



COUNTY OF HUMBOLDT

PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: February 6, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Sunny Shadows, LLC Variance and Zoning Clearance Certificate**

Application Number: 15619

Record Number: PLN-2019-15619

Assessor Parcel Number (APN): 210-051-080

33096 Highway 36, Bridgeville Area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	6

Maps

Zoning Map	8
Topo Map	9
Aerial Map	10
Site Plan	11

Attachments

Attachment 1: Recommended Conditions of Approval	13
Attachment 2: Required Findings for Approval	21
Attachment 3: CEQA Addendum	41
Attachment 4: Applicant's Evidence in Support of the Required Findings	45
4.A Operations Plan	Separate
4.B Site Management Plan	Separate
Attachment 5: Referral Agency Comments and Recommendations	85

Please contact Elizabeth Moreno Planner II, at (707) 445-7541, or by email at emoreno@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date February 6, 2020	Subject Zoning Clearance Certificate and Variance	Contact Elizabeth Moreno
---	--	------------------------------------

Project Description: A Zoning Clearance Certificate to authorize 9,375 square feet of existing mixed light cannabis cultivation. A Variance is also sought to facilitate a reduction of the rear setback from 20 feet to 4 feet setback as required by the Forestry Recreation Zone. The cultivation will occur within three greenhouses and the applicant is expects to harvest two cycles a year. Estimated annual water use for the cultivation operation is 90,450 gallons. The irrigation water source is a rainwater catchment system that captures water from the roofs of the residence, the multi-use building, and the generator shed building into the 100,000-gallon concrete tank. Power is provided by a solar system, with a back up generator. Processing will occur offsite at a license facility. No employees will be requested.

Project Location: The project is located, in the Bridgeville area, on the west side of State Highway 36, approximately 1,400 feet north from the intersection of Larabee Buttes Road and State Highway 36, and 1,500 feet south from the intersection of a private road and State Highway 36, on the property known as 33096 Highway 36.

Present Plan Designations: Residential Agriculture: 20 to 160 acres (RA20-160) Density: Range is 20 to 160 acres per unit, Slope Stability: High Instability (3).

Present Zoning: Forestry Recreation (FR), Minimum building site area is 20 acres (B-5(20))

Record Number: PLN-2019-15619

Assessor Parcel Number: 210-051-080

Applicant

Sunny Shadows, LLC
Didi Stoilov
33009 State Highway 36
Bridgeville, CA, 95526

Owner

Stoilov Marin
33009 State Highway 36
Bridgeville, CA, 95526

Agent

Green Road Consulting
1650 Central Ave, Suite C
McKinleyville, CA 95519

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

State Appeal Status: Project is NOT appealable to the California Coastal Commission.

Major Issues: None

SUNNY SHADOWS, LLC
Record Number: PLN-2019-15619
Assessor Parcel Number (APN): 210-051-080

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 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, and make all of the required findings for approval of the Zoning Clearance Certificate and Variance based on evidence in the staff report, and adopt the Resolution approving the proposed Sunny Shadows, LLC projects subject to the recommended conditions.

Executive Summary: An application has been submitted to the Planning Division for a Zoning Clearance Certificate for 9,375 square feet (SF) of existing mixed light commercial cannabis cultivation. This commercial cannabis activity is authorized by Section 314-55.4.6.1.2 of the Commercial Cannabis Land Use Ordinance No. 2599 (CCLUO). The application does not meet all of the requirements of zoning, siting criteria, specifically the setbacks of the Humboldt County zoning code.

Therefore, a Variance is sought to facilitate a reduction of the rear setback from 20 feet as required by the Forestry Recreation zoning district to 4 feet to allow a 100,000 gallon concrete tank to remain. The existing residence and tank were built in the early 1980s without the benefit of County review. The encroachment into the rear setback was not presented to the current owner as problematic until the owner applied for a Zoning Clearance Certificate for cannabis cultivation. Pursuant to Section 312-17.2, the applicant has submitted evidence to support made the required findings for a Variance.

The project is for 9,375 SF of existing mixed light commercial cannabis cultivation. The cultivation will occur within three greenhouses and the applicant is expected to harvest two cycles a year. The 20-acre parcel is currently developed with a 3,000 SF residence, a 160 SF generator shed where nutrients and pesticides are stored, and a 400 SF multi-use building, used for propagation and drying. The applicant has submitted a Notification of Lake and Streambed Alteration (LSAA) to the California Department of Fish and Wildlife (CDFW), for a stream crossing and for an existing well located adjacent to the north to this project on APN: 210-051-079, this parcel is also operated by Sunny Shadows, LLC and there is also an application for 8,875 SF of existing of mixed light cannabis cultivation pending (Record Number: PLN-2019-15620). A review of the well log indicates that the well may be connected to surface water. The applicant may not use the well for cultivation, unless the applicant is able to provide evidence that well is not hydrologically connected or the applicant may apply for a Special Permit. The project was referred to CDFW, who did not provide any comments. As, a condition of approval, the applicant is to obtain a final LSAA from CDFW.

Estimated annual water use for the cultivation operation is 90,450 gallons. There is an additional 54,050 gallons water stored onsite that supports 8,875 SF of existing of mixed light cannabis cultivation (Record Number PLN-2019-15620) on APN 210-051-079. The irrigation water source is a rainwater catchment system that captures water from the roofs of the residence, the multi-use building, and the generator shed building into the 100,000-gallon concrete tank. Also, the site contains three additional tanks totaling 4,500 gallons of water storage. Further, the applicant will install an additional eight 5,000-gallon tanks, for a total of 144,500 gallons of water storage onsite. The applicant will need to acquire all the necessary Building permits for this tank and for all other unpermitted structures associated with cannabis operation. The applicant shall record a non-

exclusive easement for the use of stored water for APN 210-051-079. A metering device shall be installed and maintained at or near the outlet of all water storage facilities utilized for Irrigation. The applicant shall maintain a weekly record of all water used in Irrigation of permitted Cultivation Areas. Processing will occur offsite at a licensed facility and no employees will be obtained.

