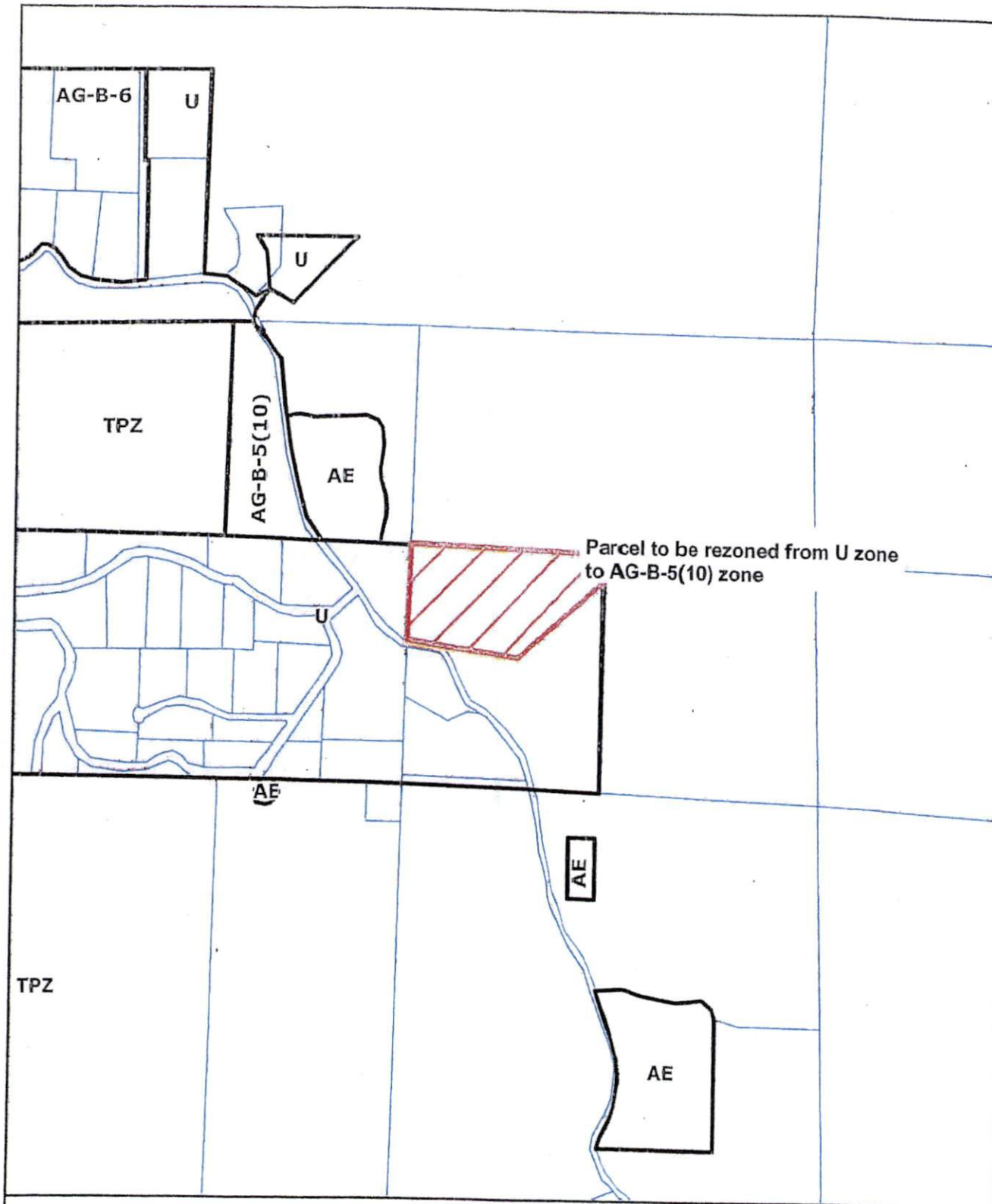
(SEAL)


ATTEST:

Kathy Hayes

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

EXHIBIT A



Project Area = 

ZONING MAP
PROPOSED PROXIMA INVESTMENTS LLC
FICKLE HILL AREA
ZR-17-006
APN: 313-203-020
T05N R02E S18 HB&M (KORBEL)

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

13

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2,000

EXHIBIT B

(Legal Description of Parcel to be Rezoned)

All that real property in the County of Humboldt, State of California, described as follows:

Parcel 1 of Parcel Map No. 3442, filed for record in Book 33 of Parcel maps, Pages 79 and 80 in the Office of the Humboldt County Recorder.

ATTACHMENT 3

POST-ADOPTION SUMMARY OF ORDINANCE

(For publication after adoption)

On June 26, 2018, the Humboldt County Board of Supervisors adopted Ordinance No. _____, which amends the zoning of property in the Fickle Hill area known as Assessor Parcel Number (APN) 313-203-020, by rezoning these lands out of Unclassified (U) to Agriculture General with a Special Building Site combining zone specifying a minimum parcel size of ten (10) acres (AG B-5(10)). The new zone will become effective thirty (30) days after the date of adoption. The names of the Supervisors voting for and against are as follows:

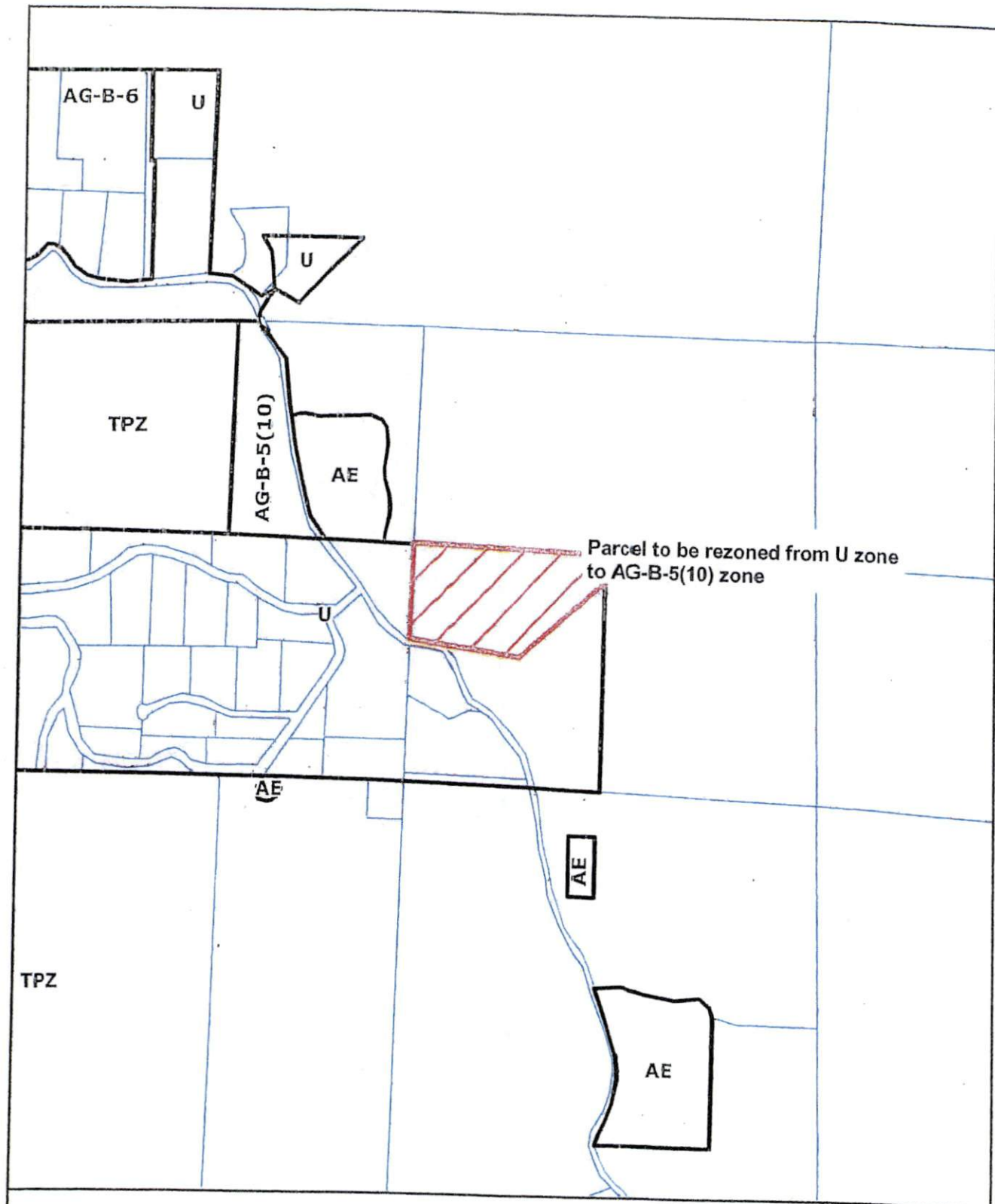
AYES: Supervisors:

NOES: Supervisors:


ABSENT: Supervisors:

A copy of the Ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Eureka, California.

EXHIBIT A



ZONING MAP
PROPOSED PROXIMA INVESTMENTS LLC
FICKLE HILL AREA
ZR-17-006
APN: 313-203-020
T05N R02E S18 HB&M (KORBEL)

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.

16 0 1,000 2,000 Feet

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ATTACHMENT 4

**Planning Commission Staff Report and
Public Comments Received at April 5, 2018 Meeting**



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: April 5, 2018

To: Humboldt County Planning Commission

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

Subject: **Summit West Property Management, LLC Zone Reclassification and Proxima Investments LLC Special Permit**
Application Numbers 13639 and 11000
Case Numbers ZR 17-006 and SP 16-123
Assessor's Parcel Number 313-203-020
7090 Fickle Hill Road, Arcata area

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Please contact Michelle Nielsen, Senior Planner, at 707-268-3708, or by email at mnielsen@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date April 5, 2018	Subject Zone Reclassification and Special Permit	Contact Michelle Nielsen
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Project Description: A Zone Reclassification (ZR) to change the zoning of APN 313-203-020 from the Unclassified (U) zone to Agriculture General with a Special Building Site Combining Zone of 10-acres AG B-5(10) in order to implement the General Plan land use designation of Residential Agricultural (RA) with a density range of one dwelling unit per five acres to one dwelling per 20 acres (5-20). The subject property is an approximate 15 acre parcel. A Special Permit (SP) for an indoor commercial cannabis cultivation operation to occur inside two existing non-residential structures, with a total cultivation area of 3,565 square feet. Commercial cannabis will be cultivated using hydroponic methodologies. The proposed indoor cultivation of commercial cannabis is occurring and is an existing operation on the property. A permitted well is the irrigation water source and the applicant has a total of 22,000 gallons of hard tank water storage on site. Plants will be dried, cured, and stored in the drying room on-site, and processing will occur off-site with a third party licensed processor. All commercial cannabis activities will be completed by the resident-occupants of the property. The power source is PG&E, and the applicant has enrolled in the Solar Choice Program to meet the 100 percent renewable power source requirement for indoor cultivation. An existing generator will be used only on an emergency basis during power outages. The applicant has enrolled with the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program as a Tier 1 discharger. The Zone Reclassification to change the principal zoning of the property from Unclassified (U) to Agricultural General (AG) must be approved by the Board of Supervisors before the Special Permit for indoor cannabis cultivation is effective because indoor cannabis cultivation is allowed on properties zoned AG, but is only allowed in the Unclassified zoning district where the subject property is developed with an industrial use [Reference Humboldt County Code Section 314-55.4.8.3]. The subject parcel is not developed with an industrial use.

Project Location: The project is located in Humboldt County, in the Fickle Hill area, on the northeast side of Fickle Hill Road, approximately 446 feet from the intersection of Nature Lane and Fickle Hill Road, on the property known as 7090 Fickle Hill Road.

Present Plan Land Use Designations: Residential Agriculture (RA5-20), Density: 5 to 20 acres per dwelling unit, Slope Stability: High Instability (3)

Present Zoning: Unclassified (U)

Proposed Zoning: Agriculture General with a Building Site Combining Zone (AG-B-5(10))

Case Numbers: ZR 17-006 and SP 16-123

Application Numbers: 13639 and 11000

Assessor Parcel Number: 313-203-020

Applicant for Zone Reclassification

Summit West Property Management, LLC
PO Box 174
Bayside, CA 95524

Owner

Summit West Property
Management LLC
PO Box 174
Bayside, CA 95524

Agent

Green Road Consulting
Attn. Kaylie Saxon
1650 Central Ave, Suite C
McKinleyville, CA 95519

Applicant for Special Permit

Proxima Investments, LLC
PO Box 174
Bayside, CA 95524

Environmental Review: For the Zone Reclassification, an Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, adopted by the Board of Supervisors on October 23, 2017, in accordance with Section 15164 of the State CEQA Guidelines. For the Special Permit, the Planning Commission will consider adoption of a finding that the project is exempt from environmental review pursuant to Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines.

Major Issue: None.

State Appeal Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

**SUMMIT WEST PROPERTY MANAGEMENT, LLC ZONE RECLASSIFICATION AND
PROXIMA INVESTMENTS LLC SPECIAL PERMIT**

Case Numbers ZR 17-006 and SP 16-123
Assessor's Parcel Number (APN): 313-203-020

Recommended Commission Action

1. Describe the application as a Public Hearing;
2. Request staff to present the project;
2. Open the public hearing and receive public testimony; and
3. Close the public hearing and take the following actions:

1) Find the Special Permit to be Categorically Exempt from pursuant to Sections 15301 and 15303, of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report and any public testimony, and adopt Resolution No. 1 approving the proposed Proxima Investments, LLC Special Permit subject to the recommended conditions and contingent upon the Board of Supervisors approval of the of the Zone Reclassification.

2) Move to recommend that the Board of Supervisors adopt the Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, adopted by the Board of Supervisors on October 23, 2017, in accordance with Section 15164 of the State CEQA Guidelines, and find there is no substantial evidence that the proposed Zone Reclassification will have a significant effect on the environment, and make all of the required findings, based on evidence in the staff report and public testimony, and approve the Summit West Property Management Zone Reclassification application.

