



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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Hearing Date: November 7, 2019

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Bellflower Farm, Special Permits**  
Record Number: PLN-13245-SP  
Assessor's Parcel Number (APN): 214-121-012  
1001 Hodges Lane, Phillipsville area

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Please contact Liza Welsh, Planner, at (707) 445-7541, or by email at [lwelsh@co.humboldt.ca.us](mailto:lwelsh@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
November 7, 2019	Special Permits	Liza Welsh

**Project Description:** A Special Permit for the continued operation of an existing 1,012 square-foot full-sun outdoor cannabis cultivation site and for 8,334 square feet of new cannabis cultivation for a total of 9,346 square feet of full-sun outdoor cannabis cultivation. Water is sourced from a permitted well and stored in three tanks totaling 1,325 gallons. The applicant estimates that they use 80,000 gallons of water per year for cannabis irrigation. Power is provided by Pacific Gas and Electric. There will be one cultivation cycle per year. The project has no employees. Processing will occur in an existing outbuilding, or off site with a third-party processor, as necessary. The project includes a Special Permit for a well on a small parcel and a Special Permit for a reduction in the 600-foot setback from Humboldt Redwoods State Park.

**Project Location:** The project is located in the Phillipsville area, on both sides of Hodges Road, approximately 1.05 miles north from the intersection of State Highway 254 and Hodges Road, on the property known as 1001 Hodges Lane.

**Present Plan Land Use Designations:** Residential Agriculture (RA), 2017 General Plan, Density: 5-160 acres per unit, Slope Stability: Moderate Instability (2).

**Present Zoning:** Agricultural General (AG) Minimum Building Site Area is 10 acres [B-5(10)].

**Record Number:** PLN-13245-SP

**Assessor Parcel Number (APN):** 214-121-012

**Applicant**

Bellflower Farm  
Kelly Givins  
PO Box 850  
Garberville, CA 95542

**Owner**

Givins Richard F Tr  
PO Box 146  
Phillipsville, CA 95559

**Agent**

Same as Applicant

**Environmental Review:** An Addendum to a previously adopted Environmental Impact Report has been prepared for consideration per §15164 of CEQA Guidelines.

**State Appeal Status:** The proposed cultivation area is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

**Major Issue:** None.

**Bellflower Farm Special Permits**  
Record Number: PLN-13245-SP  
Assessor's Parcel Number (APN): 214-121-012

**Recommended Zoning Administrator Action:**

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

*Find that the Zoning Administrator has considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval the Special Permits based on the evidence in the staff report and adopt the Resolution approving the proposed Bellflower Farm project subject to the recommended conditions.*

**Executive Summary:** The proposed Special Permits would allow the continued operation of an existing 1,012 square-foot outdoor cannabis cultivation site and for 8,334 square feet of proposed cannabis cultivation pursuant to the Commercial Cannabis Land Use Ordinance (CCLUO) for a total of 9,346-square feet of outdoor cannabis cultivation. The project includes ancillary drying and processing structures on a 9.04-acre (assessed lot size) legal parcel in the Phillipsville area. The parcel is currently developed with a residence and associated out buildings. A review of historic imagery using TerraServer indicates that in 2015 there was 1,012 square feet of outdoor cannabis cultivation visible using aerial imagery. The site is zoned AG, which allows for up to 10,000 square feet of new cultivation with a Special Permit subject to meeting specific performance standards.

Clones are sourced from a licensed third-party provider. Cultivation occurs outdoors in full sun in one discrete cultivation area. Cannabis is cultivated above ground in cloth pots. The garden area is seeded 1-2 times per year with non-invasive, native grasses and botanicals that attract pollinating insects. The garden is winterized at completion of the grow season, which extends from May to October with one cultivation cycle per year.

The domestic water source is a point of diversion on a spring on an adjacent property to the east with a deeded water right. The water source for cannabis irrigation is a permitted well (No. 10877860). The applicant has provided a Well Completion Report indicating that the well is 140 feet deep through grey shale and fractured blue sandstone with first water at 60 feet below the surface and with static water level at 50 feet below the surface. The well is located near the crest of a broad ridge and is described by the State Water Resources Control Board (SWRCB) Division of Water Rights as a groundwater well. The depth, elevation, and distance from water bodies support this finding. The well is located on a parcel under 10 acres in size, which is required to either conduct a drawdown test to demonstrate that the well will not drawdown adjacent wells, or to obtain a Special permit. There are no adjacent privately owned lands that are developed with residential or commercial uses that could be impacted by drawdown due to the use of this well, and the project includes a Special Permit assuming that drawdown could occur. Parcels immediately south, east and west are publicly owned lands managed for open space, and parcels to the north are large landholdings managed for timber. No adjacent wells would be impacted from the project.

Hard water storage tanks totaling 1,325 gallons are filled by the well. Water is delivered to the cannabis plants via drip irrigation lines with volumetric flow limiters. The applicant's estimated annual water use is 80,000 gallons, or 8.6 gallons per square foot per cultivation cycle. The applicant has registered with the North Coast Regional Water Quality Control Board as a Tier 2



discharger and has prepared a Water Resources Protection Plan pursuant to the enrollment (WDID# 1B16879CHUM). The WRPP states that there are no waterbodies, wetlands, or riparian areas on the subject parcel and describes the well as a groundwater well. It recommends corrective actions pertaining to water storage and use including water metering, the addition of a drip irrigation system, and increasing water storage capacity to minimize dry season spring water use and well pumping. Implementation of the mitigation measures outlined in the WRPP is a condition of project approval.

Power to the subject parcel is provided by Pacific Gas and Electric (P. G. & E.). No generators or artificial light are involved in cultivation. No employees will assist with the project. Processing will occur in a drying/processing shed using a trimming machine. Conditions of approval will require the applicant to obtain a commercial permit for the drying/processing structure, which will require the construction of an ADA-compliant restroom. The project was reviewed by the Department of Environmental Health, which recommended conditional approval. The applicant must demonstrate that a properly functioning Onsite Wastewater Treatment System (OWTS) serves the operation. This can be accomplished by either installing a new, permitted, septic system, or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State Regional Water Quality Control Board definition of a Tier 0 system – not impairing groundwater or surface water resources.

The subject parcel is located approximately one mile from the Avenue of the Giants on Hodges Road. The Avenue of the Giants is maintained by CalTrans and is a Category 4 road capable of accommodating commercial traffic. Hodges Road is privately maintained. The applicant submitted a Road Evaluation for Hodges Road and reported that it has the functional capacity of a Category 4 road capable of accommodating the commercial traffic involved with this project. The project was reviewed by the Public Works Department which did not recommend any road improvements. Conditions of approval require the applicant to consent to join or establish a Road Maintenance Association (RMA) for Hodges Road.

The cultivation site would be approximately 150 feet from three parcels of land in the Humboldt Redwoods State Park. The adjacent parcels are not used as developed and designated public parks and do not contain trails. The adjacent public land is subject to the *Humboldt Redwoods State Park General Plan 2001 (HRSPGP)*. The *HRSPGP* identifies agriculture and ranching, resource extraction, activities on private lands that generate aesthetic or resource impacts, and highway maintenance as adjacent land uses that may cause impacts. The *HRSPGP* states that with road work and the potential for clear-cutting occurring so near the park's boundary, erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty, and the reduction of quality habitat for plants and animals remain issues that must be monitored. The *HRSPGP* also states that adequate buffering of development within the park from adjacent land uses or other mitigation measures must be utilized as potential remedies for adverse impacts to the park's prime resources.