The applicant has successfully enrolled under the Waste Discharge Requirements Water Quality Order WQ-2017-0023-DWQ of the State Water Resource Control Board and has prepared a Site Management Plan addressing all discharge and on the subject parcel. The Site Management Plan indicates that the project falls under Tier Level 1 with a Risk Level of Moderate. The Site Plan incorporated both parcels and included the parcel adjacent, APN: 210-051-079. The Site Management Plan proposes nine remediation measures, which includes replacing adequately sized culverts, installing a rolling dip, and properly storing petroleum products and other chemicals. Activities that will be completed on APN: APN: 210-051-079 will be analyzed and conditioned under pending Record Number: PLN-2019-15620.

A Wildlife Resource Report was completed by S.E. McAllister & Associates on October 2018. The results indicate that the actions in Alternative 2, the proposed action, will have no effect on any Special Status Species, either because the project is outside of their known range, suitable habitat is lacking, or the proposed project will not result in adverse impact to the species or their suitable habitat. The site is 1.6 miles from a mapped Northern Spotted Owl (NSO) activity center to the north and 1.8 miles to the west of the project. This project is not expected to impact habitat of the NSO. The applicant is to adhere to the recommendations in actions in Alternative 2, described in Appendix A. Further, artificial lighting used in the cultivation and ancillary propagation nursery will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO.

Pursuant to section 5.4.6.3.1 of the CCLUO, the energy source, must be exclusively provided by a renewable energy source, the site uses solar power and a backup generator. The applicant submitted a noise study that states that the ambient levels range from 35.32, 38.10, 34.37, and 36.55 decibels at all four property lines. The applicant will conduct another study after the operations are permitted and submit it to the Planning Department. 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.

The parcel is accessed directly from State Highway 36. The project was referred to the California Department of Transportation (Caltrans) but, who did not provide any comment. As condition of approval, the applicant must obtain an encroachment permit from Caltrans and provide a copy to the Planning Department. The Department of Public Works commented on the project and stated that this project has no direct effect on any facilities maintained by the County. The applicant submitted a Road Evaluation prepared by Green Road Consulting on December 2018. The report was completed for the private access road, from Highway 36 to the applicant's driveway. The report indicates that the access road is developed to the equivalent of a road category 4 standard. The report also outlines remediation measures for erosion, drainage and sediment control. As a condition of approval, the applicant is to adhere to the report's recommendations.

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 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 20
Record Number: PLN-2019-15619
Assessor Parcel Number: 210-051-080**

Make the required findings for certifying compliance with the California Environmental Quality Act and conditionally approve the Sunny Shadows, LLC, Zoning Clearance Certificate and Variance.

WHEREAS, Sunny Shadows, LLC submitted an application and evidence in support of approving a Zoning Clearance Certificate for 9,375 Square Feet of existing mixed light cultivation and for approval of Variance, for a reduction of the rear yard setback from 20 feet to 4 feet, in the Forestry Recreation (FR-B-5(20)) zoning district; and

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

WHEREAS, 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;

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Variance (Record Number PLN-2019-15619); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on February 6, 2020

NOW, THEREFORE, be it resolved, determined, and ordered by the Zoning Administrator that:

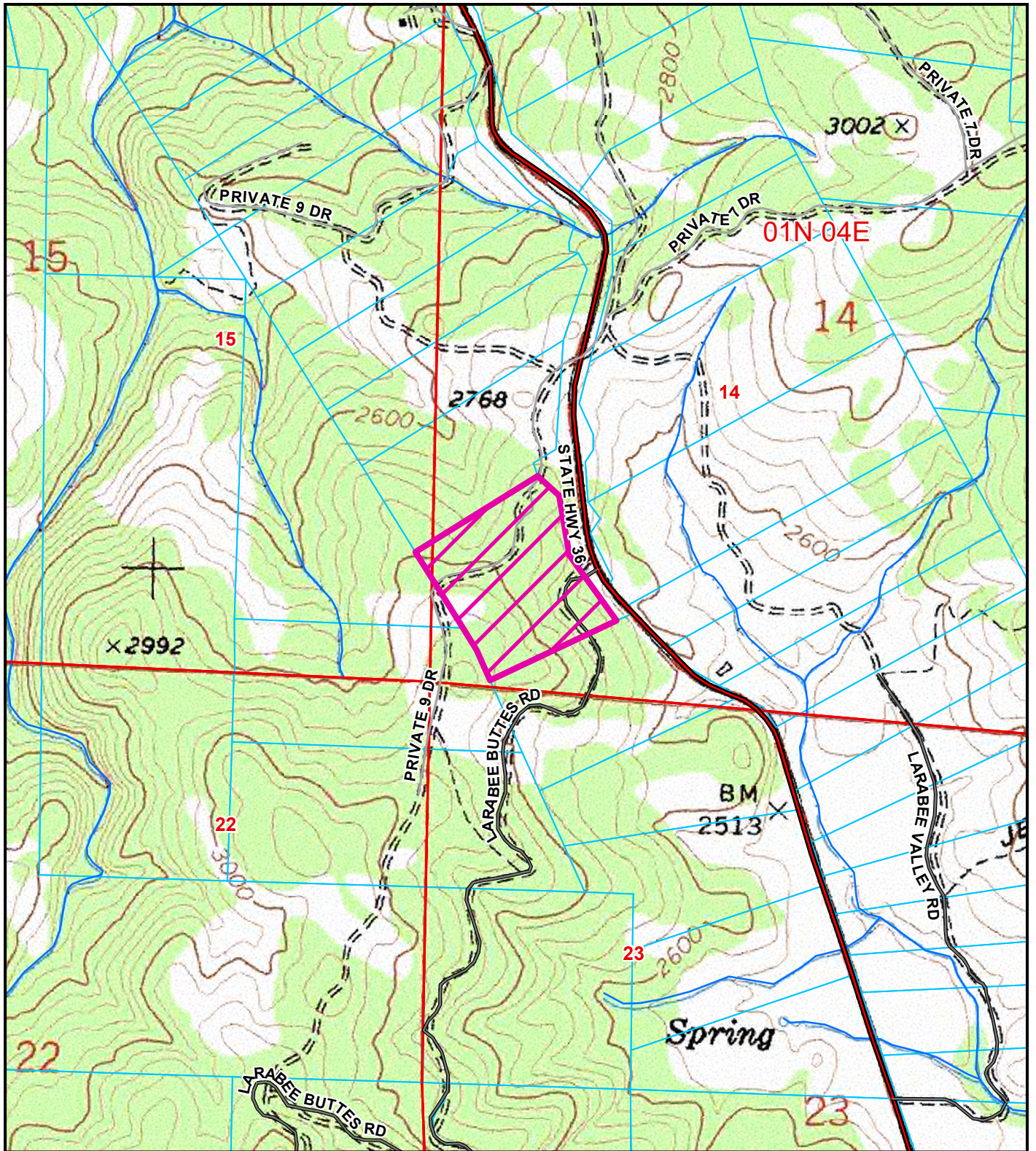
1. The Zoning Administrator considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance; and,
2. The Zoning Administrator makes the findings in Attachment 2 of the Planning Division staff report for Record Number PLN-2019-15619 based on the submitted evidence; and,
3. The Variance and Zoning Clearance Certificate are approved as recommended and conditioned in Attachment 1 for Record Number PLN-2019-15619.