Executive Summary

The objective of these paired applications for a Zone Reclassification and a Special Permit is to allow operation of an indoor, hydroponically-grown medical cannabis cultivation operation of 3,565 square feet in size that is already in operation occurring in two existing non-residential structures located on a 15.46-acre parcel in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

The 3,565 square feet of cannabis cultivation will occur in two (2) locations on the subject property. The Vegetation Building is a two-story, non-residential building on the parcel. Permitting this existing structure through the Humboldt County Building Inspection Division is a condition of project approval. Each floor is approximately 19.5 feet x 19.5 feet, totaling 760.5 square feet of vegetation space. The Bloom Building consists of a two-story, non-residential building on the parcel, constructed with a building permit from the Humboldt County Building Inspection Division. The upstairs cultivation area of the Bloom Building is approximately 22 feet x 59 feet and the downstairs cultivation area of the Bloom Building is approximately 35 feet x 43 feet, totaling 2,803 square feet of cultivation space. There are no windows or skylights on these buildings, and thus no opportunity for artificial light to escape the structures. The project is conditioned on the applicant obtaining all necessary permits and approvals from the Building Division to use the structures as proposed.

Cannabis cultivation will take place year-round in five cycles, and annual water use for irrigation is estimated at 72,000 gallons. The water source for irrigation is a permitted well on the subject property. The California Department of Fish and Wildlife has reviewed the well, determined that its potential impact to surface waters is not substantial, and has recommended project approval. The operation has approximately 22,000 gallons of hard tank water storage and utilizes a flood and drain irrigation system, which allows water to be monitored and distributed at

an agronomic rate and prevents overwatering or runoff.

There is an unnamed Class III stream on the property, and a Class II stream—Black Dog Creek—that borders the property on its north boundary. Buildings supporting the cultivation operation are located in the south portion of the subject property, more than 1,000 feet from Black Dog Creek and approximately 150 feet from the nearest location of the unnamed Class III stream. No portion of the project is located within a Streamside Management Area, and the project is in conformance with Humboldt County Code (HCC) 314-61.1 et seq. The applicant has enrolled with the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program as a Tier I discharger.

Grid power is provided by PG&E, and the applicant has enrolled in the Solar Choice Program, to meet the 100 percent renewable power source requirement for indoor cultivation specified in HCC Section 314-55.4.8.3. There is a generator on site for use on an emergency basis only during power outages. There is a corresponding Condition of Approval in Attachment reflecting that the use of the generator is restricted. The 125kw Multiquip WhisperWatt Ultra Silent generator has a noise rating of 63dB at a full load at 23 feet. With the parcel line or nearest tree line located approximately 100 feet away, the anticipated decibel level at either line would be less than 45dB; therefore, the project will conform with HCC Section 314-55.4.11(o).

In addition to the Vegetation Building and the Bloom Building, there are a number of other structures on the subject property associated with cultivation activities. The Pump House is a 10-foot x 12-foot structure that supplies filtered potable water to all of the buildings. Two 5,000 gallon hard sided water tanks are located next to it. The Bloom Pump House supplies water and nutrients to the Bloom Building cultivation. It is approximately 24 feet x 12 feet and holds two 4,100 gallon hard sided water storage tanks. The Veg Pump House supplies water and nutrients to the Vegetation Building cultivation. It is approximately 10 feet x 12 feet and holds one 1,500 gallon hard sided water storage tank. Storage Shed #1 and #2 hold basic tool and domestic supply needs. They are both approximately 10 feet x 12 feet. It is a condition of project approval that all associated buildings be permitted through the Humboldt County Building Inspection Division, to include the electrical and plumbing of the structures. The Drying Room is where all of the finished cannabis flower will be taken to dry and cure. It is located inside the Bloom Building and has been permitted through the Humboldt County Building Department. It is approximately 15.5 feet x 35 feet, totaling 542.5 square feet of drying space. Plants will be dried, cured, and stored in the drying room on site, and all processing will occur off site with a third party licensed processor. There is a permitted residence on the parcel that also has a permitted septic system.

Road access to the property is off Fickle Hill Road, approximately 446 feet from the intersection of Nature Lane and Fickle Hill Road. The applicant has self-certified that the 0.11 miles of private driveway leading from Fickle Hill Road onto the subject property is a Category 4 road standard and adequate for the proposed use. The applicant is required to extend the existing surfaced driveway to meet the County commercial rural standard of 50 feet. This requirement has been included as a condition of project approval, per the Division of Public Works. No encroachment permit is required.

All cultivation related waste is stored in closed trash receptacles. Green waste is composted on site; green waste compost will be kept safely away from any watercourse. Non-compostable waste will be disposed of at an approved waste transfer station.

The cultivation and operations plan includes a security plan. The parcel is double gated with an electronic keypad lock and a chain lock in place. A closed loop security camera system is already installed and is monitored. There is also a system that alerts the applicant when

someone has entered the property. All buildings will be locked at all times.

There are no schools, school bus stops, places of worship, State Parks or Tribal Cultural Resources within 600 feet of the cultivation sites, and all associated structures and cultivation sites meet the required 30-foot setback from the property line.

The applicant retained Archaeological Resource and Supply Company (ARSC) for the preparation of a Cultural Resources Investigation for the Project site. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historic resource, exist in the limits of the project area. This report was provided to the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria, the THPO of the Blue Lake Rancheria and the Wiyot Tribe. All three Tribal representatives recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.

The subject parcel was created by a subdivision approved by the Planning Commission in December 2006, and then finalized with the recording of Parcel Map No. 3442, Book 33 of Parcel Maps, Page 79, on October 10, 2007. The subdivision's approval was conditioned on the rights for further development being conveyed to the County due to the condition of the Fickle Hill, a County-maintained road, and cumulative traffic impact concerns raised by the City of Arcata as Fickle Hill traverses through the city becoming part of the City's road network. The Planning Commission's action to approve the subdivision also included the adoption of a Mitigated Negative Declaration. The following is an excerpt from the staff report's executive summary:

Typically, subdivisions in the Fickle Hill area (beyond 1.5 miles) are not supported due to the condition of the existing roadway (Fickle Hill) and cumulative traffic impact concerns raised previously by the City of Arcata. Given that this parcel is already developed with three legal residences and the subdivision will not increase density or generate additional traffic beyond what currently exists, Staff is able to support the project. In addition, the applicant was required to obtain an exception request from the Department of Forestry and Fire Protection (CDF) for the minimum road width required for subdivision. CDF reviewed the request and approved it provided the applicant convey to the County any future development rights. This will assure that the overall density will not change on the two parcels. The Department of Public Works (DPW) also does not support subdivisions along this road when it allows additional residential development. Given that the applicant has demonstrated that no additional development is resulting from this subdivision, DPW was able to support the subdivision and provided conditions of approval as shown in Attachment 1, Exhibit A. These conditions require the applicant to improve the Fickle Hill Road frontage along the parcel and improve the encroachments off of Fickle Hill.

As originally submitted the applicant was proposing to have two employees and up to eight employees during peak operations. The subject property is not located on a transit route, nor are there developed bike lanes all the way to the property. The vehicle traffic generated by two employees would be approximately eight trips per day; eight employees would generate approximately 32 trips day. In both cases, the vehicle traffic generated by having off-site individuals conduct cannabis operations would be similar to adding another residence and would be inconsistent with the subdivision and the terms of the conveyance and agreement. However, staff has been advised that the resident-occupants are the day-to-day operators of the enterprise. Furthermore, the applicant is agreeable to restricting operations to the resident-occupants of the property. In other words, this permit would not authorize the use of outside individuals or employees for the cannabis operations as this work can only be conducted by

individuals who live on the subject property. This restriction will ensure the requested Special Permit is consistent with the earlier subdivision approval and conveyance and agreement. Given this ongoing restriction, the typical conditions of approval regarding rental of an ADA-accessible portable toilet for employees and submittal of receipts to DEH do not apply to this project.

A Zone Reclassification to change the zoning of APN 313-203-020 from the Unclassified (U) zone to Agricultural General with a Special Building site combining zone specifying a minimum parcel size of ten (10) acres AG-B-5(10) zone), consistent with the General Plan Update designation of Residential Agricultural (RA 5-20) for the subject parcel. Indoor cannabis cultivation is not allowed in a U zone (unless developed industrially), as outlined in the CMMLUO. This property has not been industrially developed in its past uses. Reclassifying the subject parcel's zone as AG-B-5(10) is consistent with the updated General Plan designation of RA 5-20 for the subject parcel and is consistent with the proposed project's use of the property for commercial indoor cannabis cultivation under the Humboldt County Code Section 314-55 et seq. Land that is designated RA -20 a rezoned to Agricultural General is consistent only when combining zone density/minimum size designators are consistent with the General Plan policies and standards" (Table 4-H). The recommendation that the rezone also include the application of the B-5(10) combining zone ensures consistency with the cited standard.

There are a series of findings that must be made to approve the project. As described in the staff report, and based on the on-site inspection, a review of Planning Division reference sources, and comments from referral agencies, staff believes the necessary findings can be made to approve the project.

Alternatives: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence supporting the required findings or modify the project to conform to the required findings. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning Division staff believes that the required findings in support of the proposal can be made. Consequently, Planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE PLANNING COMMISSION #1
OF THE COUNTY OF HUMBOLDT
Resolution Number 18-**

**Case Number SP 16-123
Assessor's Parcel Number: 313-203-020**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Proxima Investments, LLC Special Permit request.

WHEREAS, Proxima Investments LLC submitted an application and evidence in support of approving the Special Permit for an existing indoor commercial cannabis cultivation operation of 3,565 square feet; and

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

WHEREAS, the Special Permit application is exempt from environmental review pursuant to Sections 15301-Existing Facilities and 15303-New Construction or Conversion of Small Structures of the CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Case Number SP 16-123); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on April 5, 2018.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The proposed project is exempt from environmental review pursuant to Sections 15301 and 15303 of the CEQA Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number SP 16-123 based on the submitted substantial evidence; and
3. Special Permit Case Number SP 16-123 is approved as recommended and conditioned in Attachment 1. The Special Permit will become effective thirty (30) days after the Board of Supervisors approves the Zone Reclassification for the property, which replaces the Unclassified (U) zone with the Agriculture General with Special Building Site Combining Zone specifying a 10 acre minimum parcel size (AG-B-5(10)) zone.

Adopted after review and consideration of all the evidence on April 5, 2018.

The motion was made by COMMISSIONER _____ and seconded by COMMISSIONER _____:

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

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

**RESOLUTION OF THE PLANNING COMMISSION #2
OF THE COUNTY OF HUMBOLDT
Resolution Number 18-**

**Case Number ZR 17-006
Assessor's Parcel Number: 313-203-020**

Recommending the Humboldt County Board of Supervisors certify compliance with the California Environmental Quality Act and approve the Summit West Property Management, LLC Zone Reclassification request.

WHEREAS, on June 5, 2017, Summit West Property Management, LLC submitted an application and evidence in support of approving a Zone Reclassification from Unclassified (U) to Agriculture General with a Special Building Site combining zone specifying a minimum parcel size of 10 acres (AG B-5(10)), consistent with the adopted General Plan land use designation of RA 5-20)); and

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

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, The County Planning Division, the lead agency, prepared an Addendum to The Programmatic EIR (PEIR) for the adoption of the County General Plan (SCH# 2007012089) September 25, 2017) adopted by the County Board of Supervisors October 23, 2017, where the Board of Supervisors certified the Final PEIR as complete and adequate in that it addressed all environmental effects of the proposed project and fully complies with all the requirements of CEQA. The property proposed for development at this time was included in discussions of the PEIR, as required by Section 15074(b) of the CEQA Guidelines, and finds there is no substantial evidence that the proposed project will have a significant effect on the environment; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zone Reclassification; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on April 5, 2018.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

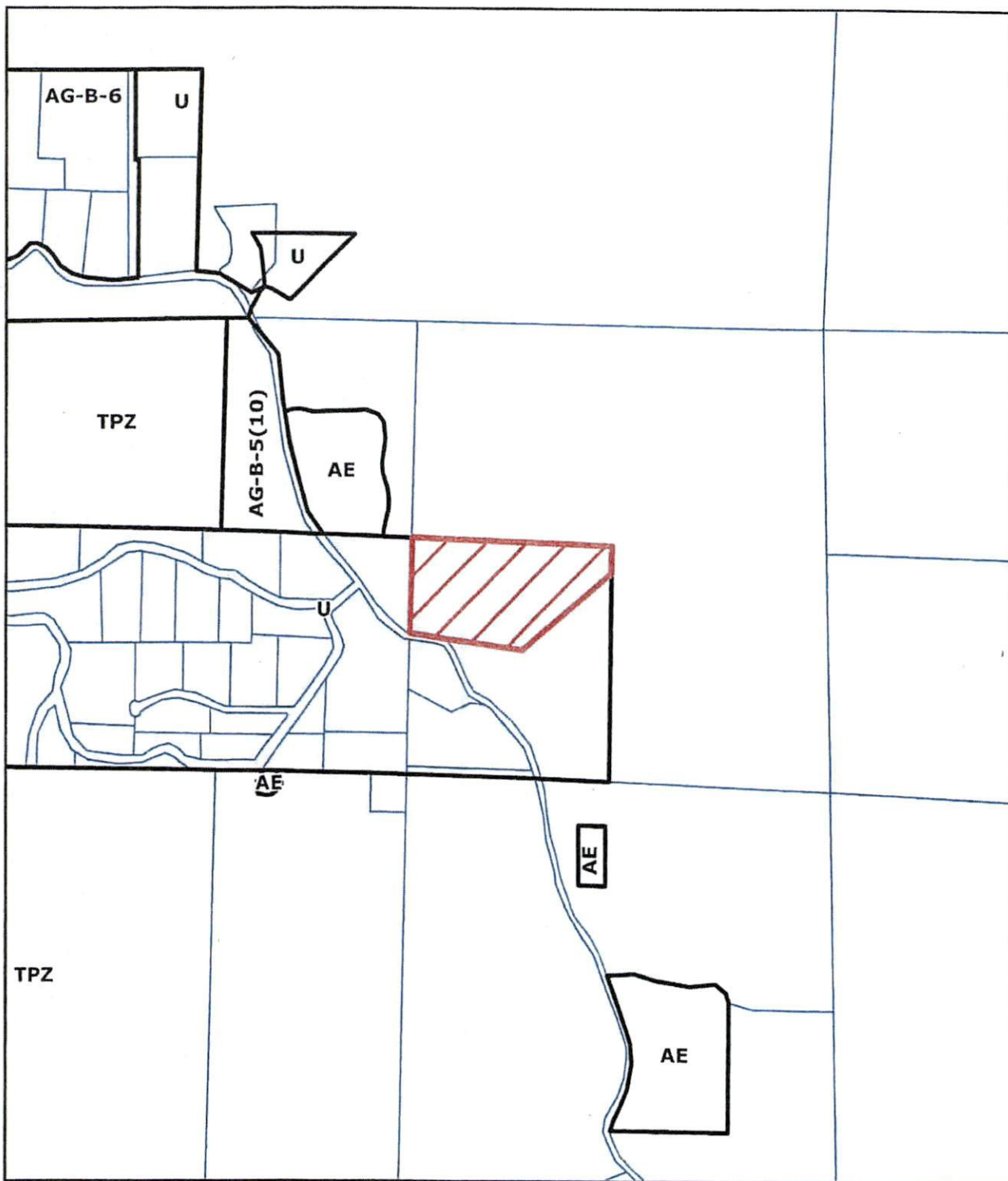
1. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case No.: ZR 17-006 based on the submitted evidence; and
2. The Planning Commission recommends that the Board of Supervisors of the County of Humboldt:
 - Hold a public hearing in the manner prescribed by law.
 - Adopt the Planning Commission's findings.
 - By ordinance, approve the Zone Reclassification from U to AG on the subject parcel.
 - Direct the Planning Division to prepare and file a Notice of Exemption pursuant to CEQA for the project.
 - Direct the Clerk of the Board to publish a post approval summary in a newspaper of general circulation, and give notice of the decision to interested parties.