The project is consistent with the *HRSPGP* because the cultivation activities will minimize impacts to biological resources and wildlife. The cultivation occurs in full sun. The project does not involve any supplemental lighting or any use of generators. The project will not require substantial road improvements or the removal of trees. The project will also protect fisheries and aquatic habitat on forest lands by foregoing any surface water diversion. Water is sourced exclusively from a permitted ground water well. Buffers are maintained from streams and controls are placed on the storage and use of pesticides and fertilizers. The project will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access for fire trucks. The *HRSPGP*'s provisions for cultural resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources.



Additionally, a Water Resource Protection Plan was developed for the project. The plan was developed to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600-foot buffer separation from developed campgrounds and/or trails. As a result, there will not be any new erosion, wind damage, elimination of wildlife corridors, loss of scenic beauty or reduction of quality habitat for plants and animals.

Staff analysis of the Humboldt Redwoods State Park Road and Trail Inventory and Assessment Existing Roads and Trails Map indicate that the Park's nearest developed facility to the project site is the Franklin K Lane Loop Trail, located over one half of a mile to the southeast. Also, upon review of the *Humboldt Redwoods State Park Road and Trail Management Plan, Public Draft 2017* and the corresponding *Planning Recommendations Map Bull Creek Southeast*, there are no existing or proposed developments within the park that would be impacted as result of the proposed project. Therefore, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park. State Parks reviewed the draft Staff Report for the project and had no concerns regarding approval of the setback.

The subject parcel is classified as agricultural land and contains second-growth forest and mixed meadow areas on a ridge top. CalFire reviewed the project and had no concerns as to resource management. There are no stream crossings, wetlands, or surface waters on the subject parcel and there is a vegetated buffer between the cultivation area and water courses on nearby parcels. A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the project has the potential to affect sensitive species including the Northern Spotted Owl (*Strix occidentalis caurina*), Marbled Murrelet (*Brachyramphus marmoratus*), the Foothill yellow-legged frog (*Rana boylei*), and the Howell's montia (*Montia howellii*). The project was reviewed by CDFW and they requested that the following conditions be added to the project: All generators and fans shall be enclosed in noise containment structures, noise associated with the cannabis cultivation shall be at 50 decibels or less at 100 feet from the noise source, property lines, or the edge of Northern Spotted Owl or Marbled Murrelet habitat, whichever is closer, the applicant shall adhere to a prohibition on the use of synthetic netting, and all refuse shall be contained in wildlife proof storage and disposed of at an authorized waste management facility. These requirements have been added to the conditions of approval for the project. Additionally, noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by taking twenty-four measurements on three or more property lines when all cannabis related activities are not in operation. The applicant shall take these measurements and shall submit a Noise Plan detailing ambient noise levels per 314-55.4.12.6. If ambient noise is above 50 decibels, CDFW and the Planning Department will work together to establish an alternate noise threshold and shall modify the project accordingly.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believe that the existing cultivation and processing aspects of the project are consistent with the Environmental Impact Report (EIR) that was adopted for the CCLUO due to the fact that this is existing cultivation that is being brought into conformance with State and local requirements and the proposed cultivation is consistent with the CCLUO requirements for new cultivation. No additional development other than that which was contemplated under the previously adopted EIR is proposed. An addendum to the EIR has been prepared for this project.

Staff recommends that the Zoning Administrator describe the application as a part of the consent

agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

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

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

**Resolution Number 19-**

**Record Number: PLN-13245-SP  
Assessor's Parcel Number (APN): 214-121-012**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Bellflower Farm Special Permits request.**

**WHEREAS**, Bellflower Farm, submitted an application and evidence in support of approving the Special Permit to permit the continued operation of an existing cannabis cultivation site consisting of 1,012 square feet of existing outdoor and 8,334 square feet of proposed outdoor cannabis cultivation and ancillary nursery and storage facilities. Water is provided from a permitted well. Power is provided by Pacific Gas and Electric. Drying and processing will occur in an existing shed. There will be no employees; and

**WHEREAS**, Bellflower Farm submitted an application and evidence in support of approving the Special Permit to permit the reduction of the setback from Humboldt Redwoods State Park from 600 feet to 140 feet finding that the reduction will not interfere with normal management or use of the park; and

**WHEREAS**, Bellflower Farm submitted an application and evidence in support of approving the Special Permit for a well on a parcel of 10-acres or less per 55.4.12.9; 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 County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS**, 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 Permits (Record Number PLN-13245-SP); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on November 7, 2019.

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

1. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and



2. The Zoning Administrator makes all the required findings in Attachment 2 of the Planning Division staff report support approval of Record Number PLN-13245-SP based on the submitted substantial evidence; and
3. Special Permits Record Number PLN-13245-SP are approved as recommended and conditioned in Attachment 1.

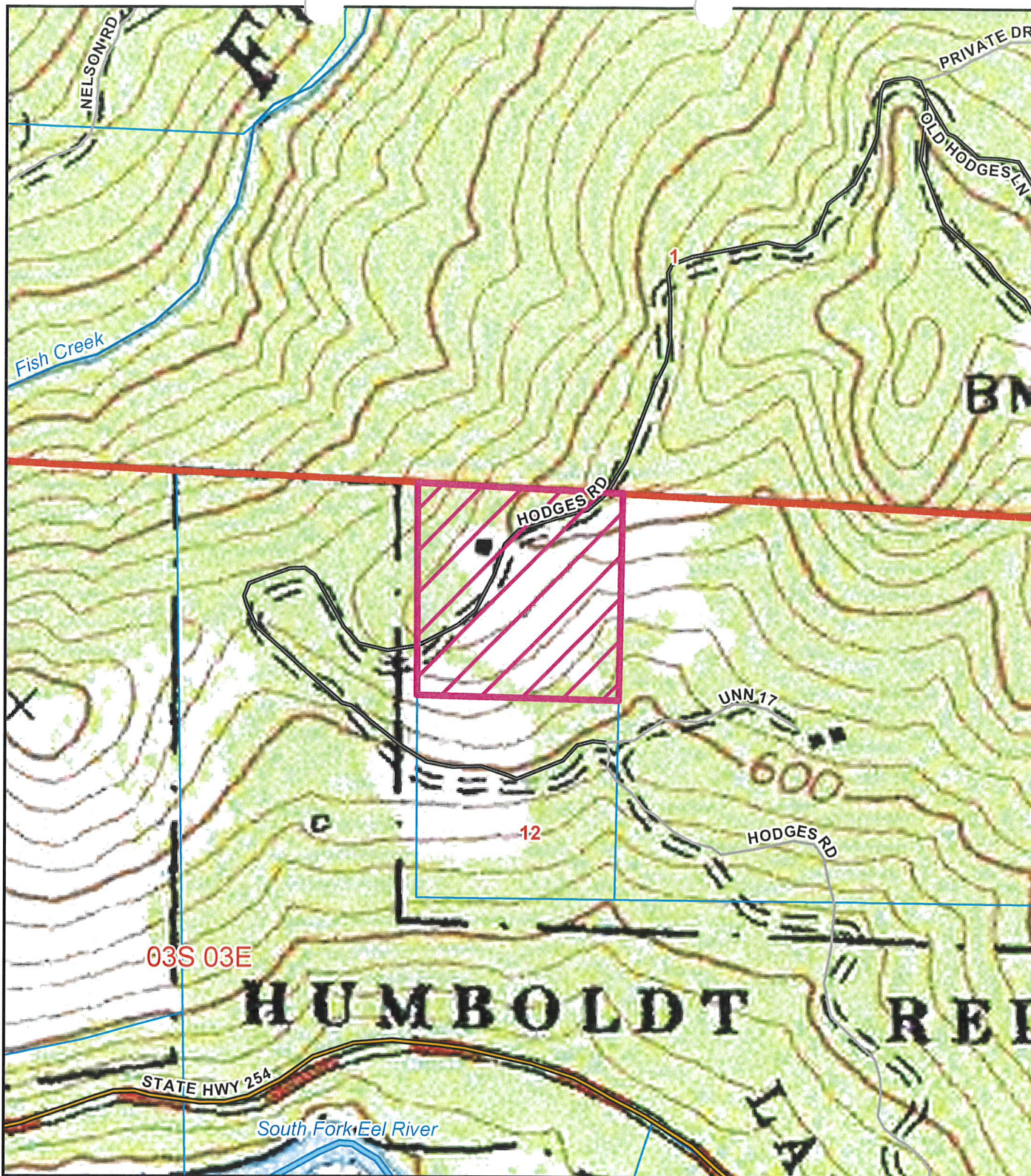
Adopted after review and consideration of all the evidence on November 7, 2019.