Adopted after review and consideration of all the evidence on February 6, 2020.

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

John H. Ford

Zoning Administrator
Planning and Building Department



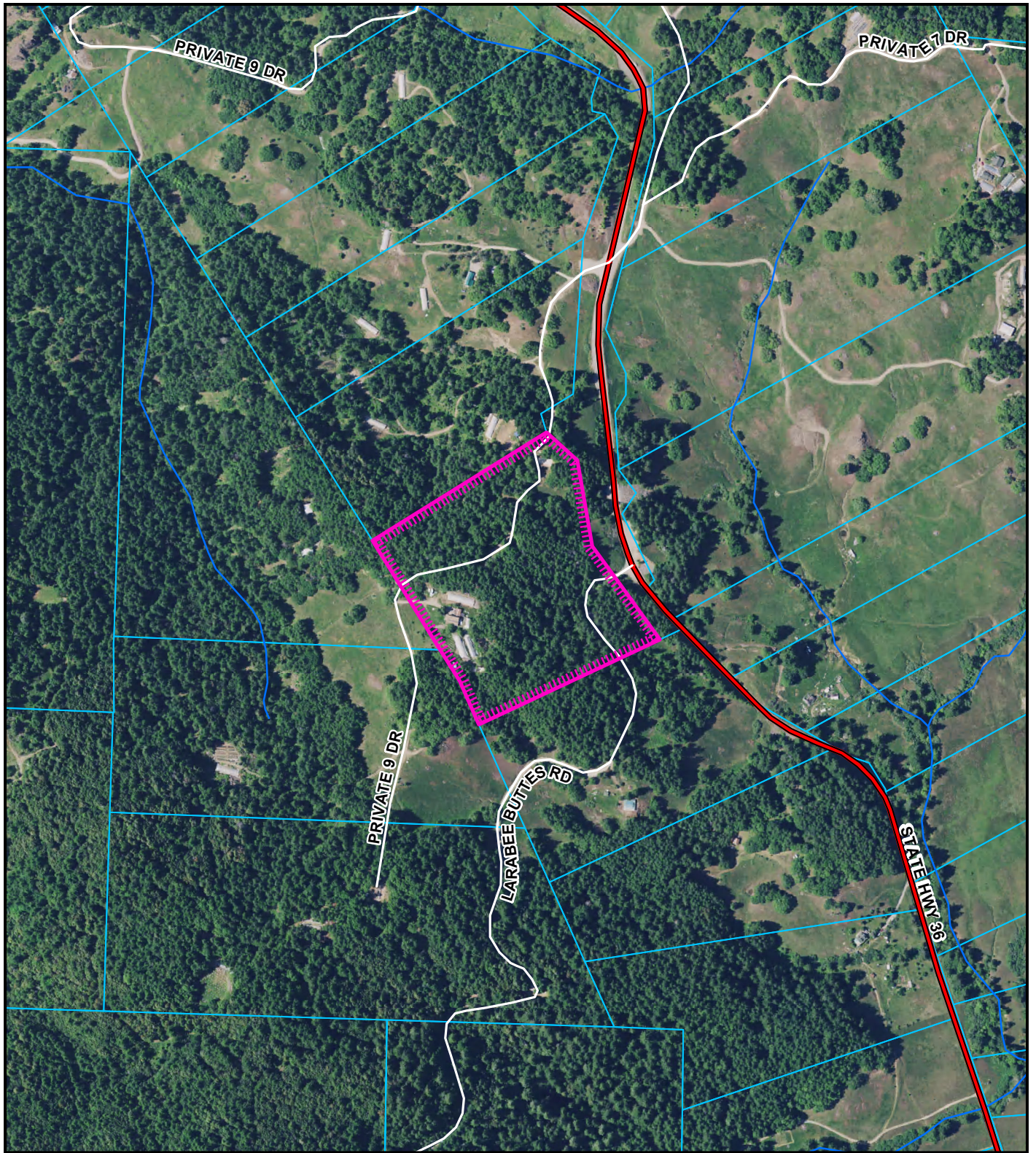
**TOPO MAP
PROPOSED SUNNY SHADOWS
DINSMORE AREA
PLN-2019-15619
APN: 210-051-080**

Project Area = 

T01N R04E S15; S14 HB&M (LARABEE VALLEY)