Adopted after review and consideration of all the evidence on _____, 2018.
The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:


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

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

John Ford, Director
Planning and Building Department



ZONING MAP
PROPOSED PROXIMA INVESTMENTS LLC
FICKLE HILL AREA
SP-16-123
APN: 313-203-020
T05N R02E S18 HB&M (KORBEL)

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.

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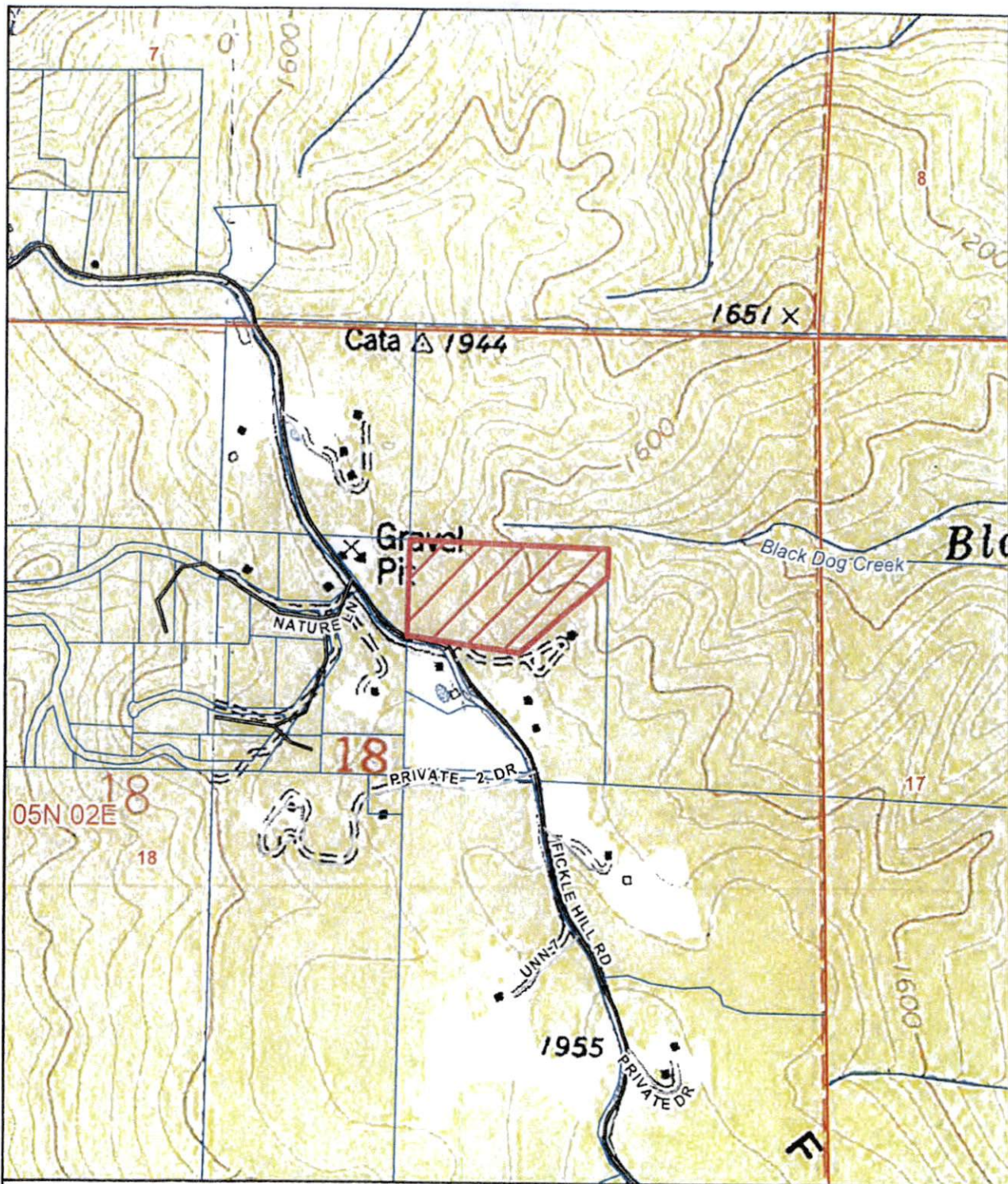
Project Area = 

AERIAL MAP
PROPOSED PROXIMA INVESTMENTS LLC
FICKLE HILL AREA
SP-16-123
APN: 313-203-020
T05N R02E S18 HB&M (KORBEL)

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.

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Project Area = 

TOPO MAP
 PROPOSED PROXIMA INVESTMENTS LLC
 FICKLE HILL AREA
 SP-16-123
 APN: 313-203-020
 T05N R02E S18 HB&M (KORBEL)

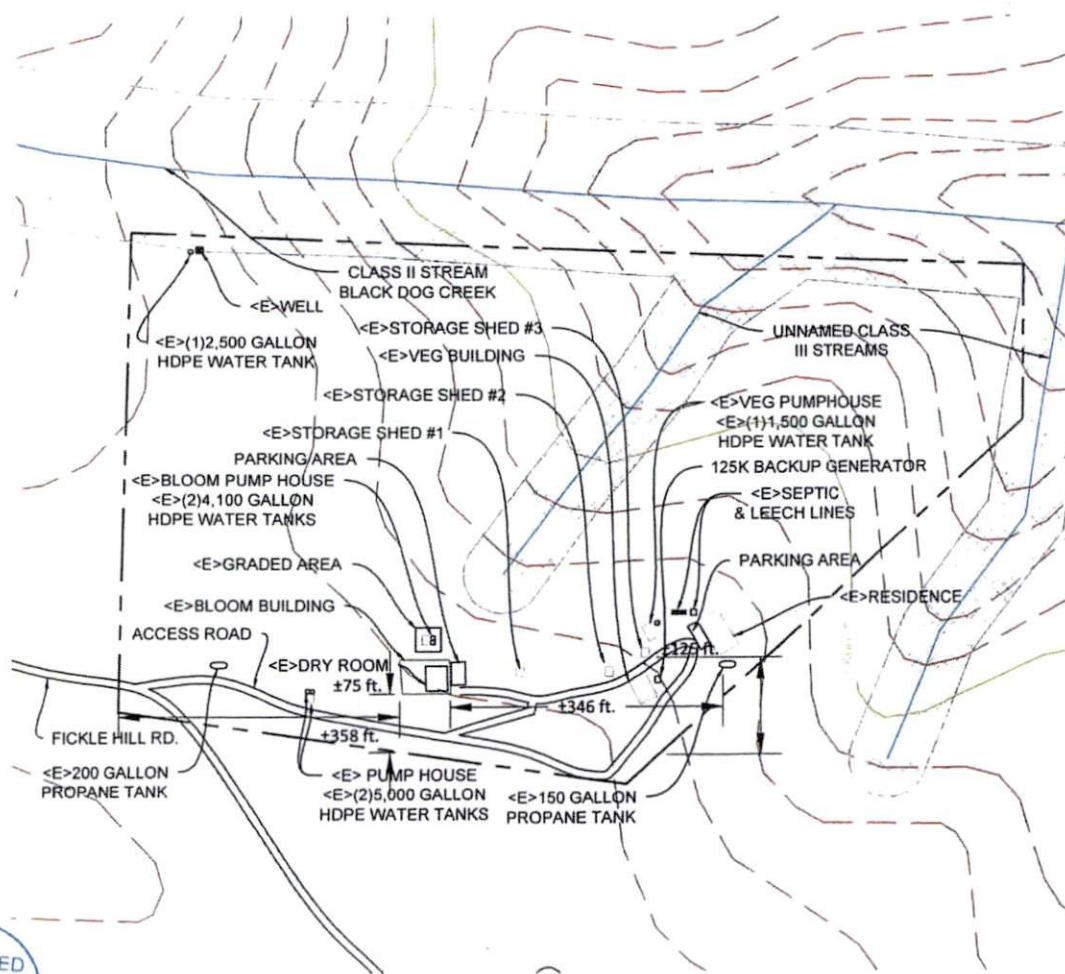


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

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PARCEL OVERVIEW

APN:313-203-20



CULTIVATION INFORMATION

INDOOR CULTIVATION AREA

VEG BUILDINGS= 760 FT²

BLOOM BUILDING=2,805 FT²

TOTAL INDOOR CULTIVATION AREA =3,565 FT²

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	YEAR
VEG. BUILDING	VEGETATIVE CYCLE	1970'S
BLOOM BUILDING	FLOWERING CYCLE	2009
DRY ROOM	DRYING/CURING	2009
VEG. PUMP HOUSE	WATER/NUTRIENTS	2015
PUMP HOUSE	PUMP HOUSE	2015
BLOOM PUMP HOUSE	WATER/NUTRIENTS	2015

DOMESTIC BUILDINGS AND USE

BUILDING	USE	YEAR
RESIDENCE	PLACE OF LIVING	1960'S
STORAGE SHED #1	STORAGE	1999
STORAGE SHED #2	STORAGE	1999
STORAGE SHED #3	STORAGE	1999

WATER STORAGE AND USE

TYPE	NUMBER	SIZE
HDPE TANKS	2	4,100 GALLONS
HDPE TANK	1	1,500 GALLONS
HDPE TANKS	2	5,000 GALLONS
HDPE TANK	1	2,500 GALLONS

TOTAL AMOUNT OF WATER STORAGE = 22,200 GALLONS

WATER SOURCE

WELL

BLACK DOG CREEK-CLASS I STREAM WITH REQUIRED 100 FT. BUFFER ZONE
UNNAMED-CLASS III STREAMS WITH REQUIRED 50 FT. BUFFER ZONES

POWER SOURCE

PG&E

BACKUP GENERATOR 125K
SURROUNDING BUILDINGS

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR
TRIBAL CULTURAL RESOURCES
WITHIN 600 FEET OF THE CULTIVATION SITE.

THERE ARE NO OFF SITE RESIDENCES WITHIN
300 FEET OF THE CULTIVATION SITE.

GREEN
ROAD
CONSULTING



PROJECT INFORMATION

SUMMIT WEST PROPERTY MANAGEMENT, LLC
7090 FICKLE HILL ROAD ARCAT, CA 95521

PARCEL OVERVIEW

PROPERTY OWNER

ADDRESS

SHEET INFO

REVISIONS

NO	NOTES	DATE

DATE 11/2/17
DRAFTER RP
SCALE NOT TO SCALE

SHEET
PO

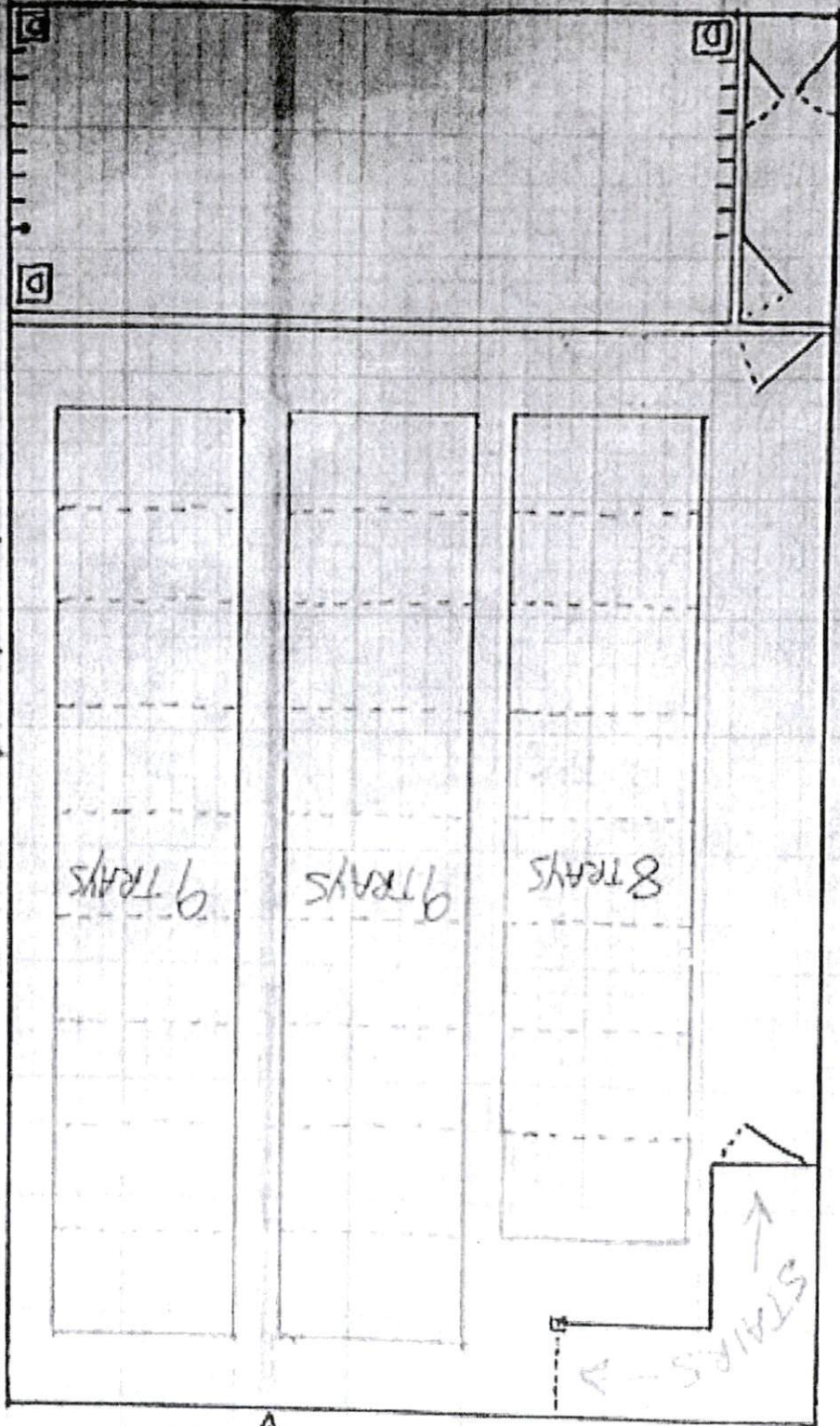
RECEIVED
NOV 13 2017

Humboldt County
Cannabis Svcs

Floor Plan

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ATTACHMENT 1
Recommended Conditions of Approval

APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE RELEASE OF THE BUILDING PERMIT.

