

**SUPPLEMENTAL INFORMATION**

**No. 1**

For Zoning Administrator Agenda of:  
November 7, 2019

Re:	Applicant	Canyon Farms, LLC	<b>Item No.: C-1</b>
	Case Number	SP16-102	
	Assessor Parcel Number	221-161-012	

The following documents are attached:

- Revised Conditions of Approval with addition of Condition #4 and changes to Condition #8. These revised conditions of approval are necessary to address Streamside Management Areas on the property that are not accurately identified on the currently submitted site plan.

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

**APPROVAL OF THE CONDITIONAL USE PERMIT AND 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 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.
2. 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 NOD and will charge this cost to the project.
3. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval ~~#4-14~~ **#4- 15**. 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. **Within 60 days of the effective date of project approval, the applicant shall submit an updated Site Map showing all culverts, watercourses, and Streamside Management Areas on the subject parcel. The Plan should include relocation of any water tanks within SMA buffers. Upon approval of the updated Site Map, any water tanks in the SMA buffer shall be relocated and the footprints restored, if necessary.**
5. The applicant shall secure permits or applicable ag-exempt clearances for all unpermitted features related to the cannabis cultivation, including all greenhouses, all unpermitted graded flats, and any outbuildings greater than 120 square feet with a nexus to the cannabis use. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
6. The applicant shall submit documentation demonstrating that their backup generator is contained or otherwise muffled such that noise levels remain at or below 50 decibels at 100 feet away while the generator is operating.
7. The applicant shall submit a Timber Conversion Evaluation Report prepared by a Registered Professional Forester assessing whether any timber conversion occurred on the subject parcel,

and if so, whether it was compliant with Forest Practice Law. If timber condition did occur, the applicant is required to comply with any recommendations for mitigation suggested by the Forester and to submit and implement a restocking plan for an equivalent area on the parcel.

8. The applicant's Streambed Alteration Agreement covering their point of water diversion has expired (1600-2014-0045). ~~If any stream diversion is to continue,~~ The applicant shall re-notify CDFW through the 1600 permitting process (Lake or Streambed Alteration) and shall obtain a Final Streambed Alteration Agreement to cover the diversion, **all culverts on the parcel, and all other activities affecting the bed, bank, or channel of any river, stream, or lake** for the next five years, to be submitted to the Planning Department.
9. 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.
10. The applicant shall complete and implement all corrective actions detailed within the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order and Notice of Applicability. The applicant shall provide the Planning Department of copy of the Site Management Plan, 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 SWRCB. A letter or similar communication from the SWRCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of SWRCB that the plan to complete the improvements by the listed dates is sufficient, will satisfy this condition.
11. The applicant shall demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
12. The intersection of Dutyville Road and Ettersburg Honeydew Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
13. The project was reviewed by the Public Works Department which recommended approval with the condition that the applicant pave Dutyville Road for a minimum width of 20 feet and a length of 50 feet where it intersects Ettersburg Honeydew Road. Prior to constructing improvements within the County-maintained right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works.
14. Within one year of project approval, the applicant shall relocate their water tanks outside of the State Responsibility Area 30' setback from property lines and shall submit a revised Site Map and evidence demonstrating that the tanks now meet the setback, or the applicant shall work with the adjacent property owner to record a defensible space easement on the

adjacent property to make up the setback difference, or shall demonstrate that the water tanks are made of nonflammable materials.

15. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.