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

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John Ford  
Zoning Administrator  
Planning and Building Department





Project Area = 

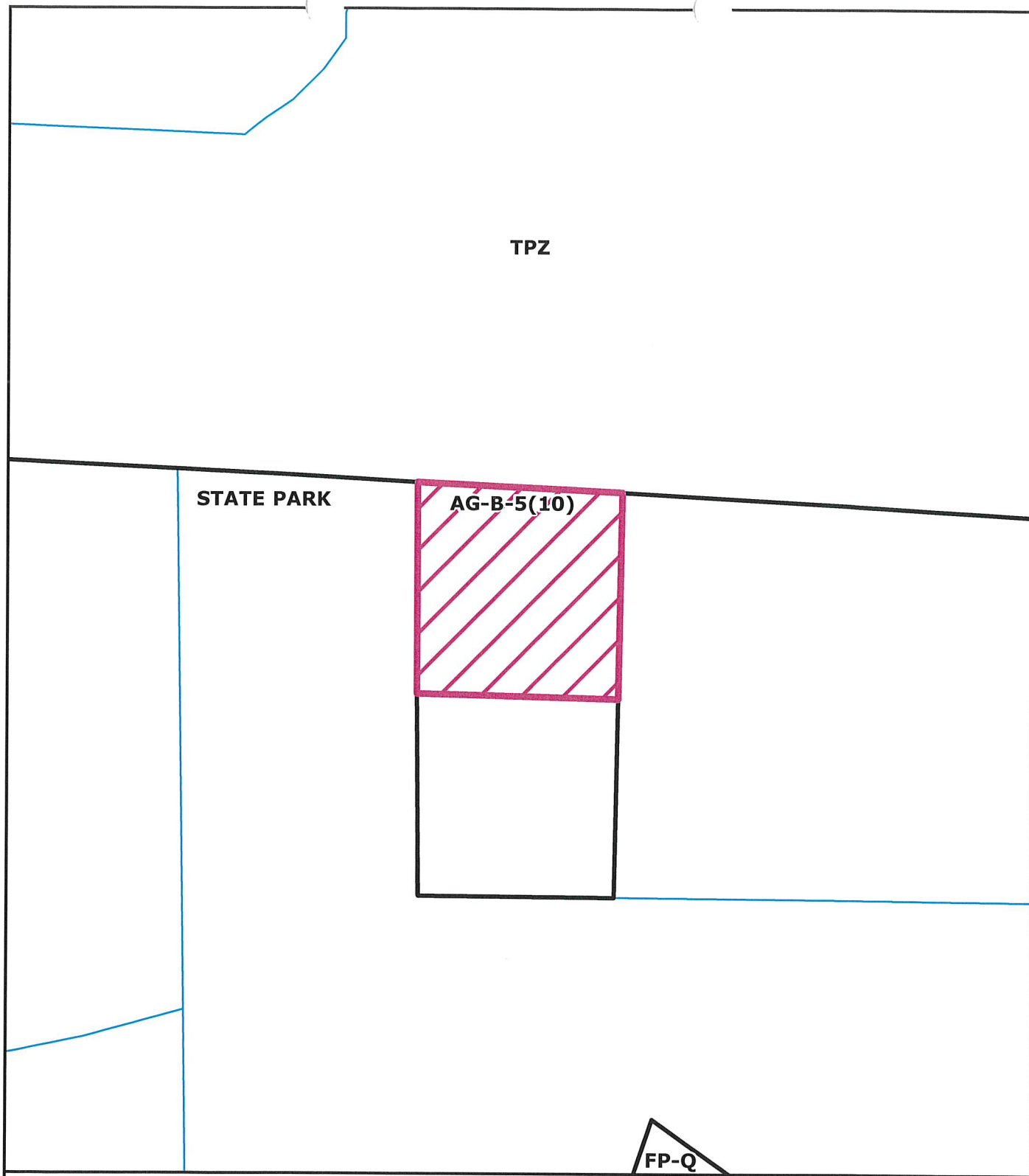
**TOPO MAP  
PROPOSED BELLFLOWER FARM  
PHILLIPSVILLE AREA  
SP-16-837  
APN: 214-121-012-000  
T03S R03E S12 HB&M (MIRANDA)**



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.

0 500 1,000 Feet



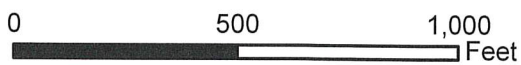


Project Area = 

**ZONING MAP  
PROPOSED BELLFLOWER FARM  
PHILLIPSVILLE AREA  
SP-16-837  
APN: 214-121-012-000  
T03S R03E S12 HB&M (MIRANDA)**