1. The applicant shall secure approval of the Zone Reclassification from the Humboldt County Board of Supervisors. The Special Permit is not effective until thirty (30) days after the Board of Supervisors approves the Zone Classification.
2. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
3. The applicant shall secure permits for all grading and structures related to the cannabis cultivation and other commercial cannabis activity, to include all required grading permits, building permits, electrical, plumbing, and mechanical permits, and/or agricultural exemptions. The applicant shall provide an updated, to scale, legible plot plan for the site which will include the location and dimensions of all facilities associated with the operation, including the propagation room and all grading that has been done on the property. The plot plan shall include the distance(s) from all facilities associated with the operation to the property line. A letter or similar communication from the Building Division verifying that all structures related to cannabis cultivation are permitted and that the plot plan has fully documented the project site will satisfy this condition.
4. The applicant shall install a water storage tank with a capacity of at least 2,265 gallons, and shall secure all necessary permits prior to installation. The water storage tank shall be used for the storage of wastewater generated by hydroponic cultivation during wet season or when the domestic orchard soils are saturated. The stored wastewater will be applied to the on-site domestic orchard.
5. The applications for building permit shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation should it be modified in any way that could contribute to fugitive dust emissions, in compliance with goals and policies regarding air quality and interagency coordination.
6. The applicant shall improve the applicant's private driveway apron (encroachment) that connects to the County maintained Fickle Hill Road to meet the County visibility ordinance and encroachment permit standards. This requires that the driveway apron be paved for a minimum width of 20 feet and for a length of 50 feet. The applicant shall obtain written verification from the Department of Public Works the driveway conforms with visibility and encroachment permit standards. The applicant shall be responsible for implementing any necessary improvements to bring the driveway into compliance. No encroachment permit is required, per the DPW. A letter or similar communication from the County Department of Public Works verifying that these requirements have been met will satisfy this condition.
7. The driveway and turnaround area(s) shall meet the Fire Safe standards, Humboldt County Code Section 3111-12, for adequate emergency access. The Applicant shall provide a stamped letter from California licensed engineer documenting that the driveway and turnaround areas on the parcel meet the referenced standards.
8. The generator shall be used on an emergency basis only during power outages. The generator shall not produce noise levels that would result in the harassment of the Northern Spotted Owl species, which are known to occur adjacent to the property. The Applicant shall identify the type and the location of the generator to demonstrate that the noise can be attenuated below 50 dB sound output at 100 feet from the generator or at the edge of the nearest forest habitat, so that

protected species are not harassed. These standards are set forth in Humboldt County Code Section 314-55.4.11(o). Prior to issuance of a building permit or the initiation of cultivation activities, whichever occurs first, the applicant shall provide documentation from a qualified professional demonstrating that the generators conform to the specified standard. Should the applicant proposed to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction or installation. (**NOTE:** The 125kw Multiquip WhisperWatt Ultra Silent generator proposed to be used on an emergency basis only during power outages has a noise rating of 63dB at a full load at 23 feet per the applicant. With the parcel line or nearest tree line located approximately 100 feet away, the anticipated decibel level at either line would be less than 45dB; therefore, the project will conform with Humboldt County Code Section 314-55.4.11(o).)

9. The Applicant shall provide the Department of Fish and Wildlife Notice of Lake or Streambed Alteration. Should the well be hydrologically connected to surface waters, the Applicant shall adhere to the specified forbearance period in the Lake or Streambed Alteration Agreement or as set forth in Humboldt County Code Section 314-55.4.11(l), including the development of additional irrigation water storage if required.
10. The Applicant shall install water use meter(s) to measure the amount of well water used for the cultivation of commercial cannabis verses the amount of well water used for domestic purposes.
11. There is no on-site processing of cannabis authorized under this permit, with the exception of initial drying and curing. Applicant must identify a licensed, off-site, third party processing facility for processing cannabis cultivated under this permit.
12. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
13. The applicant shall maintain enrollment in PG&E's Solar Choice Program or equivalent to meet the 100 percent renewable power source requirement for indoor cultivation, and shall provide copies of energy bills confirming enrollment at each annual inspection to keep the permit valid.
14. Prior to initiating commercial cannabis cultivation or associated activities the property owner(s) 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.
15. The applicant shall contact the local fire service provider [Arcata 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.
16. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. 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.
2. All cultivation activities shall be performed by the resident-occupants of the subject property currently known as APN 313-203-020. The use of off-site employees or other individuals is not authorized by this permit.
3. When the offsite processing facility is selected, this permit shall be modified to identify the offsite licensed facility.
4. 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.
5. 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 towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
6. 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.
7. 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.
8. 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 County Code Section 55.4.11(d).
9. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
10. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
11. 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 – Friday, 9:00 am – 5:00 pm, excluding holidays).
12. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

13. Pay all applicable application, review for conformance with conditions and annual inspection fees.
14. The noise produced by a generator used for cannabis trimming and operations in the processing barn shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
15. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
16. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
17. Participate in and bear costs for permittee's participation in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.

Performance Standards for Cultivation and Processing Operations

18. 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."
19. 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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
20. Cultivators engaged in processing shall comply with the following Processing Practices:
 - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Operators handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Operators must wash hands sufficiently when handling cannabis or use gloves.
21. All persons to engage in commercial cannabis cultivation and processing shall comply with the following Safety Practices:

- i. Cultivation operations and processing operations must implement safety protocols and provide adequate safety training relevant to specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) 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.
 - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. At all times, operators 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.
22. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.
 - iv. Safety Practices.
 - v. Toilet and handwashing facilities.
 - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - vii. Drinking water for operators.
 - viii. Plan to minimize impact from increased road use resulting from processing.
 - ix. On-site housing, if any.
23. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

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 Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance 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 of the CMMLUO.

24. 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.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
- (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.

25. 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:

- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
- (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- (3) The specific date on which the transfer is to occur; and
- (4) Acknowledgement of full responsibility for complying with the existing permit; and
- (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.

26. 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. This 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 building permits have been secured and/or the use initiated pursuant to the terms of the permit. Once initiated, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 of the On-Going Requirements /Development Restrictions, above.
2. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the

Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

3. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. **Within three days of the effective date of permit approval**, the applicant shall submit a check in the amount of \$50 payable to the Humboldt County Clerk/Recorder to cover the filing fee for the Notice of Exemption prepared pursuant to the State CEQA Guidelines.

ATTACHMENT 2

Staff Analysis of the Substantial Evidence Supporting the Required Findings

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

A. Section 312-50 of the Zoning Ordinance states the following findings must be made to approve changes in the Zoning Maps

1. The proposed zoning change is consistent with the General Plan.
2. The proposed change is in the public interest.

B. Required Findings for Special Permits

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.

C. Required Finding for Consistency With Housing Element Densities

1. Government Code Section 65302.81 requires specific findings supported by substantial evidence where a general plan amendment or zone reclassification is adopted that reduces the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid-point of the density range specified in the plan designation).
2. In addition, the same Government Code sections also requires any proposed development to maintain the residential density for any parcel at or above that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid-point of the density range specified in the plan designation), unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

D. Required Finding for Consistency With the California Environmental Quality Act

The California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA:

- a. The project is categorically or statutorily exempt; or
- b. There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
- c. An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

Finding A: Section 213-50 of the Zoning Ordinance states the following findings must be made to approve changes in the Zoning Maps

Section(s)	Applicable Requirements
§312-50 of the Zoning Ordinance	Finding A1. That the proposed zoning change is consistent with the General Plan.
<p>Evidence Supporting Finding A1</p> <p>Per General Plan section 4.8.1, the Residential Agricultural (RA) designation ...applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. RA5-20 are rural residential designations for lands with slopes generally less than 30 percent and served by individual water and wastewater systems and good road access. (page 4-45)</p> <p>As discussed herein, the subject parcel is approximately 15.46 acres in size, is served by on-site water and sewage disposal systems, and is accessed directly from Fickle Hill Road, a County-maintained road. Per the County's GIS data, while the south and southern portions of the parcel contain slopes less than 15 percent, the balance of the property has steeper slopes. The entirety of the property has a High Instability seismic safety rating per the GIS data.</p> <p>The Zoning Consistency Matrix, Table 4-H, identifies Flood Plain (FP), Residential Suburban (RS), Residential One-Family (R-1), Rural Residential Agricultural (RA), Agricultural Exclusive (AE), Agricultural General (AG), Timber Production Zone (TPZ), and Forestry Recreation (FR) as principal zoning districts that are consistent with the Residential Agricultural designation; however, zoning districts RS, R-1, RA, and AG are consistent with the RA land use designation "only when combining zone density/minimum size designators are consistent with the General Plan policies and standards" (Table 4-H). The proposed rezone includes the approval of a Special Building Site combining zone that specifies a minimum parcel size of ten (10) acres (B-5[10]) for consistency with the General Plan.</p> <p>Pursuant to the applicability description, Humboldt County Code Section, 314-7.2, the Agriculture General (AG) zoning district is intended to be applied in areas in which agriculture is the desirable predominant use and rural residential uses are secondary.</p> <p>Table 4-B of the General Plan shows the range of allowable use types for the RA5-20 Residential Agriculture Plan Designation. The enumerated allowable use types range of single family residential, second residential units, cottage industries, neighborhood commercial, to a variety of agricultural uses of varying levels of intensity: general agriculture, intensive agriculture, and stables and kennels. While the commercial cultivation cannabis is a highly regulated specialty crop [Reference HCC Section 314-55.4.3.7], and is not a General Agriculture use type classification unless a Zoning Clearance Certificate, Special Permit, or Use Permit is first obtained from the County of Humboldt, commercial cannabis operations may entail activities, infrastructure, that may manifest themselves and result in a profile similar to more traditional agricultural endeavors with respect to cultivation structures, irrigation water needs, ancillary structures.</p> <p>Staff believes there is sufficient evidence to support a finding that the proposed rezone is consistent with the General Plan.</p>	
§312-50 of the Zoning Ordinance	Finding A2. That the proposed zoning change is in the public interest.

Evidence Supporting Finding A2

It is arguably in the public interest to modify the zoning to allow commercial cannabis cultivation on the subject property because it has adequate water to support the cultivation activity without adversely impacting fish or wildlife species or public health and safety, because it is an existing agricultural use otherwise in conformance with the County Medical Marijuana Land Use Ordinance, and because the permitting of commercial cannabis cultivation as properly conditioned can lead to increased tax revenue for a variety of funded projects in the public interest.

Finding B: Required Findings for Special Permits

Finding B1: The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed project will be in conformance with all applicable policies and standards of the Humboldt County General Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Supporting Finding #B1
Land Use Chapter 4 Land Use Designations Section 4.8	Residential Agriculture (RA5-20): This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. RA5-20 are rural residential designations for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access. Density range for RA5-20 is 5-20 acres/unit	The project involves an existing indoor commercial cannabis cultivation operation of 3,565 square feet in existing buildings on a parcel with a land use designation of RA5-20 by the General Plan. The MMRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The CMMLUO provides for the cultivation and processing of medical cannabis within the zoning districts where agriculture is a permitted use. The existing cultivation is considered an agricultural use, and the supportive infrastructure may be considered accessory to the agricultural use. General agriculture is a permitted use in the "RA5-20" area.
Circulation Chapter 7	Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4 and C-G5). Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making	Access to the site is directly off a paved County-maintained public road (Fickle Hill Road). The applicant has completed a Road Evaluation Report documenting that the 0.11-mile private driveway is equivalent to a Road Category 4 standard and that this roadway serving the subject property is adequate to accommodate the proposed use. A condition of approval requires the driveway that connects to the County road to be improved to meet County visibility ordinance and encroachment permit ordinance standards (i.e. 50 ft. width requirements). The property is subject to a conveyance of development rights executed at the time of subdivision. These rights were conveyed to the County due to the condition of the Fickle Hill, a County-maintained road, and cumulative traffic impact concerns raised by the City of Arcata as Fickle Hill traverses through the city becoming part

		<p>of the City's road network.</p> <p>As originally submitted the applicant was proposing to have two employees and up to eight employees during peak operations. The subject property is not located on a transit route, nor are there developed bike lanes all the way to the property. The vehicle traffic generated by two employees would be approximately eight trips per day; eight employees would generate approximately 32 trips day. In both cases, the vehicle traffic generated by having off-site individuals conduct cannabis operations would be similar to adding another residence and would be inconsistent with the subdivision and the terms of the conveyance and agreement. However, staff has been advised that the resident-occupants are the day-to-day operators of the enterprise. Furthermore, the applicant is agreeable to restricting operations to the resident-occupants of the property. In other words, this permit would not authorize the use of outside individuals or employees for the cannabis operations as this work can only be conducted by individuals who live on the subject property. This restriction has been made a condition of approval and will ensure the requested Special Permit is consistent with the earlier subdivision approval and conveyance and agreement.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1, Identification of Local Open Space Plan, and CO-</p>	<p>The proposed project is not located within Open Space Land Plan because the project site is planned Residential Agriculture and currently zoned Unclassified, with a petition to reclassify the zone to Agriculture General, AG B-5(10). However, the project can still be found consistent with the Open Space Plan's Open Space Action because the proposed project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation - an agricultural product - is within land planned for a combination of residential and agricultural purposes, consistent with a prescribed use of Open Space land for</p>