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 1,000 2,000 Feet



Project Area = 

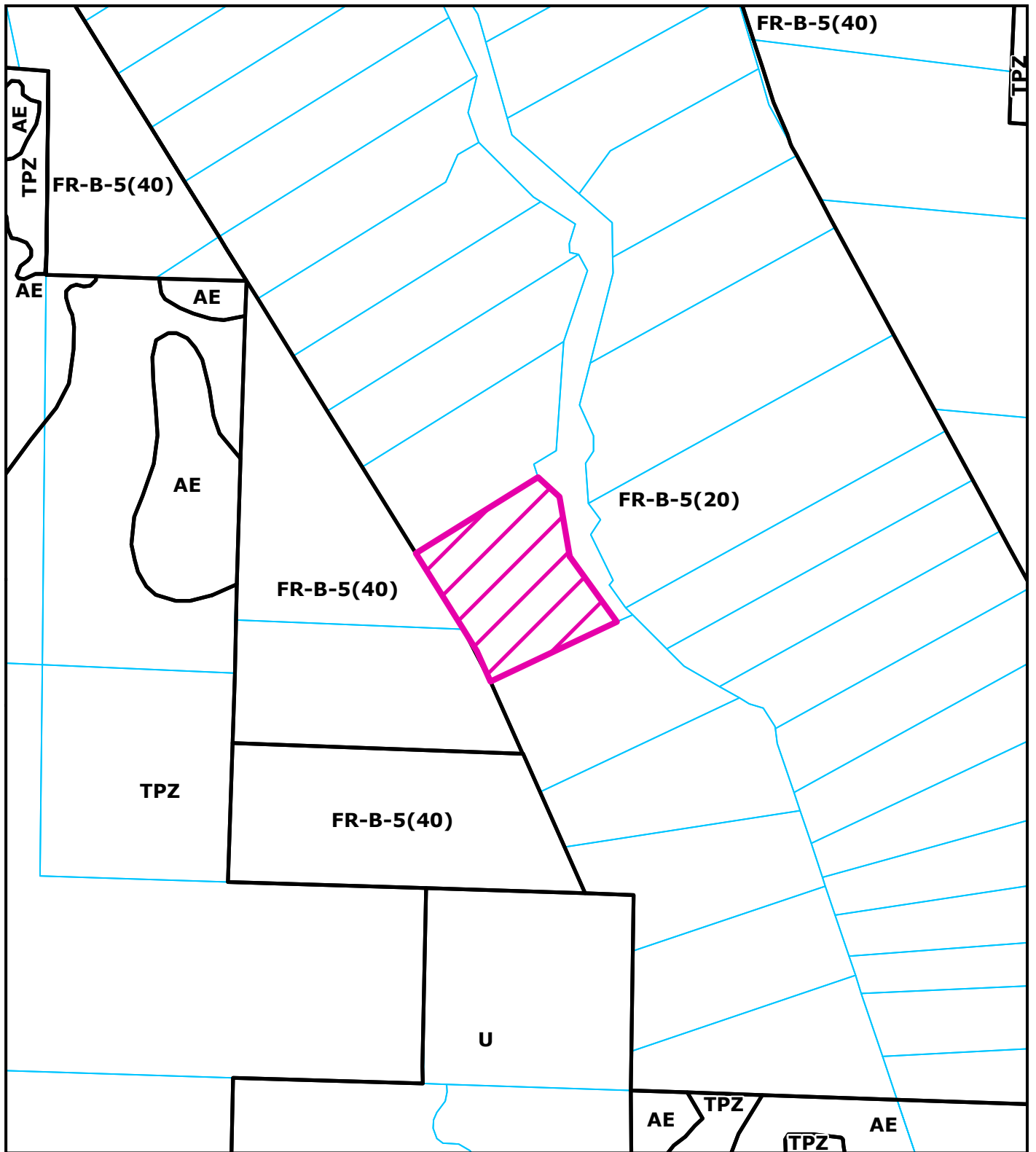
**AERIAL MAP
PROPOSED SUNNY SHADOWS
DINSMORE AREA
PLN-2019-15619
APN: 210-051-080**

T01N R04E S15; S14 HB&M (LARABEE VALLEY)

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.

0 800 1,600 Feet






Project Area = 

**ZONING MAP
PROPOSED SUNNY SHADOWS
DINSMORE AREA
PLN-2019-15619
APN: 210-051-080**

T01N R04E S15; S14 HB&M (LARABEE VALLEY)

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 1,000 2,000 Feet






VICINITY MAP
NOT TO SCALE



IMAGE SOURCE: ESRI 2018

SUNNY SHADOWS, LLC
APN: 210-051-080

AERIAL MAP



IMAGE SOURCE: NAIP 2016



PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON AERIAL MAPS AND GPS DATA TAKEN IN THE FIELD.



PROJECT INFORMATION

PROPERTY OWNER	MARIN STOILOVA
ADDRESS	APN: 210-051-080
SHEET INFO	COUNTY COVER PAGE

REVISIONS

NO.	NOTES	DATE

DATE	10/22/19
DRAFTER	SDV
SCALE	AS SHOWN

SHEET
CP

PROJECT DIRECTIONS
FROM: EUREKA, CA

- HEAD SOUTH ON US-101 S/BROADWAY ST (19.9MI)
- TAKE EXIT 685 FOR CA-36 E (0.3 MI)
- TURN LEFT ONTO CA-36 E (31.9)
- TURN RIGHT (0.1)

TRAVEL TIME
APPROXIMATELY: 1 HR 11 MIN (52.9 MI)