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








Project Area = 

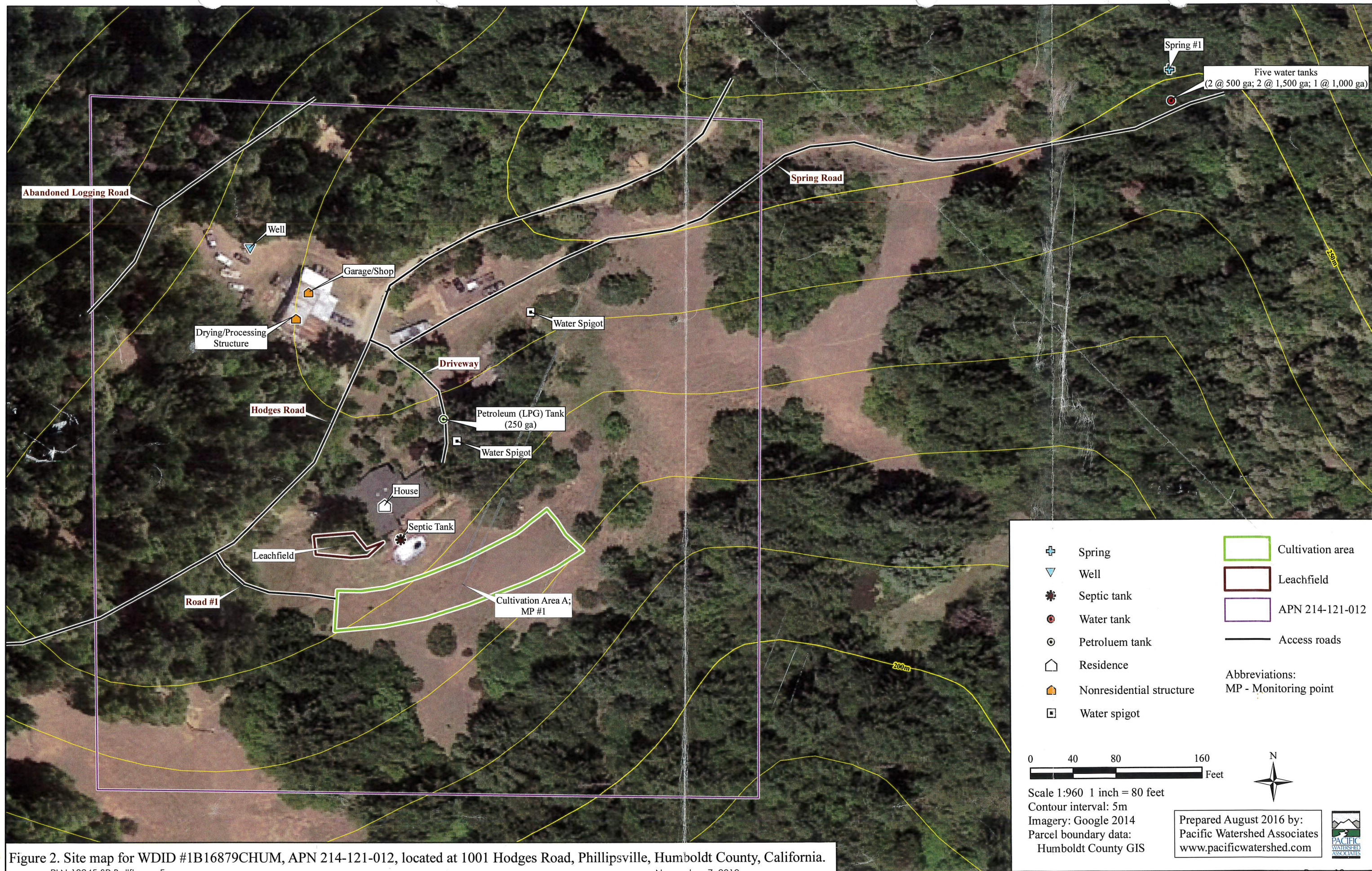
**AERIAL MAP  
PROPOSED BELLFLOWER FARM  
PHILLIPSVILLE AREA  
SP-16-837  
APN: 214-121-012-000  
T03S R03E S12 HB&M (MIRANDA)**

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.

0 380 760 Feet









**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 PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.**

1. 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.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. All outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #4-#16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
4. The applicant shall secure permits for all structures and graded areas related to the cannabis cultivation and other commercial cannabis activity including the shed used for drying and processing and all ancillary structures of greater than 120 square feet. The structures shall be reviewed by the County Building Division and will be reviewed for consistency with applicable State, Federal, and local regulations of building standards, including those related to slope stability, ground shaking, and geologic risk. A letter or similar communication from the Building Division verifying that all structures and graded areas related to cannabis cultivation are permitted will satisfy this condition.
5. The applicant proposes onsite processing in an existing shed. The applicant shall demonstrate that a properly functioning Onsite Wastewater Treatment System (OWTS) serves the operation. This can be accomplished by either installing a new, permitted, septic system, or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State Regional Water Quality Control Board definition of a Tier 0 system – not impairing groundwater or surface water resources. Confirmation from DEH that an approved OWTS is present on the property or a written statement from the applicant that they will process off site with a licensed third-party facility will satisfy this condition.
6. 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.
7. The applicant shall contact the local fire service provider [Phillipsville VFC] and shall 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.

8. The applicant shall demonstrate that the driveway and emergency vehicle turn around conform to the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance.
9. The applicant shall submit an invasive species control plan to the Planning Department for review and approval. The plan shall include, but not be limited to, identification of types of invasive plant species, where they are located, and a plan to control their spread.
10. The applicant shall submit a soils management plan detailing the use of imported and native soil to the Planning Department for review and approval. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed. an invasive species control plan. The plan shall include, but not be limited to, identification of types of invasive plant species, where they are located, and a plan to control their spread.
11. Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by taking twenty-four measurements on three or more property lines when all cannabis related activities are not in operation. The applicant shall take these measurements and shall submit a Noise Plan detailing ambient noise levels per 314-55.4.12.6. . If ambient noise is above 50 decibels, CDFW and the Planning Department will work together to establish an alternate noise threshold and shall modify the project accordingly.
12. The applicant shall install a water meter to track water usage.
13. The applicant shall obtain a 1600 Agreement from CDFW for their domestic point of diversion if the diverted water is to have any nexus to the cannabis cultivation or processing. If there is no nexus, a 1600 Agreement is still a legal requirement for the applicant, but it will not be a condition of this permit.
14. The applicant shall adhere to the Water Resource Protection Plan (WRPP) prepared by Pacific Watershed Associates for the subject parcel and shall implement all corrective actions prescribed therein pursuant to the State Water Resources Control Board's Cannabis General Order 2017-0023-DWQ and meeting previous requirements for Tier 2 enrollment under the North Coast Regional Water Quality Control Board's (RWQCB) Cannabis Cultivation Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third-Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and

Cannabis General Order adopted October 17, 2017 by the State Water Board].

15. Prior to initiating commercial cannabis cultivation or associated activities the property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the Humboldt County Code and available at the Planning Division.

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

1. The primary power source is Pacific Gas and Electric (P. G. & E. ), but when a project-specific or backup generator is used, a noise containment structure shall be used with the generator. The noise produced by said generators shall not be audible by humans from neighboring residences. The decibel level for generators measured at 100 feet from the generator or at the property line shall be no more than 50 decibels. Sound levels must 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.
2. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation and Operations Plan, the Water Resource Protection Plan, the Lake and Streambed Alteration Agreement, 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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).

8. 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.
9. 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.
10. 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).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application, review for conformance with conditions and annual inspection fees.
13. 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.
14. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
15. The operation shall participate in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.
16. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
17. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
18. All refuse shall always be contained in wildlife proof storage containers and shall be disposed of at an authorized waste management facility.

**Performance Standards for Cultivation and Processing Operations:**

14. 19 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."
15. 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).

16. 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. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
17. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - 1) Emergency action response planning as necessary;
    - 2) Employee accident reporting and investigation policies;
    - 3) Fire prevention;
    - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - 5) Materials handling policies;
    - 6) Job hazard analyses; and
    - 7) Personal protective equipment policies, including respiratory protection.
  - ii. Cultivation 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, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
18. 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. Employee 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 employees.
  - viii. Plan to minimize impact from increased road use resulting from processing.
  - ix. On-site housing, if any.
19. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the

anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

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 SP 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.

20. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #23, above, is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

21. 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 shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); 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 California Medical Marijuana Regulation and Safety Act 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 California Medical Marijuana Regulation and Safety Act.

22. 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.
23. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist 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.

4. 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.

5. 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.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.
7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.



**ATTACHMENT 2**  
**Required Findings for Approval**

**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.

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

1. The proposed development is in conformance with the County General Plan, Open Space Plan, and Open Space Action Program;
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;
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;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint 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; and
6. In addition, 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. The project either:
  - a. Is categorically or statutorily exempt; or
  - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c. Has had an environmental impact report (EIR) 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.