	S2. Identification of the Open Space Action Program	managing production of resources. The project's development also avoids areas on the subject property with Streamside Management Areas, consistent with the fish and wildlife conservation goals of the Open Space Land Plan.
Conservation and Open Space Chapter 10 Biological Resources Section 10.3	Goals and policies contained in this Chapter relate to mapped 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) Related policies: BR-P1, Compatible Land Uses, BR-P5, Streamside Management Areas.	The project's development avoids Streamside Management Areas on or near the subject property where there is habitat for sensitive species, and water for cultivation is sourced from a permitted well that the CDFW has reviewed and has indicated does not have a substantial impact to surface waters or the habitats that the surface waters support. The CDFW has recommended project approval without any accompanying conditions. There is no escaping light from the indoor cultivation that could cause impacts to wildlife, and the energy source for the project is grid power with Solar Choice providing 100% renewable offset. The backup generator would be used in emergency power outages only, and its rating and location would not create an adverse impact to wildlife. The project is consistent with Biological Resources goals, guidance, and related policies.
Conservation and Open Space Chapter 10 Cultural Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources) Related policies: CU-P1, Identification and Protection, CU-P2, Native American Tribal Consultation]	The applicant retained Archaeological Resource and Supply Company (ARSC) for the preparation of a Cultural Resources Investigation for the Project site. ARSC conducted a records search, consulted with the Native American Heritage Commission, local Native American tribal representatives, and other interested parties; and an intensive pedestrian field survey of the entire Project area. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historic resource, exist in the limits of the project area. This report was provided to the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria, the THPO of the Blue Lake Rancheria and the Wiyot Tribe. All three Tribal representatives recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.
Conservation and Open Space Chapter 10 Scenic Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and	The project involves indoor cannabis cultivation in two structures. Neither structure has windows nor skylights, and thus there is no potential for fugitive light spillage onto neighboring properties resulting from backlight, uplight, or glare. The physical structures related to cannabis cultivation are shielded from general public view by surrounding forest. The project is consistent with the goals and related policies of the Scenic Resources section of

	<p>opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	the General Plan.
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9, WR-G10; and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 1 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which does not require preparation of a Water Resources Protection Plan. The applicant has registered as a Tier 1 discharger under the applicable NCRWQCB Order. A staff site visits has confirmed that there are no outstanding erosion or sediment discharge issues on the subject property. All associated development lies outside of Streamside Management Areas, water for cultivation is applied at an agronomic rate in this hydroponic operation, and stormwater drainage or discharge does not present a potential for impacting watershed conservation efforts. As for spent nutrient enriched wastewater generated by hydroponic cultivation, according to the applicant's March 12, 2018 letter, 15 gallons per day will be generated, which is 5,475 gallons per year. This wastewater will be applied to 10 newly planted fruit trees that are planted in a loam soil. According to the University of California's publication, <i>The California Backyard Orchard</i>, Water use for a medium sized semi-dwarf fruit tree is about 16 gallons of water per day on a hot summer day on the coast of California without any fog influence (0.25"/day).</p> <p>Given there are 10 trees in the orchard, during the summer months and other dry periods all of the wastewater will be used for irrigation. However, during the wet season, November 1 to April 1, when soils may be saturated, application of this wastewater for irrigation purposes will result in discharge. Therefore, to ensure the project does not result in discharge, staff recommends the project be condition on the applicant securing permits for the installation of a water storage tank with a capacity of at least 2,265 gallons, and implementing the permit.¹</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as on-site wastewater systems and natural and developed storm drainage systems that minimize</p>	<p>There is a permitted septic system associated with the on-site residence that can serve the needs of the cultivation operation, if approved by the Building Inspection Division consistent with occupancy standards, in combination with the applicant's stated commitment to continue</p>

¹ 2,265 gallons capacity equals 151 days (November 1 to April 1) multiplied by 15 gallons as per day per the applicant's March 12, 2018 letter.

	<p>interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G10, and WR-G11)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>leasing an ADA-accessible portable toilet for the employees of the cultivation operation. Continued use of a portable toilet is included as a condition of project approval.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise</p>	<p>The cannabis cultivation operation, including lighting for indoor cultivation areas, utilizes grid power provided by Pacific Gas and Electric, and the applicant has provided copies of energy bills to confirm the use of grid power and his enrollment in the Solar Choice program, meeting the requirements of the CMMLUO to utilize 100% renewable energy for this operation. Subsequently, noise has largely been eliminated as an impact. There is a generator on site for use on an emergency basis only during power outages, so there will be minimal noise generated by the project. The 125kw Multiquip WhisperWatt Ultra Silent generator has a noise rating of 63dB at a full load at 23 feet. With the parcel line or nearest tree line located approximately 100 feet away, the anticipated decibel level at either line would be less than 45dB. This level is consistent with guidance in the CMMLUO, both for impacts to neighboring properties and for impacts to sensitive wildlife species. Because this is an emergency backup generator only, and the primary source of power is supplied by the grid, the project is consistent with goals, policies and standards regarding the generation of noise.</p>
<p>Safety Element Chapter 14 Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability, S-P7, Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The buildings associated with the cultivation area generally occur on slopes of 15% or less seismically classified high instability. Given the relatively mild slope where the structures are located, the existing structures and their continued use is not expected to be affected by geologic instability. The project also does not pose a threat to public safety related from exposure to natural or manmade hazards. The applicant must secure a grading permit for all pre-existing grading as a condition of project approval.</p>

<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P10, Federal Flood Insurance Program; S-P12, Flood Plains; S-P13, Construction Within Special Flood Hazard Areas</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at more than 5 miles distance from the coast and approximately 1780 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations;</p>	<p>The subject property is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The Arcata Fire Response Fire Protection District recommended that the project be conditioned to comply with building and fire codes. Compliance with electrical and all applicable building codes is a condition of project approval.</p> <p>According to the applicant, during the peak season, the operation will employ up to eight (8) employees that will live offsite.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.</p>	<p>The project as proposed does not require any additional grading or building, and there is no anticipated contribution from the project to fugitive dust emissions. The project shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation should it be modified in any way that could contribute to fugitive dust emissions, in compliance with goals and policies regarding air quality and interagency coordination.</p>

Finding B2: The proposed development is consistent with the purposes of the existing zone in which the site is located; and Finding B3: The proposed development conforms with all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations, applying Humboldt County Inland Zoning Regulations after the Zoning is amended from U to AG B-5-(10).

Zoning Section	Summary of Applicable Requirement	Evidence
§312-1.1.2 Legal Lot Requirement: development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.		The parcel of land known as APN 313-203-020 is a legal parcel created by Parcel Map recorded as PM3443 in Book 33 of PM pages 79-80. It is Parcel 1 of said subdivision, and is 15.46 acres in size. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.2 Agricultural General (AG) and §314-17.1 B-5 combining zone (proposed)	The Agricultural General zone is intended to be applied in areas in which agriculture is the desirable predominant use and rural residential uses are secondary.	The proposed project is to authorize an indoor cannabis cultivation operation. Commercial cannabis is an agricultural product, which would be consistent with the proposed Zone Reclassification of Agriculture General for the subject property.
Minimum Lot Area:	2.5 acres	15.46 acres per the cited subdivision map of record.
Minimum Lot Width:	60 feet	Approximately 650 feet wide at narrowest point
Maximum Lot Depth:	None specified	N/A
Max. Lot Coverage:	35%	Approximately 13,220 square feet of coverage, including buildings, parking, road, and residence (2.4% of lot)
Min. Yard Setbacks (through the SRA requirements):	Front: 30 feet Rear: 30 feet Side: 30 feet	Front: 75 feet (Bloom Building will be 75 feet from southern site boundary) Rear: 125 feet (Vegetation Building will be 125 feet from eastern site boundary) Side: >1000 feet All setbacks are in compliance.
Max. Building Height:	35 feet	25 feet

Zoning Section	Summary of Applicable Requirement	Evidence
§314-61.1 Streamside Management Area (SMA)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p>	<p>As discussed above, the project does not propose to use a surface water diversion or a well that could have impacts to streams as a water source for cultivation activities, according to comments submitted by CDFW.</p> <p>As also discussed above, all structures and development associated with the cannabis cultivation project are located outside of Streamside Management Areas.</p>
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>The project parcel is subject to a conveyance of development rights which restricts site development. While the Cultivation and Operations Plan proposes to employ up to eight people at peak shift associated with the requested permit, in order to comply with the terms of the conveyance agreement all cultivation activity will be conducted exclusively by the on-site resident operators. Further, all processing beyond initial drying and curing will be performed off-site by a licensed third party. As off street parking is already provided on site for the resident operator, the project complies with this standard. No parking on Fickle Hill Road is authorized.</p>

314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

<p>§314-55.4.8.3 Approvals for Indoor Cultivation</p>	<p>Indoor commercial cultivation of cannabis for medical use shall be permitted with a Special Permit inland of the Coastal Zone in zoning district AG for cultivation facilities of up to 5,000 square feet that will be located in an existing non-residential structure subject to the conditions and limitations set forth in this section. Electrical power for indoor cultivation operations... shall be provided by on-grid power with 100% renewable source, on-site zero net energy renewable source, or with purchase of carbon offsets of any portion of power not from renewable sources.</p>	<p>This indoor cultivation activity was in existence prior to the adoption of the CMMLUO. The CMMLUO does not recognize existing cultivation other than mixed light and outdoor. Hence, this Special Permit is to establish a new indoor cultivation in conformance with the CMMLUO. The size of the proposed cultivation is 3,565 square feet. All cultivation activity will be conducted exclusively by the on-site resident operators.</p> <p>In AE or AG zones, indoor cultivation is permitted to occur only in nonresidential accessory buildings that existed prior to the effective date of the CMMLUO. Based on a review of the site plan and aerial imagery, the structures associated with the operation existed prior to January 1, 2016, and a staff site visit has confirmed these structures are non-residential.</p> <p>Additionally, the applicant has provided verification of enrollment in PG&E's Solar Choice program, meeting the requirement for 100% renewable power source or applicable offset.</p> <p>Water for irrigation needs is sourced from a well that the CDFW has determined will not have a substantial impact on surface waters. The applicant will comply with all conditions of the CMMLUO, as specified in the Cultivation and Operations Plan and in the recommended conditions of approval.</p>
<p>§314-55.4.8.10 Permit Limit</p>	<p>No more than four commercial cannabis activity permits may be issued to a single person.</p>	<p>According to records maintained by the Department, the applicant has applied for no other cannabis activity permits, and he is entitled to four. This application is for a single permit for indoor cultivation.</p>
<p>§314-55.4.9.1 Accessory Processing</p>	<p>Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.</p>	<p>There is no on-site processing authorized with the exception of drying and curing. All other processing will be conducted by an off-site, licensed third-party processor. The applicant shall identify this processor as a condition of project approval. All onsite work will be conducted exclusively by the resident operators.</p>

§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	The applicant submitted the required registration form on August 23, 2016.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, 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.	The applicant is using a permitted well as the water source for irrigation; CDFW has reviewed the project and stated although the well may be hydrologically connected to surface waters it will not have a substantial impact to surface waters, and has recommended project approval. To ensure the project conforms with HCC Section 314-55.4.11 that applies to all cultivation operations, the Conditions of Approval include a requirement that the applicant provide the Department of Fish and Wildlife notification of lake or streambed alteration. The notification process will result in a definitive determination whether the well is in fact hydrologically connected. Should the well not be hydrologically connected, the forbearance requirements specified in HCC Section 314-55.4.11 (I) will not be required. Should the well be hydrologically connected, DFW may specify a different forbearance period or one that mirrors that in Section 314-55.4.11 (I). In either case, this outcome will govern the project.
§314-55.4.11.d Performance Standards- Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The site plan shows the project complies with property line setback requirement. There are no parks as defined HCC Section 314- 55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery, nor is there a school, a school bus stop, or a place of religious worship within 600 feet. One outcome of the cultural resources study was there are no TCRs present on the site.

§314-55.4.11.o Performance Standards- Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service	As discussed above the primary power source for the project will be conventional grid power supplied by PGE. Therefore, the project conforms to the referenced standard.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on August 23, 2016.

Finding B4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage.

Finding C: Required for Consistency with Housing Element Densities

Section(s)	Applicable Requirements
Government Code Section 65302.81	Specific findings supported by substantial evidence are required where a general plan amendment or zone reclassification is adopted that reduces the residential density for any parcel below that utilized by the Department of Housing and Community Development (HCD) in determining compliance with housing element law (the mid-point of the density range specified in the plan designation).
<p>Evidence Supporting Finding C: Neither the project nor the proposed zoning reclassification will preclude any further residential development than the current level of development consisting of one single family residence. Due to the condition of the existing access road, Fickle Hill Road, and potential cumulative impacts, rights for further development including subdivision was conveyed to the County as part of the 2006 subdivision that created the subject parcel. This condition will remain unchanged as a result of approval of the SP and zone reclassification. Furthermore, the subject parcel was not utilized by the Department of Housing and Community Development in determining compliance with housing element law. Therefore, the project and rezone will be consistent with this requirement.</p>	

Finding D: Required Finding for Consistency with the California Environmental Quality Act

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
Consistency with the Environmental Quality Act: The project is required to be consistent with the California Environmental Quality Act		
<p>The Special Permit project has been determined to be exempt from CEQA as described in the paragraphs below.</p> <p>CEQA Exemption Section 15305-Minor Alterations in Land Use Limitations applies to the Zoning Reclassification from Unclassified to Agriculture General with a Qualified combining zone because this reclassification is consistent with a recent General Plan update in land use for this parcel and the zoning reclassification would allow for the permitting of an existing agricultural operation that would not result in any changes in land use or density. The associated project that would be permitted due to this change in zoning has demonstrated a limited environmental impact and scope through the review process, such that the project clearly does not fit the definition of a major project.</p> <p>CEQA Exemption Section 15301-Existing Facilities applies because the proposed cultivation operation is a previously existing cultivation operation within previously existing structures, with no proposed expansion. Section 15301 exempts from environmental review the operation, repair maintenance, permitting, licensing, or minor alteration of existing private structures or facilities where involving negligible or no expansion of use. This exemption is consistent with the significant majority of the project as described.</p> <p>CEQA Exemption Section 15303-New Construction or Conversion of Small Structures applies because some of the structures supporting the cultivation operation are as of yet unpermitted, and the condition of project approval requiring that these structures be fully permitted may require that they be modified or converted in some way in order to meet permitting requirements.</p>		

ATTACHMENT 3

**CEQA ADDENDUM TO THE
PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT**

**CEQA ADDENDUM TO THE
GENERAL PLAN UPDATE PROGRAM ENVIRONMENTAL IMPACT REPORT**

**The General Plan Update Program Environmental Impact Report (EIR)
(State Clearinghouse # 2007012089), October 23, 2017**

APN 313-203-020, 7090 Fickle Hill Road near the City of Arcata, Humboldt County

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

March 2018

Background

Modified Project Description and Project History - The project involves a Zone Reclassification (ZR) to change the zoning of APN 313-203-020 from Unclassified (U) to Agriculture General with a B-5 combining zone with a 10-acre minimum (AG B-5(10)) in order to implement the General Plan land use designation of Residential Agriculture (RA5-20). The proposed zoning change will also better reflect the existing use of the property consisting of a 15.46 acre parcel developed with residential uses and accessory outbuildings that house an indoor cannabis cultivation, relying on on-site water and wastewater systems. Density designations of 5-20 acres per dwelling unit are rural residential designations for lands with slopes generally less than 30% and served by individual water and wastewater systems. Also a Special Permit to continue the existing hydroponic indoor cultivation within two buildings, a 760 square foot structure used for vegetative activities and a 2,085 square foot structure used for bloom functions. The General Plan Environmental Impact Report (EIR) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the General Plan update which included adoption of land use designations. The project site (APN 504-161-010) was analyzed for impacts that would be associated with uses consistent with the IR land use designation.