SHEET INDEX
CP-COVER PAGE
C1-PARCEL OVERVIEW

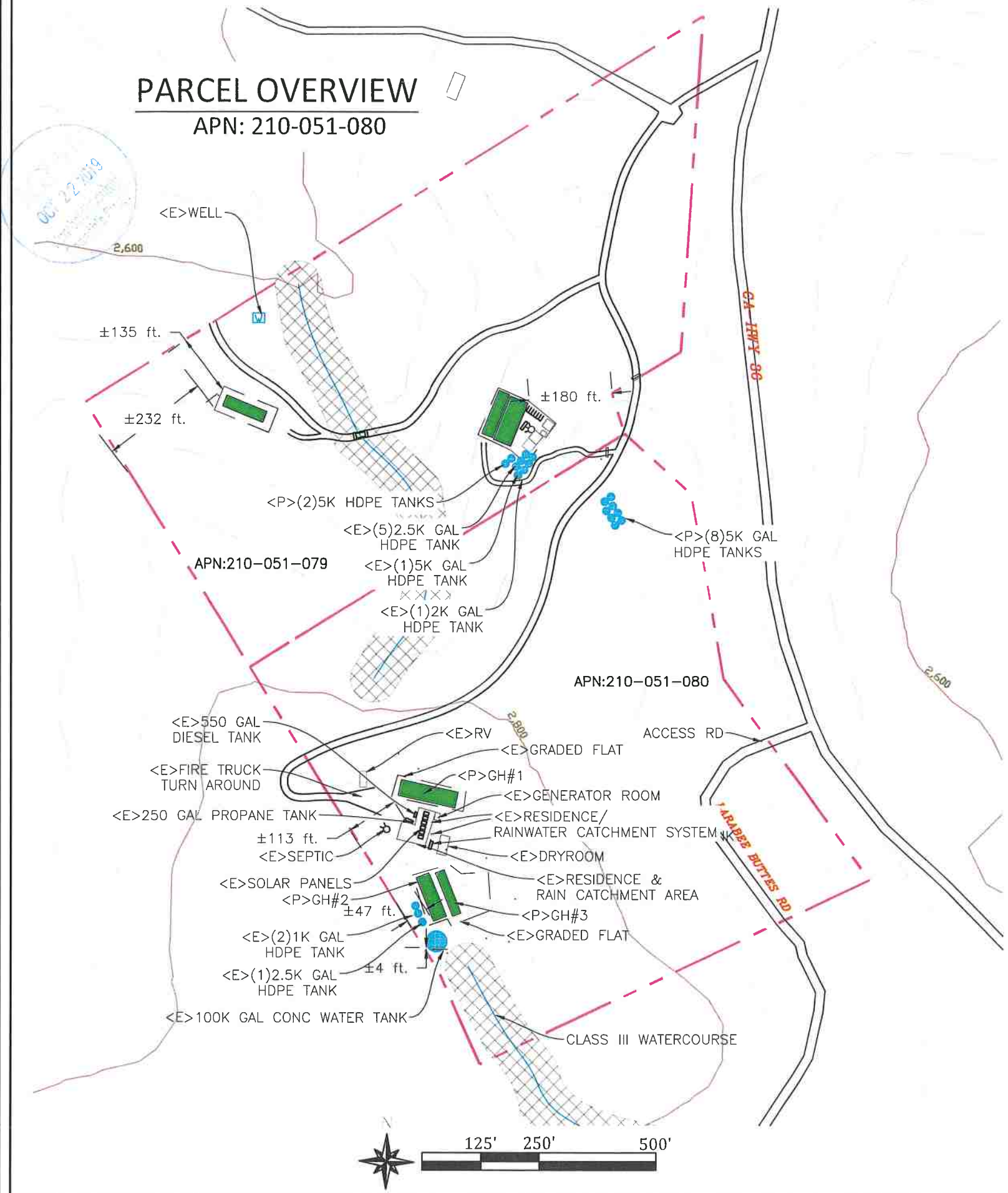
PROJECT INFORMATION
LAT/LONG: 40.4581, -123.7009
APN: 210-051-080
APPLICANT: SUNNY SHADOWS, LLC
PARCEL SIZE: ±20 ACRES
ZONING: FR-B-5(20) [Gen P AL20(FRWK)]
APPLICATION TYPE: ?

COASTAL ZONE: Y
100 YEAR FLOOD: Y

AGENT:
KAYLIE SAXON
GREEN ROAD CONSULTING INC
1650 CENTRAL AVE. SUITE C
MCKINLEYVILLE, CA 95519
707-630-5041

PARCEL OVERVIEW

APN: 210-051-080



CULTIVATION INFORMATION

EXISTING MIXED LIGHT CULTIVATION

GH	SIZE	SQ FT
#1	35'X125'	4,375 SQ FT
#2	30'X100'	3,000 SQ FT
#3	20'X100'	2,000 SQ FT

TOTAL CULTIVATION AREA = 9,375FT SQ

*PLEASE NOTE

PROCESSING/PACKAGING AND LABELING TO OCCUR OFFSITE BY A LICENSED THIRD PARTY PROCESSOR

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
MULTI-USE BUILDING	PROPAGATION/DRYING/PESTICIDE STORAGE	20'x20'	1989

DOMESTIC BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
RESIDENCE	PLACE OF LIVING	3,000 FT²	1989
GENERATOR ROOM	GENERATOR STORAGE	16'X10'	1989

WATER STORAGE AND USE

TYPE	NUMBER	SIZE	DATE OF INSTALLATION
HDPE TANK	6	2,500 GAL	2015
HDPE TANK	2	1,000 GAL	2015
HDPE TANK	1	5,000 GAL	2015
HDPE TANK	1	2,000 GAL	2015
CONCRETE TANK	1	100,000 GAL	2015
(PROPOSED) HDPE TANK	10	5,000 GAL	TBD

TOTAL AMOUNT OF WATER STORAGE = 174,000 GALLONS

WATER SOURCE

RAINWATER CATCHMENT OFF RESIDENCE

POWER SOURCE

SOLAR ARRAY(16 PANELS)