**1. The proposed development must be consistent with the General Plan.** The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of Humboldt County General Plan, 2017, and the Avenue of the Giants Community Plan, and the Open Space Plan and open Space Action Program.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p><b>Residential Agriculture (RA):</b> Lands used for large lot residential uses that typically rely upon on-site water and wastewater systems. Allowable land uses vary and include residential, cottage industry, bed and breakfast inns, community assembly, neighborhood commercial, non-commercial recreation, office and professional, private institution, general and intensive agriculture, stables and kennels, timber production, fish and wildlife management, essential services, and similar compatible uses.</p> <p>Density range is 40 acres per unit.</p> <p><b>Avenue of the Giants Community Plan Area (AVES):</b> This plan area is in southern Humboldt County and includes policies to protect resource production land, increase rural densities, provide economic development, and identification of areas of special concern.</p>	<p>The proposed project includes 9,346 square feet of outdoor commercial cultivation consisting of 1,012 square feet of existing and 8,334 square feet of proposed new outdoor cannabis cultivation and ancillary processing and storage buildings on a legal parcel designated as Residential Agriculture. General and intensive agriculture are allowable use types for this designation.</p> <p>The proposed project is within the AVES CPA. The proposed project will support the major policies of the AVES and Humboldt County Framework Plan which work in unison. The proposed project will consist of the production of an agricultural crop within an area designated as prime farmland. This is consistent with the history of agricultural production in the AVES CPA and Holmes community. The proposed project will not degrade other environmental resources nor will it preclude future use of any on-site or off-site agricultural land. In addition, it will preserve the existing rural nature of the project site and surrounding land uses. To reduce any potential effects, the proposed project has been conditioned to ensure water for irrigation will be non-diversionary as determined by consultation with CDFW and SWRCB. As such, the proposed project would be consistent with both the General Plan and AVES CPA.</p>



Relevant Section(s)	Plan	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7		<p>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, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The project is in the Phillipsville area, on both sides of Hodges Road, approximately 1.05 miles north from the intersection of State Highway 254 and Hodges Road, on the property known as 1001 Hodges Lane. The subject parcel is accessed from Hodges Road approximately one-mile from the Avenue of the Giants, State Highway 254. The Avenue of the Giants is maintained by CalTrans and is a Category 4 road capable of accommodating commercial traffic. Hodges Road is privately maintained. The applicant submitted a Road Evaluation for Hodges Road and reported that it has the functional capacity of a Category 4 road capable of accommodating the commercial traffic involved with this project. The project was reviewed by the Public Works Department which did not recommend any road improvements. The operators live on site and the project has no employees. There are only two cannabis sites, including this parcel, that are served by Hodges Road and a Road Maintenance Association is therefore not required.</p>
Housing Chapter 6		<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, nor is the project site part of the Housing Element Residential Land Inventory. 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>

Relevant Section(s)	Plan	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Conservation and Open Space Chapter 10  Public Lands Chapter 4.7		<p>Goals and policies contained in this Chapter present a framework of goals and policies for use and protection of all the natural resource and open space assets of the county, including agricultural production.</p> <p>Public lands policy PL-P6 requires that discretionary review of permit applications adjacent to public lands shall consider impacts to public lands and consistency with applicable management plans.</p>	<p>The project is located adjacent to state lands managed by the California State Parks as Humboldt Redwoods State Park. The adjacent public lands are subject to the Humboldt Redwoods State Park General Plan (GP) adopted October 26, 2001. The project is consistent with the GP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to eliminate potential light and noise impacts. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water use, and on the storage and use of pesticides, rodenticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and requiring adequate road access. The GP's provisions for cultural resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Finally, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails. State Parks reviewed the draft Staff Report for the project and had no concerns regarding approval of the setback.</p>
Conservation and Open Space Chapter 10  Open Space Section 10.2		<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-S2. Identification of the Open Space Action Program</p>	<p>The project site is within or near a land use designation or zoning classification identified for the Local Open Space Plan, and the proposed development is consistent with the Plan. The subject parcel is 9.04 acres in size. Development is concentrated in one area on the Fences or vegetated buffers are maintained between the cultivation area, property lines, and Hodges Road on the parcel.</p> <p>(See Biological Resources Section 10.3 for additional discussion).</p>
Conservation		Goals and policies contained in this	The subject parcel is classified as



Relevant Section(s)	Plan	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
and Open Space Chapter 10  Biological Resources Section 10.3		<p>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)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>agricultural land and contains second-growth forest and mixed meadow areas on a ridge top near Humboldt Redwoods State Park and the Avenue of the Giants. CalFire reviewed the project and had no concerns as to timber conversion or resource management. State Parks reviewed the draft Staff Report for the project and had no concerns regarding approval of the setback.</p> <p>The water source for cannabis irrigation is a permitted well. There are no stream crossings, wetlands, or surface waters on the subject parcel and there is a vegetated buffer between the cultivation area and water courses on nearby parcels. A review of data from the California Natural Diversity Database (CNDDB) using Humboldt County WebGIS demonstrates that the project has the potential to affect sensitive species including the Northern Spotted Owl (<i>Strix occidentalis caurina</i>), Marbled Murrelet (<i>Brachyramphus marmoratus</i>), the Foothill yellow-legged frog (<i>Rana boylei</i>), and the Howell's montia (<i>Montia howellii</i>). The subject parcel is mapped as containing Marbled Murrelet habitat. The nearest Northern Spotted Owl siting is approximately .32 miles away. The nearest Northern Spotted Owl activity center is approximately .69 miles away. Power to the subject parcel is provided by Pacific Gas and Electric (P. G. &amp; E. ) and the applicant does not propose use of generators for this project. The project was reviewed by CDFW and they requested that the following conditions be added to the project: All generators and fans shall be enclosed in noise containment structures, noise associated with the cannabis cultivation shall be at 50 decibels or less at 100 feet from the noise source, property lines, or the edge of Northern Spotted Owl or Marbled Murrelet habitat, whichever is closer, the applicant shall adhere to a</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>prohibition on the use of synthetic netting, and all refuse shall be contained in wildlife proof storage and disposed of at an authorized waste management facility. These requirements have been added to the conditions of approval for the project. Additionally, noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by taking twenty-four measurements on three or more property lines when all cannabis related activities are not in operation. The applicant shall take these measurements and shall submit a Noise Plan detailing ambient noise levels per 314-55.4.12.6. If ambient noise is above 50 decibels, CDFW and the Planning Department will work together to establish an alternate noise threshold and shall modify the project accordingly.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>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)</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>The Northwest Information Center reviewed the project and found no record of any previous cultural resource studies for the proposed project area. Subsequently, the project was reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The THPO requested that standard inadvertent discovery language be included as a condition of project approval. 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.</p>



Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>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 opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>No supplemental lighting is proposed for the project. Vegetated buffers are maintained between all cultivation areas and neighboring parcels or roads.</p>