Within the EIR it is noted that:

"Foreseeable future development actions that may tie off of this EIR include amendment of the zoning ordinance, applications for approval of subdivisions, coastal development permits, conditional use permits, and special permit requests that are consistent with the updated General Plan and within the scope of this RDEIR."

Furthermore, CEQA statute (§21083.3(b)) allows that if a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report.

The modified project description involves a zone reclassification from Unclassified to Agriculture General with a B-5 combining zone with a 10-acre minimum parcel size AG B-5(10) to be consistent with a General Plan designation of RA one dwelling unit per 5 to one dwelling unit per 20 acres. The Zoning Consistency Matrix contained in Table 4-H of the adopted EIR shows that the proposed zoning is consistent with the compatible zones within the Residential Agriculture land use designation. Conversely, the existing zoning of U is not listed as a compatible zoning district.

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

1. Substantial changes are proposed in the project which require major revisions of the previous EIR or 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 EIR or 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 EIR or 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 EIR or MND; B) significant effect previously examined will be substantially more severe than shown in the previous EIR or 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 EIR or 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 EIR recommended mitigations. Further, the proposal to continue operation of a 3,565 square foot indoor cannabis cultivation on this site, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the PEIR.

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

See Purpose statement above.

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

FINDINGS

1. The proposed project will change the zoning at the site from U to AG B-5(10) which is consistent and compatible with the land use designation of RA 5-20. The land use designation of RA 5-20 for this site was evaluated within the adopted EIR. The requested zone reclassification implements the General Plan land use designation and does not constitute a substantial change, is minor in nature, and does not require additional mitigation measures not included in the original EIR.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted as complete.

CONCLUSION

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

APPENDICES

Proxima Investments, LLC. ZONE RECLASSIFICATION PROJECT
APN 313-203-020

Appendix A. Board of Supervisors adopted Humboldt County General Plan Environmental Impact Report, October 23, 2017

ATTACHMENT 4

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 ¼ mile (1,320 ft.) 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. (Attached – updated site plan prepared by Green Road Consulting, Inc, dated 01/12/18)
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; and 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. (On file – Updated Cultivation and Operations Plan dated 01/04/2018)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file with original application packet)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file – NOI for Tier 1 enrollment)
8. 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 Department of Fish & Wildlife. (Not Applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (On file)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of

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

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. 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. (On file)
13. 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)
14. 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)



Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

RE: Proxima Investments – Humboldt County APPS 11000 – APN: 313-203-020

March 12, 2018

To Whom It May Concern:

The following information should be added to the Staff Report regarding how the Applicant is managing spent, nutrient-laden water for Proxima Investments, APPS #11000, APN: 31-203-020.

The Applicant has very little spent, nutrient-laden water (gray water) due to their drip irrigation system. The Applicant approximately produces 15 gallons per day of spent water. The little amount of spent water that results from the Applicant's cultivation process is placed in the Applicant's domestic orchard. The Applicant will not be disposing spent water into his septic system or into a city waste water system.

Nielsen, Michelle

From: Nielsen, Michelle
Sent: Tuesday, March 13, 2018 9:50 PM
To: Robin Collins
Subject: RE: Ap Number 11000 Proxima Investments

Hello Robin. Thanks for providing these further helpful details. Michelle

From: Robin Collins <Robin@greenroadconsulting.com>
Sent: Tuesday, March 13, 2018 12:25 PM
To: Nielsen, Michelle <MNielsen@co.humboldt.ca.us>; Ariel Kittredge <ariel@greenroadconsulting.com>
Cc: Kaylie Saxon <Kaylie@greenroadconsulting.com>; humboldtwine@mac.com; Nicole Catalano (ncatalano@transcon.com) <ncatalano@transcon.com>
Subject: RE: Ap Number 11000 Proxima Investments

Michelle,

The orchard has 10 newly planted fruit trees in a loam soil. Each plant takes approximately 15-20 gallons per day in summer. In summer the waste water from the hydroponic drip system is diluted approximately 10 to 1 to feed the plants. In the winter the 15 gallons of waste water is distributed to the 10 trees.

-Robin

From: Nielsen, Michelle <MNielsen@co.humboldt.ca.us>
Sent: Monday, March 12, 2018 4:55 PM
To: Ariel Kittredge <ariel@greenroadconsulting.com>
Cc: Kaylie Saxon <Kaylie@greenroadconsulting.com>; Robin Collins <Robin@greenroadconsulting.com>; humboldtwine@mac.com; Nicole Catalano (ncatalano@transcon.com) <ncatalano@transcon.com>
Subject: RE: Ap Number 11000 Proxima Investments

Hi Ariel. I consulted with the Supervising Planner, and this looks satisfactory as we able to make a comparison of the amount of spent water generated by the operation with info from University of California re irrigation needs for domestic orchard irrigation found at the below link:
http://homeorchard.ucanr.edu/The_Big_Picture/Irrigation/

For purposes of fleshing out the staff report's executive summary it would be helpful to know approximately how many trees are in the orchard.

Thanks in advance, Michelle

Michelle Nielsen, Senior Planner
Current Planning, Cannabis Services
[Planning & Building | Humboldt County, CA - Official Website](#)
3015 H Street | Eureka, CA 95501
Main: 707-445-7541
mnielsen@co.humboldt.ca.us

From: Ariel Kittredge [<mailto:ariel@greenroadconsulting.com>]
Sent: Monday, March 12, 2018 3:32 PM

To: Nielsen, Michelle <MNielsen@co.humboldt.ca.us>

Cc: Kaylie Saxon <Kaylie@greenroadconsulting.com>; Robin Collins <Robin@greenroadconsulting.com>;
humboldtwine@mac.com

Subject: Ap Number 11000 Proxima Investments

Hi Michelle,

Attached is the additional information regarding the Applicant's spent, nutrient-laden water and how they are addressing it.

If you have any questions, let me know.

Kind Regards,
Ariel Kittredge
Senior Environmental Planner
(707) 630-5041 – Office
1650 Central Avenue, Suite C
McKinleyville, CA 95519



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Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

Proxima Investments, LLC

PO Box 174

Bayside, CA 95524

APN: 313-203-020

Agent

Kaylie Saxon

Green Road Consulting

1650 Central Avenue, Suite C

McKinleyville, CA 95519



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I. Site Plan Overview

1.0 Project Information

Proxima Investments, LLC ("Applicant") is submitting this application for a Special Permit for an Indoor commercial cannabis cultivation on a 12.81-acre parcel, located in Arcata, CA ("Parcel"), Assessor's Parcel Number 313-203-020. This application is submitted through their agent, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Special Permit would achieve the following results for the Applicant:

- a. Permit 3,565 square feet of commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Arcata, CA. The Parcel is comprised of 12.81-acres and is identified by Assessor's Parcel Number ("APN") 313-203-020. The street address for the Parcel is 7090 Fickle Hill Road Arcata, CA 95521.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel per the Humboldt County GIS site is currently U with a General Plan Designation of DISP HS; TIMBER. However, the Applicant received a notice in writing from the Humboldt County Board of Supervisors that the Parcel's zoning would be transitioning to RA 5-20 once the General Plan Update is adopted. A copy of the notice is included in the Other Permits, Licenses and Documents section of this Application.

Per the CMMLUO, Indoor cultivation is allowed on parcels zoned RA providing they are five (5) acres or more in size. Once the General Plan is adopted, the parcel will meet all requirements for Indoor cultivation. Should it be necessary, the Applicant is willing to go through with the zone change process should the classification need to be expedited.

2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

The following easement information is taken from Exhibit "A" of the Grant Deed, a copy of which is included in the Evidence of Ownership and Authorization section of this application.

"All that real property situate in the County of Humboldt, State of California, described as follows:

PARCEL ONE

Parcel 1 of Parcel Map No. 3442, filed for record in Book 33 of Parcel Maps, Pages 79 and 80 in the Office of the Humboldt County Recorder.

PARCEL TWO

A non-exclusive easement for public and private utilities over, under and across that portion of Parcel 2 of Parcel Map No. 3442, filed for record in Book 33 of Parcel Maps, Pages 79 and 80 in the Office of the Humboldt County Recorder shown and designated as Parcel B thereon.

PARCEL THREE

The right to take on half of all water, developed or to be developed in the future, over, under or upon Parcel 2 of said Parcel Map No. 3442, together with any and all necessary easements for water pipelines and facilities to be used in conjunction with said water rights as reserved by Mark Feldman and Alexis George by Grant Deed recorded March 21, 2008 as Recorders Instrument number 2008-6968-2, Humboldt County Records."

4.0 Natural Waterways

The parcel has one (1) unnamed Class III watercourse and borders Black Dog Creek, a Class II watercourse.

5.0 Location and Area of Existing Cultivation

The 3,565 square feet of cannabis cultivation is proposed to occur in two (2) locations on the Parcel and can be viewed on the Site Plan, included in the Site Plan of Entire Parcel section of this application.

Vegetation Building

The Vegetation Building consists one (1) two-story, non-residential building on the Parcel. It will be permitted through the Humboldt County Building Department. Each floor is approximately 19.5'x19.5', totaling 760.5 square feet of vegetation space.

Bloom Building

The Bloom Building consists of one (1) two-story, non-residential building on the Parcel. It has been permitted with the Humboldt County Building Department. The upstairs cultivation area of the Bloom Building is approximately 22'x59' and the downstairs cultivation area of the Bloom Building is approximately 35'x43', totaling 2,803 square feet of cultivation space.

6.0 Setbacks of Cultivation Area

The two (2) cultivation areas are set back from all parcel lines by at least 30 feet.

7.0 Access Roads

The Parcel is located off Fickle Hill Road, which is maintained by the County. The interior roads are in good condition and no remediation is necessary.

8.0 Graded Flats

There are no graded flats located on the Parcel requiring permitting.

9.0 Existing and Proposed Buildings

Residence

There is a permitted residence on the Parcel that also has a permitted septic system. The restrooms and potable water may be used for employees when they are on site.

Vegetation Building

The Vegetation Building holds all of the Parcel's cultivation while it is in its vegetative state, prior to it entering the flowering stage. It is also where all of the cloning for the Parcel will take place. It holds the hydroponic beds used for the plants vegetative cycle. This non-residential, two-story building will be permitted through the Humboldt County Building Department.

Bloom Building

The Bloom Building holds all of the Parcel's cultivation during the Flowering process. This two-story, non-residential building has been permitted with the Humboldt County Building Department.

Drying Room

The Drying Room is where all of the finished cannabis flower will be taken to dry and cure. It is located inside the Bloom Building and was permitted through the Humboldt County Building Department. It is approximately 15.5' x 35', totaling 542.5 square feet of drying space.

Pump House

The Pump House is a 10'x12' structure that supplies filtered potable water to all of the buildings. Two (2) 5,000 gallon hard sided water tanks are located next to it.

Bloom Pump House

The Bloom Pump House supplies water and nutrients to the Bloom Building cultivation. It is approximately 24'x12' and holds two (2) 4,100 gallon hard sided water storage tanks.

Veg Pump House

The Veg Pump House supplies water and nutrients to the Vegetation Building cultivation. It is approximately 10'x12' and holds one (1) 1,500 gallon hard sided water storage tank.

Storage Shed #1 and #2

Storage Shed #1 and #2 hold basic tool and domestic supply needs. They are both approximately 10'x12'.

10.0 Water Storage, Use and Watershed Protection**10.1 Water Storage**

There are two (2) 5,000 gallon hard sided water tanks, two (2) 4,100 gallon hard sided water tanks, one (1) 2,500 gallon hard sided water tank and one (1) 1,500 gallon hard sided water tank on the Parcel totaling 22,200 gallons of hard tank water storage on site.

10.2 Water Use

Being Indoor cultivation, water consumption is consistent year-round. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

All water used for the cultivation of cannabis will be sourced from the Parcel's permitted well. A copy of the water well application and well log is included in the Other Permits, Licenses and Documents section of this application.

All irrigation of cannabis is completed by a flood and drain system which allows water to be monitored and distributed at an agronomic rate, preventing any over watering or run off.

10.3 Watershed Protection

Green Road Consulting, Inc. has conducted a site visit to the parcel and has ascertained that the Applicant is not discharging water into any natural waterways and the cultivation buildings are well outside the required buffer zones.

Because the cultivation area is less than 5,000 square feet, the Applicant is enrolled with the Water Board as a Tier I discharger. A copy of the Notice of Intent and Monitoring and Reporting form is included in the Other Permits, Licenses and Documents section of this application. A Water Resource Protection Plan is not required for Tier I dischargers.

11.0 Distances from Significant Landmarks

There are no schools, school bus stops, places of worship, State Parks or Tribal Cultural Resources within 600 feet of the cultivation site.

II. Cultivation and Operations Plan

1.0 Water Use

Being Indoor cultivation, water consumption is consistent year round. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

All water used for the cultivation of cannabis will be sourced from the Parcel's permitted well. A copy of the water well application and well log is included in the Other Permits, Licenses and Documents section of this application.

All irrigation of cannabis is completed by a flood and drain system which allows water to be monitored and distributed at an agronomic rate, preventing any over watering or run off.

2.0 Watershed Protection

Green Road Consulting, Inc. has conducted a site visit to the parcel and has ascertained that the Applicant is not discharging water into any natural waterways and the cultivation buildings are well outside the required buffer zones.

Because the cultivation area is less than 5,000 square feet, the Applicant is enrolled with the Water Board as a Tier I discharger. A copy of the Notice of Intent and Monitoring and Reporting form is included in the Other Permits, Licenses and Documents section of this application. A Water Resource Protection Plan is not required for Tier I dischargers.

3.0 Materials Storage

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. Items that were accepted under Legal Pest Management Practices for Marijuana Growers in California will be used exclusively.

All fertilizers and amendments are located in within the tank pump houses of the Vegetation and Bloom Buildings. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. The applicant will be following best management practices in order to ensure his environmental impact is minimal.

All labels are kept and directions are followed when nutrients are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

4.0 Cultivation Activities

Cultivation Activities will vary based on strain and the Applicant's personal schedule.