6.5 KW BACKUP GENERATOR

UNNAMED CLASS III STREAM WITH REQUIRED 50 FT BUFFER

SURROUNDING BUILDINGS

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

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

GREEN
ROAD
CONSULTING



PROJECT INFORMATION

PROPERTY OWNER
MARIN STOILOVA

ADDRESS
APN: 210-051-080

SHEET INFO
PARCEL OVERVIEW

REVISIONS

NO	NOTES	DATE

DATE 10/22/19
DRAFTER DDV
SCALE AS SHOWN

SHEET
C1

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. Within 60 days of the effective date of permit 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 – 17. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. A metering device shall be installed and maintained at or near the outlet of all water storage facilities utilized for Irrigation. The applicant shall maintain a weekly record of all water used in Irrigation of permitted Cultivation Areas. A copy of these records shall be stored and maintained at the cultivation site and kept separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be reported to the County on an annual basis, at least thirty (30) days prior to the date of each annual permit inspection. Records shall also be made available for review during site inspections by local and state officials.
3. The applicant shall record a non-exclusive easement for the use of stored surplus water onsite for APN 210-051-079.
4. The applicant is to acquire all the necessary Building permits for the 100,000-gallon concrete tank. If the applicant is unable to permit the tank, the applicant must demolish the concrete tank and replace the water storage in the form of plastic hard tanks. If that is the case, the applicant must submit a minor deviation to the Planning Department for this project, showing the applicant has space on site to place the additional tanks meeting all setbacks.
5. Applicant shall meet all State Responsibility Area (SRA) requirements, including installation of a turnaround for emergency vehicles, maintenance of defensible space, and installation of a 2,500-gallon water tank. The applicant shall cause to be recorded an open space easement over the adjoining property APN: 210-044-008 for the benefit of the subject parcel in order to meet SRA structure defensible space requirements.
6. The applicant shall remove the 50,000 bladder and replace it with a minimum of 40,000-gallons in the form of hard tanks. The applicant shall submit evidence (e.g. photographic evidence or requesting a site visit from Planning Department to satisfy this condition).
7. The applicant is to adhere to the recommendations in actions in Alternative 2, described in Appendix A from the Wildlife Resource Report was completed by S.E. McAllister & Associates on October 2018.
8. The applicant shall secure building permits for all structures, including greenhouses and structures used in the cannabis operation and grading related to the cannabis cultivation and

other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. In addition, the applicant shall submit soil report with erosion and sediment control by a licensed person. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

9. The applicant is to adhere to the recommendations of the completed Site Management Plan, prepared for the State Water Resources Control Board, by Green Road Consulting on August 2018.
10. The applicant will conduct a second noise study after the operations are permitted and provide the results the Planning Department. 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.
11. The applicant must obtain an encroachment permit from Caltrans and provide a copy to the Planning Department.
12. The applicant is to adhere to the recommendations provided in the Road Evaluation prepared by Green Road Consulting on December 2018.
13. The applicant is to obtain a Final Streambed Alteration Agreement from the California Department of Fish and Wildlife and submit a copy to the Planning Department.
14. The applicant must demonstrate that a properly functioning onsite wastewater treatment system that serves the operation by either installing a new, permitted septic system, or by providing the Division of Environmental, and assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system- not impairing groundwater or surface water resources.
15. The applicant shall submit a comprehensive Light Pollution Prevention Plan for the project including all measures necessary to adhere to International Dark Sky Association standards as set forth in the CCLUO, demonstrating that the proposed project would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, affecting fish and/or wildlife directly or from a distance. The plan shall include information about any outdoor lighting utilized and measures to down-shield this lighting. The plan shall be submitted to the satisfaction of the Planning Division within six months of the effective date of this permit, or prior to use of lighting, whichever occurs first.
16. The applicant shall provide prior to or at the time of annual inspection to the Planning Department the 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, this shall be provided at the cultivation season.
17. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

18. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
19. The applicant is required to pay for permit processing on a time and materials basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
3. If any wildlife is encountered during the authorized activity, the applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
4. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
5. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
6. 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 & 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.
7. Possession of a current, valid required license, or licenses, issued by any agency of the State of California is required in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
8. 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.

9. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
10. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (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.
11. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
12. 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).
13. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
14. Pay all applicable application and annual inspection fees.
15. The noise produced by a generator used as a back-up shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Northern Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
16. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
17. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
18. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

19. Pursuant to the MAUCRSA, 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.”
20. 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).

21. 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.
22. 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.
23. 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.
24. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CCLUO 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.

25. 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.
26. 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.
27. 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 CCLUO 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.

28. 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 314-55.4.6.5.7 of the CCLUO, 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 314-314-55.4.6.5.7 of the CCLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 of 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 NOD 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.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.

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) specifies the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County General Plan 2017 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; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
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.
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 State CEQA Guidelines have been made.
7. The County Zoning Ordinance, Section 312-17.2 of the Humboldt County Code specifies the findings that must be made to grant a Variance:
 - a. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of use in the same zone in the vicinity;

- b. The strict or literal interpretation and enforcement of specified regulation would result in practical difficulty or unnecessary physical hardship and would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;
- c. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitation on other properties classified in the same zoning district;
- d. The granting of the variance or its modification will not materially detrimental to the public health, safety, or welfare; and

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8	<p>Residential Agriculture (RA40): Applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Allowable uses include residential, intensive agriculture, natural resources use, other uses.</p> <p>Density range is 40 acres/unit.</p>	The applicant is seeking approval for a Zoning Clearance Certificate for 9,375 square feet of existing mixed light commercial cannabis cultivation. A Variance is also requested to reduce the rear setback from 20 feet to 4 feet for a 100,000-gallon concrete tank. General and intensive agriculture are allowable uses in the RA designation.
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>	The parcel is accessed directly from State Highway 36. The project was referred to the California Department of Transportation (Caltrans) who did not provide any comments. The applicant must obtain an encroachment permit from Caltrans and provide a copy to the Planning Department which is reflected in the conditions of approval. The Department of Public Works commented on the project and stated that this project has no direct effect on any facilities maintained by the County.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. There is a residence currently located on the site.</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 can be found to be consistent with the Open Space Action Program because the proposed project is an allowable use within the Land Use Designations. The existing cannabis cultivation and setback reduction for the tank will not affect the land planned for agricultural purposes</p>