<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-G, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>The applicant has enrolled in the North Coast Regional Water Quality Control Board's (NCRWQCB's) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger. A Water Resource Protection Plan (WRPP) has been prepared by Pacific Watershed Associates pursuant to a site visit that occurred in May 2016. The WRPP recommends several corrective or remedial actions pursuant to stormwater drainage. Minor rilling was observed on Hodges Road. The applicant shall monitor and maintain the ditch and ditch/driveway culvert inlet by removing debris after significant storms, and before the start of the wet season. Additionally, the inboard ditch on Hodges Road showed signs of erosion but no potential for delivery to surface water. In the future, when Hodges Road is resurfaced, the WRPP suggests that the applicant pursue opportunities to install drainage structures that disperse stormwater from the road surface, but this is not a required corrective action as ditch flow does not impact water quality or aquatic habitat. Further, the WRPP states that there was no evidence of erosion or concentrated stormwater flows from the cultivation area. Concentrated stormwater that is carried in the in-board ditch along Hodges Road infiltrates into the ground.</p> <p>As a condition of approval, the applicant shall adhere to the WRPP and shall implement all corrective actions prescribed therein including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third-Party Consultant verifying that all the requirements in the</p>
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Relevant Section(s)	Plan	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
			MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board].
Water Resources Chapter 11  Onsite Wastewater Systems		<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The project has no employees. The site contains an existing residence and the applicant proposes onsite processing in an existing shed. The processing location will require a commercial building permit with an ADA compliant restroom facility and a permitted Onsite Wastewater Treatment System. The project was reviewed by the Department of Environmental Health, which recommended conditional approval. Conditions of approval require the applicant to demonstrate that a properly functioning Onsite Wastewater Treatment System (OWTS) serves the operation. This can be accomplished by either installing a new, permitted, septic system, or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State Regional Water Quality Control Board definition of a Tier 0 system – not impairing groundwater or surface water resources.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<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; and N-P4, Protection from Excessive Noise.</p>	<p>The proposed project is for cultivation of cannabis in full sun. No supplemental light is proposed for the nursery. The power source for the project is Pacific Gas and Electric (P. G. &amp; E.). The subject parcel is mapped as containing Marbled Murrelet habitat. The nearest Northern Spotted Owl siting is approximately .32 miles away. The nearest Northern Spotted Owl activity center is approximately .69 miles away. Ongoing conditions of approval require that noise levels remain at 50 decibels or less at 100 feet from the noise source, property lines, or the edge of NSO habitat or Marbled Murrelet habitat, whichever is closer. Additionally, noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by taking twenty-four measurements on three or more property lines when all cannabis related activities are not in operation. The applicant shall take these measurements and shall submit a Noise Plan detailing ambient noise levels per 314-55.4.12.6. If ambient noise is above 50 decibels, CDFW and the Planning Department will work together to establish an alternate noise threshold and shall modify the project accordingly.</p>



Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic &amp; 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; and S-P7, Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone or is subject liquefaction. The site is in an area designated as Moderate Instability (2) on the County's GIS. There are no mapped landslides on the subject parcel. Based on the project and evidence before staff, the project does not pose any other threat to public safety related from exposure to natural or manmade hazards.</p> <p>The structures and grading associated with the project shall be reviewed by the County Building Division for consistency with applicable State and local regulations of building standards, including those addressing slope stability, ground shaking, and geologic risks. The applicant shall obtain the relevant building permits for all existing and proposed structures and grading.</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-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>According to the Flood Insurance Rate Map (FIRM) Panel No. 0623C1985F (effective 11/4/2016), the project site is not located in a flood hazard area. The project site is not within a mapped dam or levee inundation area and is outside of the 100-year flood area. At approximately 19 miles distance from the coast, the project site is outside the areas subject to tsunami run-up.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<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 parcel is in an area designated with a high fire hazard severity. It is located within the fire response area for Phillipsville VFC, and it is also within the State Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires.</p> <p>Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in State Responsibility Areas. Compliance with these requirements has been incorporated as a condition of approval.</p> <p>No employees will work on the parcel. A 20,000-gallon in-ground swimming pool is available for fire suppression in addition to the point of diversion, well and water storage for irrigation.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Phillipsville VFC] and to furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. 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.</p>



Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<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 is an existing operation. No new structures are proposed. If the project is modified in the future to propose new structures, dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

**2. Zoning Compliance and 3. Conforms to 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.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§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.	APN 214-121-012 is a legal parcel created through deed conveyance, created by exception (non-conveyed portion of parcel) conveyed on December 22, 1961, Vol 680 Official Records Page 413. Otherwise known as a remainder parcel as a result of 1961 conveyance of southerly portion of parent parcel created through 1960 conveyance. There are no terms or conditions that apply to new development on the parcel and there are no violations of Humboldt county Code on the parcel.
§314-7.2  Agricultural General Zone (AG)          Special Building Site B-5(10)	The Agricultural General or AG Zone is intended in areas in which agriculture is the desirable predominant use and rural residential uses are secondary.  The Special Building Site Combining Zone or B Zones and subzones thereunder are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirement should be modified.	The proposed action would permit an outdoor commercial cannabis cultivation in existence prior to January 1, 2016, on a parcel zoned AG-B-5(10). The existing cultivation area totals 9,346 square feet. The proposed cannabis cultivation use is specifically allowed with a Special Permit in the AG under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Area:	2.5 acres	9.04 acres
Minimum Lot Width:	60 feet	624 feet
Maximum Lot Depth:	None specified	634 feet
Minimum Yard Setbacks:  (Through the SRA Setbacks)	Front: 20 feet Rear: 20 feet Side: 6 feet  SRA: 30 feet all sides	Front: >30 feet Rear: >30 feet Side: > 30 feet



Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Distance Between Major Buildings:	Farm outbuildings shall not be less than twenty feet (20') from any dwelling on the premise	> 20 feet
Maximum Ground Coverage:	35%	< 35%
Max. Building Height:	35 feet	< 35 feet
§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 Class I or Class II streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p> <p>The SMA of Class III or intermittent streams outside of urban development and expansion areas is defined as 50 feet from the stream transition line.</p>	There are no mapped watercourses, wetlands, or riparian areas on the subject parcel and the project is outside of all Streamside Management Areas. While a point of diversion on an adjacent parcel supplies domestic water, the sole water source supporting the cannabis cultivation site is a permitted groundwater well.

<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence That Supports the Zoning Finding</b>
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required. *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.	2 spaces

<b>CCLUO Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence That Supports the CCLUO Finding</b>
§314-55.4.5.4  Permit Limits and Permit Counting	No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).	According to records maintained by the Planning Department, the party who is the Bellflower Farms applicant, submitted one application proposing 9,346 square feet of existing and new cultivation area and is entitled to eight acres. This application is one Special Permit for a 9,346-square-foot cultivation area.
§314-55.4.6.0  Conversion of Timberland	Cultivation sites may only be located within an Non-Forested area that was in existence prior to January 1, 2016.	The subject parcel is classified as agricultural land and contains second-growth forest and mixed meadow areas on a ridge top near Humboldt Redwoods State Park and the Avenue of the Giants. CalFire reviewed the project and had no concerns as to timber conversion or resource management.