Cultivation will be occurring year-round with the Applicant anticipating 5 – 5 1/2 runs per year. Plants are grown in hydroponic beds and fertilizers and nutrients are supplied through a water dilution system. The following schedule is an approximate for the year-round cultivation activities.

Run #1

Location	Flowering	Harvest
Flower Rooms	March 1	April 30

Run #2

Location	Flowering	Harvest
Flower Rooms	May 10	July 9

Run #3

Location	Flowering	Harvest
Flower Rooms	July 19	September 17

Run #4

Location	Flowering	Harvest
Flower Rooms	September 27	November 26

Run #5

Location	Flowering	Harvest
Flower Rooms	December 6	February 4

The Applicant will be using Gavita lighting in both the Vegetation and Flowering rooms. A basic floor plan outlining the number of lights per floor is included in the Other Permits, Licenses and Documents section of this Application.

The Applicant runs off of Grid power with a back-up 125kw generator on site. The Applicant is enrolled in PG and E's Solar Choice program. This offsets the power usage 100% with renewable energy. Neither of the buildings has any windows or skylights, so light pollution is not an issue.

While the plants are in their vegetative stage, they are kept in hydroponic beds that are disinfected between cycles. Each room is bleach mopped to prevent the spread of mold, mildew and pests.

5.0 Processing Practices

Plants will be harvested one at a time using hand shears and taken into the the Dry Space within the Bloom Building where it will be dried, cured and stored. The Applicant is looking into the viability of a permitted 3rd party processor.

When employees are necessary, an ADA porta potty is on site in addition to the restroom in the residence that holds a permitted septic system. The residence also has a break area for potential employees and an eyewash station where nutrients are fertilizers are stored.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

All cultivation related waste is stored in proper trash receptacles and disposed of correctly. Any green waste will be piled and kept well away from any watercourse. Green waste is composted on site.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

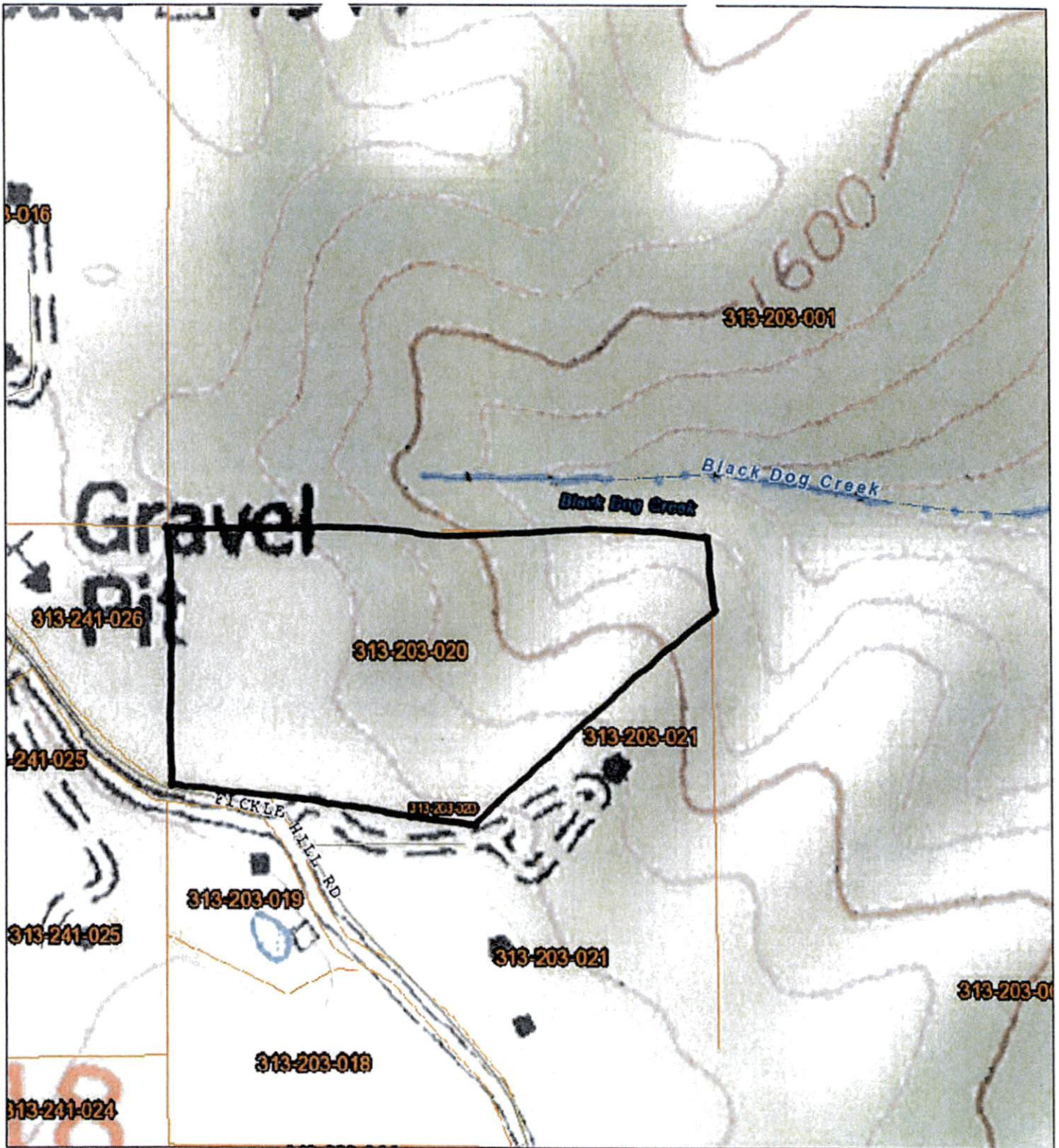
6.0 Security Measures

The Parcel is double gated with an electronic keypad lock and a chain lock in place. A closed loop security camera system is monitored and in place. There is a system in place that alerts the Applicant when someone has entered the property. All buildings will be locked at all times.



**GREEN
ROAD**
CONSULTING

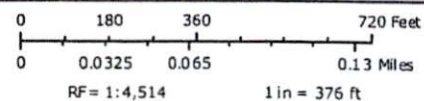
Attachment “A”



ArcGIS Web Map

Humboldt County Planning and Building Department

Highways and Roads	Private or Unclassified	Intermittent	Green: Band_2
Principal Arterials	Major River or Stream	Subsurface	Blue: Band_3
Minor Arterials	Blue Line Streams	City Boundary	
Major Collectors	Perennial 1-3	Counties	
Minor Collectors	Perennial >4	Parcels	
Local Roads	Red: Band_1		



Printed: May 12, 2017

Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Source: NRCS, Humboldt County GIS, Healthy Rural Roads, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS

April 5, 2018

Page 57



**GREEN
ROAD**
CONSULTING

Attachment “B”

Cultivation and Water Usage
(Proxima Investments, LLC – 313-203-020)

Month	Stage of Cultivation			Cultivation Space per Stage (Square Footage) *	Water Usage (gallons/month)
	Vegging	Flowering	Harvesting		
EXAMPLE	X	X		1,200 sq. ft. – Vegging 1,500 sq. ft. – Flowering	5,000 gal/month
January	X	X		760.5 sq. ft. – Vegging 2,803 sq. ft. – Flowering	6,000 gal/month
February	X	X	X	760.5 sq. ft. – Vegging 2,803 sq. ft. – Flowering	6,000 gal/month
March	X	X		760.5 sq. ft. – Vegging 2,803 sq. ft. – Flowering	6,000 gal/month
April	X	X	X	760.5 sq. ft. – Vegging 2,803 sq. ft. – Flowering	6,000 gal/month
May	X	X		760.5 sq. ft. – Vegging 2,803 sq. ft. – Flowering	6,000 gal/month
June	X	X		760.5 sq. ft. – Vegging 2,803 sq. ft. – Flowering	6,000 gal/month
July	X	X	X	760.5 sq. ft. – Vegging 2,803 sq. ft. – Flowering	6,000 gal/month
August	X	X		760.5 sq. ft. – Vegging 2,803 sq. ft. – Flowering	6,000 gal/month
September	X	X	X	760.5 sq. ft. – Vegging 2,803 sq. ft. – Flowering	6,000 gal/month
October	X	X		760.5 sq. ft. – Vegging 2,803 sq. ft. – Flowering	6,000 gal/month
November	X	X	X	760.5 sq. ft. – Vegging 2,803 sq. ft. – Flowering	6,000 gal/month
December	X	X		760.5 sq. ft. – Vegging 2,803 sq. ft. – Flowering	6,000 gal/month

ATTACHMENT 5

Referral Agency Comments And Recommendations

The project was referred to the following referral agencies for review and comment. Recommendations received are summarized, and the locations of the recommendations are noted.

Referral Agency	Recommendation	Location
Public Works Building Inspection Division	Recommend conditional approval	On file with Planning
Public Works Land Use Division	Recommend conditional approval	On file with Planning
Health and Human Services Environmental Health Division	Recommend approval	On file with Planning
CAL-FIRE	Commented	On file with Planning
California Department of Fish and Wildlife	Recommend approval	On file with Planning
Northwest Information Center	Commented	On file with Planning
Bear River Band Rohnerville Rancheria	Recommend conditional approval	On file with Planning
Blue Lake Rancheria	Recommend conditional approval	On file with Planning
Wiyot Tribe	Recommend conditional approval	On file with Planning
Regional Water Quality Control Board	No Response	N/A
Jacoby Creek School District	Denial	On File

ATTACHMENT 6

AGRICULTURE GENERAL WITH A SPECIAL BUILDING SITE OF 10 ACRES (AG B-5(10)) COMBINING ZONE

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT,
STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on _____, 2018

ORDINANCE NO. _____

AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE
BY REZONING PROPERTY IN THE FICKLE HILL AREA IN ARCATA
[ZR-17-006 (SUMMIT WEST PROPERTY MANAGEMENT, LLC)]

The Board of Supervisors of the County of Humboldt ordains as follows:

AN ORDINANCE AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE TO REZONE PROPERTY
IN THE FICKLE HILL AREA

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying 15.46 acres in the Fickle Hill area of Arcata known as 7090 Fickle Hill Road, APN 313-203-020 and described in the attached Exhibit "A" from Unclassified (U) to Agriculture General with a Special Building Site combining zone specifying a minimum parcel size of ten (10) acres (AG B-5(10)). The area described is also shown on the Humboldt County zoning map L-23, adopted by Ordinance 1191 on 1/24/1978 attached.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 20__, on the following vote, to wit:

AYES:	Supervisors:
NOES:	Supervisors:
ABSENT:	Supervisors:
ABSTAIN:	Supervisors:

Chairperson of the Board of Supervisors of the
County of Humboldt, State of California

(SEAL)

ATTEST:
Kathy Hayes
Clerk of the Board of Supervisors of the
County of Humboldt, State of California

Deputy

EXHIBIT A

All that real property situate in the County of Humboldt, State of California, described as follows:

PARCEL ONE:

Parcel 1 of Parcel Map No. 3442, filed for record in Book 33 of Parcel Maps, Pages 79 and 80 in the Office of the Humboldt County Recorder.

PARCEL TWO:

A non-exclusive easement for public and private utilities over, under and across that portion of Parcel 2 of Parcel Map No. 3442, filed for record in Book 33 of Parcel Maps, Pages 79 and 80 in the Office of the Humboldt County Recorder shown and designated as Parcel B thereon.

PARCEL THREE:

The right to take one half of all water, developed or to be developed in the future, over, under or upon Parcel 2 of said Parcel Map No. 3442, together with any and all necessary easements for water pipelines and facilities to be used in conjunction with said water rights as reserved by Mark Feldman and Alexis George by Grant Deed recorded March 21, 2008 as Recorders Instrument number 2008-6968-2, Humboldt County Records.

Situs: 7090 Fickle Hill Road, Arcata
AP #: 313-203-002 PTN

(Date) 304 of Humboldt County Jailing (Offense) 000000
 SECS. 17, 18, 19 & 20, T.S.N., R.Z.E., H.B.A.M.
 Humboldt County California
 REVISED 1-24-78 DINO 1001

(Date) 304 of Humboldt County Jailing (Offense) 000000
 SECS. 17, 18, 19 & 20, TSN, RZE, H.B.A.M.
 Humboldt County
 Revised 1-24-78 DNO 100
 California

WE HEREBY CERTIFY THAT THIS ZONING MAP WAS ADOPTED IN THIS FORM BY A FORMAL ACTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 20TH DAY OF OCT. 1978.