Plan Section	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>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1, Compatible Land Uses, BR-P5, Streamside Management Areas.</p>	<p>No Biological Resources will be impacted by the Variance for the setback reduction for the tank. The applicant has submitted a Wildlife Resource Report was completed by S.E. McAllister & Associates, dated October 2018. The results indicate that the actions in Alternative 2, the proposed action, will have no effect on any Special Status Species, either because the project is outside of their known range, suitable habitat is lacking, or the proposed project will not result in adverse impact to the species or their suitable habitat. The site is 1.6 miles from a mapped Northern Spotted Owl (NSO) activity center to the north and 1.8 miles to the west of the project. This project is not expected to impact habitat of the NSO. The applicant is to adhere to the recommendations in actions in Alternative 2, described in Appendix A. Further, artificial lighting used in the cultivation and ancillary propagation nursery will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO.</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 subject parcel is located in the aboriginal tribal territory of the Bear River Band of Rohnerville Rancheria. The applicant submitted a Cultural Resources Investigation (CRI) conducted by Archaeological Research and Supply Company in June 2018 included the subject parcel in its scope. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historical resource, exist in the subject parcel proposed for cannabis cultivation. The CRI was referred to the Bear River Band of Rohnerville Rancheria, who found the survey acceptable and recommended inadvertent discovery protocol.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>DarkConservation and Open Space</p> <p>Chapter 10</p> <p>Scenic Resources</p> <p>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>The setback reduction will not affect the goals and policies of Conservation and Open Space or effect of scenic areas. In addition, the cultivation is isolated from view and cannot be easily accessed from any public road or location, and the cultivation is not visible from a public road or any other public vantage point. Light is used for the cultivation; however, the project is conditioned to submit a comprehensive Light Pollution Prevention Plan for the project including all measures necessary to adhere to International Dark Sky Association standards as set forth in the CCLUO, demonstrating that the proposed project would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, affecting fish and/or wildlife directly or from a distance. The plan shall include information about any outdoor lighting utilized and measures to down-shield this lighting. The plan shall be submitted to the satisfaction of the Planning Division within six months of the effective date of this permit, or prior to use of lighting, whichever occurs first.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<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 successfully enrolled under the Waste Discharge Requirements Water Quality Order WQ-2017-0023-DWQ of the State Water Resource Control Board and has prepared a Site Management Plan (SMP) addressing all discharge and on the subject parcel. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting a copy of the Notice of Applicability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Notice of Applicability and the Site SMP. 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. The Site Management Plan indicates that the project falls under Tier Level 1 with a Risk Level of Moderate. The Site Plan incorporated both parcels and included the parcel adjacent, APN: 210-051-079. The Site Management Plan proposes nine remediation measures, which includes replacing adequately sized culverts, installing a rolling dip, and properly store petroleum products and other chemicals.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as 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 site contains an unpermitted septic system. The project was referred to the Division of Environmental Health (DEH). The response stated that as a condition of approval, the applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation by either installing a new, permitted septic system, or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system-not impairing groundwater or surface water resources.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; and N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel does require noise attenuation measures. The site is 1.6 miles from a mapped Northern Spotted Owl (NSO) activity center to the north and 1.8 miles to the west of the project. The site uses solar power and a backup generator. The applicant has submitted a noise study that states that the ambient levels range from 35.32, 38.10, 34.37, and 36.55 decibels at all four property lines. The applicant will conduct another study after the operations are permitted and submit it to the Planning Department. 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.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability; and S-P7, Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The cultivation is located in an area designated as high Instability (3) in the County's GIS mapping.</p> <p>Conditions of approval require the applicant to obtain grading permits for any grading on the subject parcel required for the cannabis operation. Based on the project and evidence before staff, the project does not pose any threat to public safety related from exposure to natural or manmade hazards.</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>The subject parcel is outside any mapped flood hazard areas and is not subject to inundation from an upstream dam failure or tsunami run-up.</p>

Plan Section	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 with a high and very high fire hazard severity rating. The property is within the Bridgeville Fire Protection District boundaries and the State Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. As a condition of approval the applicant must be in compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in State Responsibility Areas. The applicant requires no employees for the operation. With respect to the Fire Safe Ordinance, the concrete tank located eastern side of parcel is 4 feet from the property line and does not meet the setback requirement for structure defensible space. Per Section 3115-2 (1), the applicant is required to cause to be recorded an open space easement with the adjoining property owner of APN: 210-044-008 to provide an easement of 56 feet to meet SRA setback requirements.</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>The parcel is located in the Bridgeville Fire Protection District.</p>

Plan Section	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>	Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

2. Zoning Compliance and 3. Conforms with 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 Requirements	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.	The subject parcel has been determined to be one legal parcel (lot 11) as shown on Parcel Map recorded in Book 1 of Parcel Maps page 5. The property is not subject to any additional approved land use permit or subdivision to which terms and conditions apply to the proposed development.

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
§314-8.1 Forestry Recreation (FR), §314-17.1 Special Building Site Combining Zone	<p>Forestry Recreation (FR): Intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.</p> <p>Special Building Site Combining Zone As specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements. (B-4 One (1) acre)</p>	The project is for 9,375 SF of existing mixed light commercial cannabis cultivation on a 20-acre parcel zoned FR-B-5(20)). The proposed use is specifically allowed with Zoning Clearance Certificate in this zoning district and under Section 314-55.4.6 of the CCLUO.
Min. Lot Area:	1 acre	20 acres
Min. Lot Width:	200 feet	1,042 feet
Max. Lot Depth:	None specified	933 feet.
Max. Ground Coverage:	None specified	41 %
Minimum Yard Setbacks: (SRA Setbacks)	Front: 20 feet Rear: 20 feet Side: 10 feet SRA: 30 Feet, all sides	Front: >30 feet Rear: 4 feet Side: >30 feet The Variance is to allow the Rear Setback from 20 feet to 4 feet.
Max. Building Height:	35 feet	25 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 intermittent streams outside of urban development and expansion areas is defined as 50 feet from the stream transition line.</p>	<p>All cultivation meets the setbacks from the SMA setbacks.</p> <p>According to the Site Management Plan, all of cultivation areas, are between 190 feet to 222 feet of either a Class II and Class III streams.</p>

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
Off-Street Parking §314-109.1	<p>Off Street Parking:</p> <p>Agricultural use*: Parking space per employee at peak shift.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	Two parking spaces are provided for the operators.