<p>§ 314-55.4.6.1</p> <p>Eligibility Requirements – Resource Production and Residential Areas</p> <p>Zoning</p> <p>Minimum Parcel Size and allowed Cultivation Area</p>	<p>Outdoor and Mixed-light Cultivation Activities, On-Site Processing, and Nurseries shall be principally permitted with a Zoning Clearance Certificate or Special Permit when meeting the following Eligibility and Siting Criteria and all applicable Performance Standards, except when otherwise specified.</p> <p>AE, AG, FR and U when accompanied by a Resource Production General Plan land use designation requiring a parcel size of 5 acres or more.</p> <p>On parcels 10 acres or larger, up to 43,560 square feet of Cultivation Area with a Special Permit.</p>	<p>The project site features existing cultivation operations in rural Humboldt County on a legal parcel, zoned Agriculture General with an assessed lot size of 9.04 acres. A review of historic imagery using TerraServer indicates that in 2015 there was 1,012 square feet of outdoor cannabis cultivation visible using aerial imagery. Imagery from 2016 indicates 9,346 square feet of outdoor cannabis cultivation visible using aerial imagery. The difference of 8,334 square feet of outdoor cannabis cultivation is considered here as new cultivation under the CCLUO requirements. The cultivation area is consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CCLUO, as specified in the recommended conditions of approval.</p>
<p>§314-55.4.8.4</p> <p>Processing Facilities</p>	<p>Processing Facilities for commercial cannabis for other than an appurtenant, on-premises cultivation operation as provided in Section 314-55.4.9.1 shall be a permitted use in zoning district AG, AE, and RA as specified in the CMMLUO and shall meet the Processing Performance Standards and Employee Safety Practices enumerated in Section 314-55.4.11 (q) through (u).</p>	<p>Processing will occur in a drying/processing shed using a trimming machine. Conditions of approval will require the applicant to obtain a commercial permit for the drying/processing structure, which will require the construction of an ADA-compliant restroom. The project was reviewed by the Department of Environmental Health, which recommended conditional approval. The applicant must demonstrate that a properly functioning Onsite Wastewater Treatment System (OWTS) serves the operation. This can be accomplished by either installing a new, permitted, septic system, or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State Regional Water Quality Control Board definition of a Tier 0 system – not impairing groundwater or surface water resources.</p>

§314-55.4.6.4.4 Standard Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.	<p>The Site Plan and additional materials submitted by the applicant demonstrate that all cultivation facilities are located at least 30 feet from any property line. No schools or school bus stops are located within 600 feet of the cultivation areas. There are no parks as defined in County Code Section 314- 55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. There are no identified places of religious worship within 600 feet.</p> <p>Humboldt Redwoods State Park property is located 140 feet from the proposed cultivation area. A Special Permit to relax the setback is included in this staff report. Staff analysis of the Humboldt Redwoods State Park Road and Trail Inventory and Assessment Existing Roads and Trails Map indicate that the Park's nearest developed facility to the project site is the Franklin K Lane Loop Trail, located over one half of a mile to the southeast. Also, upon review of the <i>Humboldt Redwoods State Park Road and Trail Management Plan, Public Draft 2017</i> and the corresponding <i>Planning Recommendations Map Bull Creek Southeast</i>, there are no existing or proposed developments within the park that would be impacted as result of the proposed project. Therefore, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails and will not result in impacts to Humboldt Redwoods State Park. State Parks reviewed the draft Staff Report for the project and had no concerns regarding approval of the setback.</p>
§314-55.4.11 Application Requirements	Identifies the information required for all applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.12 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.



<p>§314-55.4.12.1.8 Performance Standards–  Road System</p>	<p>Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.</p>	<p>The subject parcel is located approximately one mile from the Avenue of the Giants on Hodges Road. The Avenue of the Giants is maintained by CalTrans and is a Category 4 road capable of accommodating commercial traffic. Hodges Road is privately maintained. The applicant submitted a Road Evaluation for Hodges Road and reported that it has the functional capacity of a Category 4 road capable of accommodating the commercial traffic involved with this project. The project was reviewed by the Public Works Department which did not recommend any road improvements. Conditions of approval require the applicant to consent to join or establish a Road Maintenance Association (RMA) for Hodges Road.</p>
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<p>§314-55.4.12.1.10 Performance Standards–</p> <p>Biological Resource Protection</p>	<p>Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1l, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.</p>	<p>The subject parcel is classified as agricultural land and contains second-growth forest and mixed meadow areas on a ridge top near Humboldt Redwoods State Park and the Avenue of the Giants. CalFire reviewed the project and had no concerns as to timber conversion or resource management. State Parks reviewed the draft Staff Report for the project and had no concerns regarding approval of the setback.</p> <p>The water source for cannabis irrigation is a permitted well. There are no stream crossings, wetlands, or surface waters on the subject parcel and there is a vegetated buffer between the cultivation area and water courses on nearby parcels.</p> <p>A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the project has the potential to affect sensitive species including the Northern Spotted Owl (<i>Strix occidentalis caurina</i>), Marbled Murrelet (<i>Brachyramphus marmoratus</i>), the Foothill yellow-legged frog (<i>Rana boylei</i>), and the Howell's montia (<i>Montia howellii</i>). The subject parcel is mapped as containing Marbled Murrelet habitat. The nearest Northern Spotted Owl siting is approximately .32 miles away. The nearest Northern Spotted Owl activity center is approximately .69 miles away. Power to the subject parcel is provided by Pacific Gas and Electric (P. G. &amp; E.) and the applicant does not propose use of generators for this project. The project was reviewed by CDFW and they requested that the following conditions be added to the project: All generators and fans shall be enclosed in noise containment structures, noise associated with the cannabis cultivation shall be at 50 decibels or less at 100 feet from the noise source, property lines, or the edge of Northern Spotted Owl or Marbled Murrelet habitat, whichever is closer, the applicant shall adhere to a prohibition on the use of synthetic netting, and all refuse shall be contained in wildlife proof storage and disposed of at an authorized waste management facility. These requirements have been added to the conditions of approval for the project. Additionally, noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise</p>
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		above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by taking twenty-four measurements on three or more property lines when all cannabis related activities are not in operation. The applicant shall take these measurements and shall submit a Noise Plan detailing ambient noise levels per 314-55.4.12.6. If ambient noise is above 50 decibels, CDFW and the Planning Department will work together to establish an alternate noise threshold and shall modify the project accordingly.
§314-55.4.12.2 Performance Standards–  Commercial Cannabis Cultivation	Identifies the Performance Standards for Cannabis Cultivation Activities.	The project as proposed and conditioned meets all the requirements stipulated in the cited section. In Attachment 1, these performance standards have been incorporated into the On-going Conditions of Approval that must be satisfied for the life of the project.
§314-55.4.12.4 Performance Standards–  Light Pollution Control	a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise. b) Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.	The proposed project is for 1,012 square feet of existing and 8,334 square feet of new outdoor cannabis cultivation. While there is an ancillary nursery on site, no supplemental lighting will be used for the nursery. Conditions of approval require that the applicant submit a lighting plan describing how security lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.

<p>§314-55.4.12.5 Performance Standards–  Energy Use</p>	<p>All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards:</p> <ul style="list-style-type: none"> <li>• Grid power supplied from 100% renewable source; and</li> <li>• On-site renewable energy system with twenty percent net non-renewable energy use</li> </ul> <p>Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.</p>	<p>The project occurs outdoors with no supplemental lighting. Power is provided by Pacific Gas &amp; Electric (P. G. &amp; E.) Conditions of approval require the applicant to describe in the lighting plan how the applicant will meet the renewal energy standards.</p>
<p>§314-55.4.12.6 Performance Standards–  Noise</p>	<p>Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.</p>	<p>The proposed project is for cultivation of cannabis in full sun. No supplemental light is proposed for the nursery. The power source for the project is Pacific Gas and Electric (P. G. &amp; E.). The subject parcel is mapped as containing Marbled Murrelet habitat. The nearest Northern Spotted Owl siting is approximately .32 miles away. The nearest Northern Spotted Owl activity center is approximately .69 miles away. Ongoing conditions of approval require that noise levels remain at 50 decibels or less at 100 feet from the noise source, property lines, or the edge of NSO habitat or Marbled Murrelet habitat, whichever is closer. Additionally, noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by taking twenty-four measurements on three or more property lines when all cannabis related activities are not in operation. The applicant shall take these measurements and shall submit a Noise Plan detailing ambient noise levels per 314-55.4.12.6. If ambient noise is above 50 decibels, CDFW and the Planning Department will work together to establish an alternate noise threshold and shall modify the project accordingly.</p>