DATE: 11/12/2014

WE HEREBY CERTIFY THAT THIS ZONING MAP WAS ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA BY ORDINANCE NO. 119 PASSED AND ADOPTED ON THE 25.00 DAY OF JAN. 1977

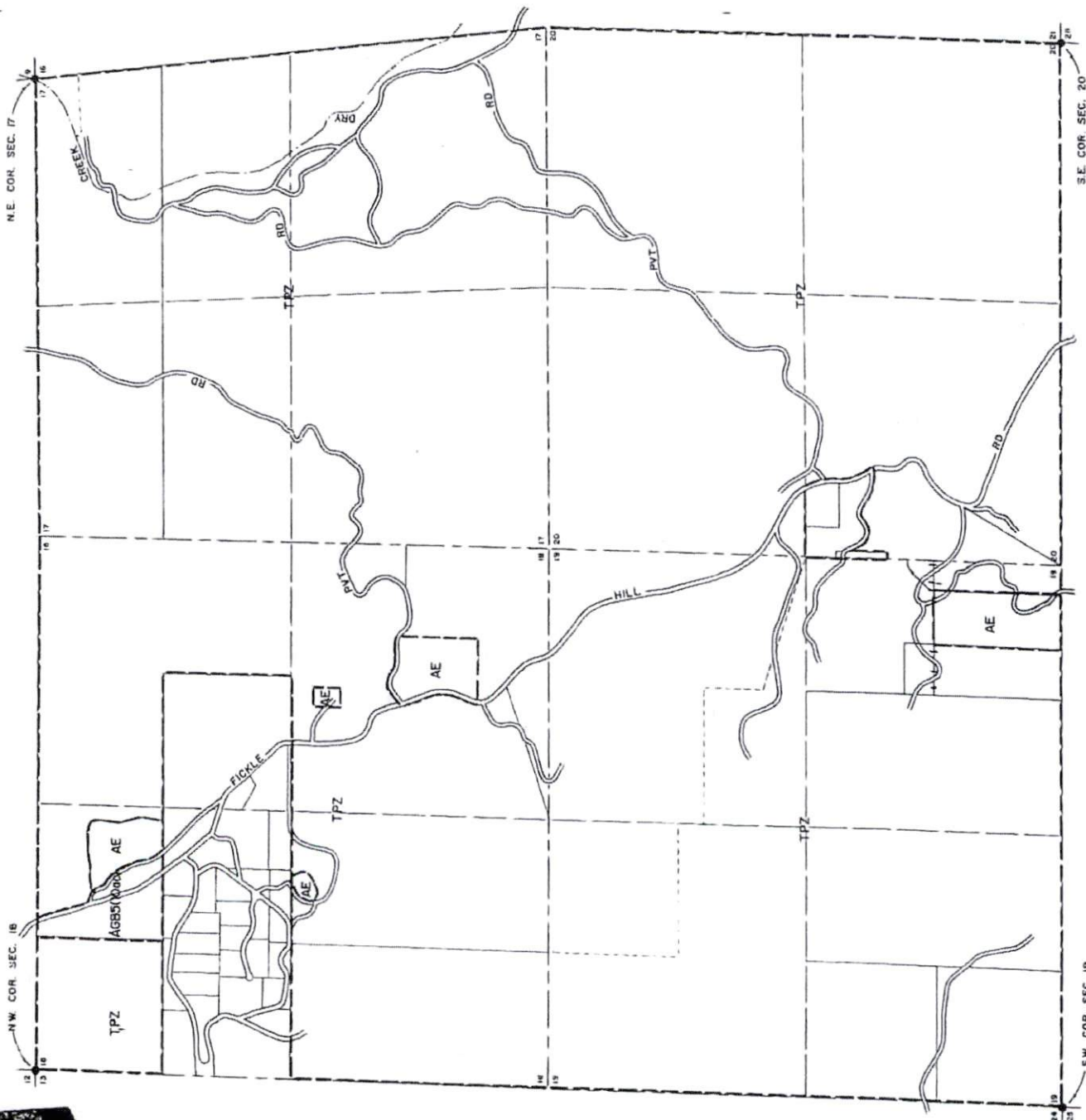
CHAIRMAN

COUNTY CLERK

ZONING SECTIONAL MAP

261

313, 404, 408



ATTACHMENT 7

Zoning Consistency Matrix

Table 4-H of the adopted General Plan EIR

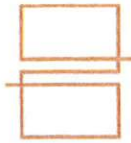
Table 4-H. Zoning Consistency Matrix – Inland

LAND USE DESIGNATIONS	C-1	C-2	C-3	C-H	MB	ML	MH	AV	PF1	PF2	DF	FF	R5	R-1	R-2	R-3	R-4	RA	AE	AG	TPZ	FR	U
Residential Land Use Designations																							
Residential-Medium Density (RM)															X	X	X		X ³	X	X ³		
Residential-Low Density (RL)														X	X*	X*			X ³	X	X ³		
Residential Estates (RE)												X	X*	X*				X*	X ³	X	X ³	X ^{2*}	
Residential Agriculture (RA)												X	X*	X*				X*	X ³	X*	X ³	X ^{2*}	
Commercial Land Use Designations																							
Commercial General (CG)	X	X																			X ³		
Commercial Services (CS)	X	X	X	X	X ²																X ³	X ²	
Commercial Recreation (CR)	X	X		X																	X ³	X ²	
Mixed Use (MU)	X	X											X ³	X ³	X	X	X			X ³	X ³		
Village Center (VC)	X	X		X		X	X					X	X	X						X	X ³	X	
Rural Community Center (RCC)	X	X		X		X	X					X	X	X					X ³	X	X ³	X	
Industrial Use Land Use Designations																							
Industrial, General (IG)			X		X ²	X	X												X ³		X ³	X ²	
Industrial, Resource Related (IR)						X ²	X ²					X							X		X		
Business Park (MB)		X ²	X ²		X	X ²																	
Open Space and Public Land Use Designations																							
Conservation Floodway (CF)									X	X	X	X							X				X
Natural Resources (NR)											X								X				
Open Space (OS)											X								X				
Public Facilities (PF)	X	X		X		X	X	X	X	X	X		X	X	X	X	X		X	X	X		X
Public Recreation (PR)									X	X	X								X	X*	X		
Public Lands (P)								X			X								X	X*	X		X
Tribal Lands (TL)								X			X								X	X	X		X
Tribal Trust Lands (TTL)								X			X												X
Railroad			X			X	X	X	X	X		X							X	X	X	X	X
Resource Production Land Use Designations																							
Timberlands (T)											X	X							X	X*	X		
Ag. Grazing (AG)											X	X							X	X*	X		
Ag. Exclusive (AE)											X	X							X		X		

* Zones are consistent with identified land use designations only when combining zone density/minimum lot size designators are consistent with General Plan policies and standards.

² Requires Q – Qualified combining zone to ensure consistency.

³ Resource zones may be used as holding zones until rezoning to planned uses



HUMBOLDT COUNTY GROWERS ALLIANCE

April 5, 2018

Humboldt County Planning Commission
825 Fifth Street Board of Supervisors Chambers
Eureka, California 95501

RE: Agenda Item #8 Summit West Property Management and Proxima Investments
Special Permit

Dear Humboldt County Planning Commissioners,

Humboldt County Growers Alliance is writing a letter of support on behalf of our member, Proxima Investments.

We respectfully request that the Commissioners follow Planning Staff's recommendation to 1) Approve the Special Permit for the existing indoor cultivation operation of 3,565ft², and 2) Approve the zoning reclassification from Unclassified (RA) to General Agriculture. By bringing the existing cultivation into compliance with local and state laws, environmental impacts would be reduced to less than significant; and the Planning Department has found that there is no substantial evidence that the proposed zoning reclassification will have a significant effect on the environment.

The applicant is an upstanding member of the community who strongly believes in developing a compliant and environmentally sustainable business model.

Approval of the Special Permit will allow the applicant to access California State Licensing, thereby allowing the existing cultivated flower to legally enter the California supply chain, providing clean product for consumers, and the financial resources back to the applicant to be able to continue to build out its legal business model—providing important tax revenue to Humboldt County.

The applicant has met conditions from the Department of Fish and Wildlife and North Coast Water Board, as well as the County of Humboldt; and they are willing to include additional conditions, if necessary, to secure project approval.

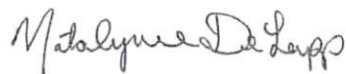
The water sourced for the cultivation area is sourced from a well on the property and the deeded rights to the well on the neighbor's property. As noted, there is concern about "truck water" being used for the cultivation; however, the potable water is for domestic drinking water use because in year's past the water tested positive for coliform, which poses a health risk for human consumption, but is okay

for cultivation uses. The applicant plans to install a rainwater catchment system, but until the Special Permit is approved, no addition building permits can be approved.

The Zoning Reclassification from Unclassified to General Agriculture is consistent with the General Plan adopted on October 23, 2017. As currently proposed the project would not increase vehicular traffic, and Staff believes that the necessary findings can be made to approve the project.

In conclusion, HCGA requests support for the approval of Proxima Investment's project. Approval would allow an existing business to enter the legitimate marketplace, while reducing environmental impacts.

Sincerely,

A handwritten signature in cursive script, reading "Natalynne DeLapp".

Natalynne DeLapp, Operations Director

From: Elizabeth Finger elizabethfinger1@gmail.com
Subject: Case number ZR-17-006 and number SP-16-123
Date: Apr 4, 2018 at 6:28:14 PM
To: humboldtwine@mac.com

Dear Planning Commissioners,

I am writing in regards to case number ZR-17-006 and number SP-16-123. I will not be able to attend the meeting on April 5 but I want to communicate my support for this project.

The owner of Proxima Investments, Mark Feldman, has been my neighbor on Fickle Hill for over 20 years. He has been a conscientious and responsible neighbor, with consideration of other people in our neighborhood and for the environment.

I support the zone reclassification of APN [313-203-020](#). The reclassification brings the zoning in alignment with the land use designation. It will also allow for the appropriate zoning for the indoor cultivation operation. I believe this cultivation project is the scale that is appropriate for the site, and is exactly the sort of operation that should be supported by our county.

I urge you to follow the recommendation of planning staff to approve the rezoning and special permit.

Thank you.

Sincerely,
Elizabeth Finger
137 Nature Lane, Arcata

4/5/18.
To whom it may concern,

We are a neighbor of
Mark Tolman, directly
across the road from
the entrance to his
property.
Mark and his employee
are very respectful to
us and the other neighbors,
they are quiet and come
and go at normal hours.

Respectfully,
Kent Bellum
7097 Fickle Hill rd.
Arcata Ca. 95521
707-822-9595

ATTACHMENT 5

Planning Commission Resolution No. 18-035

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 18-35**

**Case Number ZR 17-006
Assessor's Parcel Number: 313-203-020**

Recommending the Humboldt County Board of Supervisors certify compliance with the California Environmental Quality Act and approve the Summit West Property Management, LLC Zone Reclassification request.

WHEREAS, on June 5, 2017, Summit West Property Management, LLC submitted an application and evidence in support of approving a Zone Reclassification from Unclassified (U) to Agriculture General with a Special Building Site combining zone specifying a minimum parcel size of 10 acres (AG B-5(10)), consistent with the adopted General Plan land use designation of RA 5-20)); and

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

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, The County Planning Division, the lead agency, prepared an Addendum to The Programmatic EIR (PEIR) for the adoption of the County General Plan (SCH# 2007012089) September 25, 2017) adopted by the County Board of Supervisors October 23, 2017, where the Board of Supervisors certified the Final PEIR as complete and adequate in that it addressed all environmental effects of the proposed project and fully complies with all the requirements of CEQA. The property proposed for development at this time was included in discussions of the PEIR, as required by Section 15074(b) of the CEQA Guidelines, and finds there is no substantial evidence that the proposed project will have a significant effect on the environment; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zone Reclassification; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on April 5, 2018.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case No.: ZR 17-006 based on the submitted evidence; and
2. The Planning Commission recommends that the Board of Supervisors of the County of Humboldt:
 - Hold a public hearing in the manner prescribed by law.
 - Adopt the Planning Commission's findings.
 - By ordinance, approve the Zone Reclassification from U to AG on the subject parcel.
 - Direct the Planning Division to prepare and file a Notice of Exemption pursuant to CEQA for the project.
 - Direct the Clerk of the Board to publish a post approval summary in a newspaper of general circulation, and give notice of the decision to interested parties.

Adopted after review and consideration of all the evidence on April 5, 2018.

The motion was made by Commissioner Mitchell and seconded by Commissioner Levy:

AYES: Commissioners Mitchell, Levy, McKenny, Edmonds, Shepherd

ABSTAIN: Commissioner Morris

ABSENT: Commissioner Bongio

DECISION: Motion carries by roll call vote 5/1.

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



John Ford, Director
Planning and Building Department

ATTACHMENT 6
CEQA ADDENDUM TO THE
PROGRAM ENVIRONMENTAL IMPACT REPORT

**CEQA ADDENDUM TO THE
GENERAL PLAN UPDATE PROGRAM ENVIRONMENTAL IMPACT REPORT**

**The General Plan Update Program Environmental Impact Report (EIR)
(State Clearinghouse # 2007012089), October 23, 2017**

APN 313-203-020, 7090 Fickle Hill Road near the City of Arcata, Humboldt County

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

March 2018

BACKGROUND

Modified Project Description and Project History - The project involves a Zone Reclassification (ZR) to change the zoning of APN 313-203-020 from Unclassified (U) to Agriculture General with a B-5 combining zone with a 10-acre minimum (AG B-5(10)) in order to implement the General Plan land use designation of Residential Agriculture (RA5-20). The RA 5-20 land use designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems.

Within the General Plan EIR it is noted that:

“Foreseeable future development actions that may tier off of this EIR include amendment of the zoning ordinance, applications for approval of subdivisions, coastal development permits, conditional use permits, and special permit requests that are consistent with the updated General Plan and within the scope of this RDEIR.”

Furthermore, CEQA statute (§21083.3(b)) allows that if a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report.

The modified project description involves a zone reclassification from Unclassified to Agriculture General with a B-5 combining zone with a 10-acre minimum parcel size AG B-5(10) to be consistent with a General Plan designation of RA one dwelling unit per 5 to one dwelling unit per 20 acres.

The Zoning Consistency Matrix contained in Table 4-H of the adopted EIR shows that the proposed zoning is consistent with the compatible zones within the Residential Agriculture land use designation. Conversely, the existing zoning of U is not listed as a compatible zoning district.

The existing use of the property consists of a 15.46 acre parcel developed with residential uses and accessory outbuildings that house an indoor cannabis cultivation operation, relying on on-site water and wastewater systems. The proposed zoning change will better reflect the existing uses at the parcel.

The land use patterns in the area transition from larger parcels zoned and planned for timber production to smaller more residentially developed parcels zoned U and AGB-5(10) and planned RA5-20.

The indoor cannabis cultivation requires a Special Permit (SP) and consists of an existing hydroponic indoor cultivation within two buildings, a 760 square foot structure used for vegetative activities and a 2,085 square foot structure used for bloom functions.

The General Plan Environmental Impact Report (EIR) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the General Plan update which included adoption of land use designations.

The uses proposed at the parcel are consistent with the General Plan designation and the

proposed zoning. Additionally, the parcel was created by a subdivision that was recorded (PM 3442, Book 33, Page 79-80) in 2007. With the subdivision, a Negative Declaration was adopted and a conveyance agreement was recorded (Doc #2007-29899-8). The conveyance agreement included restrictions prohibiting further development until such time as Fickle Hill Road is improved to Road Category 4 standards. The indoor cannabis operation does not constitute additional development because the activity takes place within existing structures and there will be no employees coming from off-site. This is memorialized in the conditions of approval for the ZR/SP. The project is consistent with the subdivision requirements and does not pose new impacts. Nothing in the proposed project increases subdivision potential or increases existing development or the potential for development at the site.

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

1. Substantial changes are proposed in the project which require major revisions of the previous EIR or 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 EIR or 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 EIR or 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 EIR or MND; B) significant effect previously examined will be substantially more severe than shown in the previous EIR or 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 EIR or 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 EIR recommended mitigations. Further, the proposal to continue operation of a 3,565 square foot indoor cannabis cultivation on this site, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the PEIR.

OTHER CEQA CONSIDERATIONS

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

See Purpose statement above.

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

FINDINGS

1. The proposed project will change the zoning at the site from U to AG B-5(10) which is consistent and compatible with the land use designation of RA 5-20. The land use designation of RA 5-20 for this site was evaluated within the adopted EIR. The requested zone reclassification implements the General Plan land use designation and does not constitute a substantial change, is minor in nature, and does not require additional mitigation measures not included in the original EIR.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted as complete.

CONCLUSION

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