<p>§314-55.4.12.7 Performance Standards –</p> <p>Cannabis Irrigation</p>	<p>A Special Permit shall be required where Irrigation of Commercial Cannabis Cultivation Activities occurs wholly or in part using one or more Diversionary sources of water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.</p>	<p>The subject parcel is in the South Fork Eel Planning Watershed, the Butte Creek South Fork Eel River Hydrologic Unit Code (HUC) 12 Watershed, and the Ohman Creek Super Planning Watershed. It is not in a Cannabis Impacted HUC 12 Watershed.</p> <p>Water for domestic use and for fire suppression is sourced from a point of diversion on an adjacent parcel through a deeded water right. Water for cannabis irrigation is supplied by a permitted well and stored in a series of tanks totaling 1,325 gallons. The applicant estimates that their annual water usage is 80,000 gallons, or 8.56 gallons per square foot for one cultivation cycle. See <i>Wells on Small Parcels</i> discussion below for additional information.</p>
<p>§314-55.4.12.9 Wells on Small Parcels</p>	<p>Cultivation sites within areas planned or zoned for lot sizes of ten acres or smaller where proposing or conducting Irrigation with water from a proposed or existing well located within 400 feet of a property line, shall be subject to groundwater testing to determine connectivity of the water supply.</p>	<p>Water for irrigation is sourced from an existing well. The parcel size is 9.04 acres and the well is located in the northwestern portion of the subject parcel. The well is located approximately 135 feet from the northern parcel line and approximately 153 feet from the western parcel line. The well is located more than 400 feet from the southern and eastern parcel lines. While the well is within 400 feet of some parcel lines, the well is 140 feet deep with first water encountered at 60 feet deep beneath a layer of blue shale, an aquitard. Additionally, surrounding parcels are large and comprise of State Park land and undeveloped private land. It is unlikely that the well is hydrologically connected and unlikely that the use of this well for cannabis irrigation will cause drawn down on nearby parcels or will affect groundwater supply.</p>

314-55.4.12.10 Performance Standards –  Soils Management	A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.	Conditions of approval require the applicant to submit a soils management plan detailing the use of imported and native soil to the Planning Department for review and approval. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed. an invasive species control plan. The plan shall include, but not be limited to, identification of types of invasive plant species, where they are located, and a plan to control their spread.
314-55.4.12.16 Performance Standards –  Invasive Species Control	It is the responsibility of a certificate or permit holder to work to eradicate invasive species.	Conditions of approval require the applicant to submit an invasive species control plan to the Planning Department for review and approval. The plan shall include, but not be limited to, identification of types of invasive plant species, where they are located, and a plan to control their spread.

**4. 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. The project as proposed and conditioned is consistent with the general plan and zoning ordinances. All performance standards are required to be complied with throughout the timeframe of the permit and are included as conditions of approval.

**5. Residential Density Target:** The following table identifies the evidence which supports finding that the proposed 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.



Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall 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.	The project would not change the housing development potential of the site or surrounding properties.

**6. Environmental Impact:** The following section identifies the evidence which supports finding that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is for the approval of an existing cultivation, on-site processing activities, a Special Permit to allow the use of a groundwater well on a parcel less than 10 acres and a Special Permit that would allow for a reduction the required 600-foot setback from Humboldt Redwoods State Park. The environmental document on file include detailed discussions of all the relevant environmental issues.

**CEQA ADDENDUM TO THE  
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE**

***Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR)  
(State Clearinghouse # 2017042022), January 2018***

***APN 214-121-012, County of Humboldt  
1001 Hodges Lane, Phillipsville area***

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

**August 2019**



## Background

### **Modified Project Description and Project History –**

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The project involves a Special Permit for the continued operation of an existing 1,012 square-foot outdoor cannabis cultivation site and for 8,334 square feet of new cannabis cultivation under the 2.0 ordinance for a total of 9,346-square feet of outdoor cannabis cultivation. Cannabis is cultivated outdoors in full sun. Water is sourced from a permitted well and stored in three tanks totaling 1,325 gallons. The applicant estimates that they use 80,000 gallons per year, or 8.56 gallons of water per square foot per year. Power is provided by Pacific Gas and Electric (P. G. & E. ). The applicant anticipates one cultivation cycle per year and will have no employees. Processing will occur in an existing outbuilding, or off site with a third-party processor if necessary. The project includes a Special Permit for a well on a small parcel and a Special Permit for a reduction in the 600-foot setback from Humboldt Redwoods State Park with the findings that the project will not interfere with normal management or use of the park. State Parks reviewed the draft Staff Report for the project and had no concerns regarding approval of the setback.

The subject parcel is classified as agricultural land and contains second-growth forest and mixed meadow areas on a ridge top. CalFire reviewed the project and had no concerns as to resource management. There are no stream crossings, wetlands, or surface waters on the subject parcel and there is a vegetated buffer between the cultivation area and water courses on nearby parcels. A review of data from the California Natural Diversity Database (CNDDB) using Humboldt County WebGIS demonstrates that the project has the potential to affect sensitive species including the Northern Spotted Owl (*Strix occidentalis caurina*), Marbled Murrelet (*Brachyramphus marmoratus*), the Foothill yellow-legged frog (*Rana boylei*), and the Howell's montia (*Montia howellii*). The project was reviewed by CDFW and they requested that the following conditions be added to the project: All generators and fans shall be enclosed in noise containment structures, noise associated with the cannabis cultivation shall be at 50 decibels or less at 100 feet from the noise source, property lines, or the edge of Northern Spotted Owl or Marbled Murrelet habitat, whichever is closer, the applicant shall adhere to a prohibition on the use of synthetic netting, and

all refuse shall be contained in wildlife proof storage and disposed of at an authorized waste management facility. These requirements have been added to the conditions of approval for the project. Additionally, noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by taking twenty-four measurements on three or more property lines when all cannabis related activities are not in operation. The applicant shall take these measurements and shall submit a Noise Plan detailing ambient noise levels per 314-55.4.12.6. If ambient noise is above 50 decibels, CDFW and the Planning Department will work together to establish an alternate noise threshold and shall modify the project accordingly.

The Northwest Information Center reviewed the project and found no record of any previous cultural resource studies for the proposed project area. Subsequently, the project was reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The THPO requested that standard inadvertent discovery language be included as a condition of project approval. 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.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final 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 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, based on 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 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 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effect previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR 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 Final EIR recommended mitigations. The proposal to authorize 1,012 square feet of existing and 8,334 square feet of new outdoor cultivation, an ancillary nursery, and on-site drying and processing in an existing shed, to construct minor improvements necessary to bring the operation into compliance with the CCLUO, to authorize a Special Permit for a reduced setback from Humboldt Redwoods State Park, and a Special Permit for a well on a small parcel is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

In reviewing the application for consistency with the adopted EIR, the County considered the following information and studies (see Attachment 4 for a complete listing of supporting documentation):

- Cultivation and Operations Plan and addendum prepared for APN 214-121-012.
- Site Plan prepared by Pacific Watershed Associates.
- Well Completion Report (No. 1087860).
- Water Resources Protection Plan (WRPP) prepared by Pacific Watershed Associates for APN 214-121-012.
- Road Evaluation Report dated February 14, 2019

#### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

#### **FINDINGS**

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

#### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the previous Final 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.