314-55.4 Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis Land Use Regulation for the Inland Area of the County of Humboldt – Commercial Cannabis Land Use Ordinance (CCLUO)		
§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).	The applicant will hold 18,250 square feet of combined commercial permits.
§314-55.4.6.0 Conversion of Timberland	Cultivation sites may only be located within a Non-Forested area that was in existence prior to January 1, 2016.	No tree removal that could constitute a timber conversion has occurred on the property, either prior to or subsequent to the adoption of the CCLUO. No trees are proposed to be removed as part of the project.
Eligibility Criteria §314-55.4.6.3.1: Energy Source.	Electricity must be exclusively provided by a Renewable Energy Source, meeting the Performance Standard for Energy Use.	The site uses solar power and a backup generator, which meets the CCLUO energy standards.
§314-55.4.6.3.2: Water Source.	Irrigation shall exclusively utilize stored water from non-diversionary sources or water from a public or private water supplier.	The irrigation water source is a rainwater catchment system that captures water from the roofs of the residence, the multi-use building, and the generator shed building into a 100,000-gallon concrete tank. Also, the site contains three additional tanks totaling 4,500 gallons of water storage. Further, the applicant will install an additional eight 5,000-gallon tanks, for a total of 144,500 gallons of water storage onsite. The applicant will need to acquire all the necessary Building permits for this tank and for all other unpermitted structures.

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
§314-55.4.6.3.3: Access Roads. Road Systems.	Road Systems must meet functional capacity of a Road Category 4.	The parcel is accessed directly from State Highway 36. The project was referred to the California Department of Transportation (Caltrans) but, they did not comment. The applicant must obtain an encroachment permit from Caltrans and provide a copy to the Planning Department. The Department of Public Works commented on the project and stated that this project has no direct effect on any facilities maintained by the County.
§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.	Cannabis cultivation and on-site processing is 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.
§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.
§314-55.4.12.1.8 Performance Standards– Road System	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.	The parcel is accessed directly from State Highway 36. Highway 36 meets which meets the Category 4 road standard.

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
<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>No Biological Resources will be impacted by the variance for the setback reduction for the tank. However, as part of the Zoning Clearance Certificate) applicant has submitted a Wildlife Resource Report was completed by S.E. McAllister & Associates on October 2018. The results indicate that the actions in Alternative 2, the proposed action, will have no effect on any Special Status Species, either because the project is outside of their known range, suitable habitat is lacking, or the proposed project will not result in adverse impact to the species or their suitable habitat. The site is 1.6 miles from a mapped Northern Spotted Owl (NSO) activity center to the north and 1.8 miles to the west of the project. This project is not expected to impact habitat of the NSO. The applicant is to adhere to the recommendations in actions in Alternative 2, described in Appendix A. Further, artificial lighting used in the cultivation and ancillary propagation nursery will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO.</p>
<p>§314-55.4.12.1.12</p> <p>Stormwater Management</p>	<p>Applications for cannabis activities shall include a plan detailing how stormwater will be addressed for the property, including the location, capacity, and operation of all existing and proposed drainage facilities and features.</p>	<p>The applicant submitted a Site Management Plan that addresses erosion measures. The applicant is conditioned to adhere to the recommendations made in the Site Management Plan.</p>
<p>§314-55.4.12.1.13</p> <p>Management of Waste and Hazardous Materials</p>	<p>Applicants shall include a plan for disposal of project-related waste, including solid waste, effluent, and byproducts from commercial activities.</p>	<p>Refuse will be removed on the weekly basis to an authorized landfill.</p>

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
§314-55.4.12.1.14 Protection of Historical Resources	Applications proposing projects which include the removal or exterior alteration of structures over 45-years in age shall provide a report prepared by a historical consultant meeting the Secretary of the Interior's Professional Qualification Standards.	Building inspections notes and comments provided Bear River Band of the Rohnerville Rancheria Historical Preservation Officers did not indicate any removal or alterations of structures over 45 years in age.
§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 of 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.	Parcel surrounding the subject parcel are zoned FR which are considered Resource Production areas. Conditions of approval require that the applicant submit a lighting plan Light Pollution Prevention Plan. Additionally, no light will escape between 30 minutes after sunset and 30 minutes before sunrise and 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.
§314-55.4.12.5 Performance Standards– Energy Use	All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards: <ul style="list-style-type: none"> • Grid power supplied from 100% renewable source; and • On-site renewable energy system with twenty percent net non-renewable energy use • Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits. 	The project is 100 % supported by a solar system with a backup generator, which meets the energy performance standards of having on-site renewable energy system with twenty percent net non-renewable.

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
<p>§314-55.4.12.6 Performance Standards–</p> <p>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 project does include a back-up generator or back-up generators. The applicant has submitted a noise study that states that the ambient levels range from 35.32, 38.10, 34.37, and 36.55 decibels at all four property lines. The applicant will conduct another study after the operations are permitted and submit it to the Planning Department. 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.</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 irrigation water source is a rainwater catchment system that captures water from the roofs of the residence, the multi-use building, and the generator shed building into a 100,000-gallon concrete tank. Also, the site contains three additional tanks totaling 4,500 gallons of water storage. Further, the applicant will install an additional eight 5,000-gallon tanks, for a total of 144,500 gallons of water storage onsite. The applicant will need to acquire all the necessary Building permits for this tank and for all other unpermitted structures.</p>
<p>314-55.4.12.10 Performance Standards –</p> <p>Soils Management</p>	<p>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.</p>	<p>The applicant indicates that soils piles require a perimeter control and cover when not in use. Spent soil will either be reuse or disposed of appropriate waste site. As a condition of approval, the applicant, 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.</p>
<p>314-55.4.12.16 Performance Standards –</p> <p>Invasive Species Control</p>	<p>It is the responsibility of a certificate or permit holder to work to eradicate invasive species.</p>	<p>The applicant is conditioned to submit an Invasive Specie Control plan.</p>

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; and the proposed project is not expected to cause any environmental damage.

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
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that is 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), except where: 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.	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. It is developed with two single-family residence which will remain. The project is in conformance with the standards in the Housing Element.

6. Environmental Impact. The following evidence 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.

7. Required Findings for a Variance: The following table identifies the evidence which supports the required findings pursuant to The Title III, Division 1, Section 312-17.2 of the Humboldt County Code that must be made in order to grant a Variance.

§312-17.2 Required Findings for Variances:	
The Hearing Officer may approve or conditionally approve an application for a variance only if all of the following findings are made:	
Finding A. Exceptional or Extraordinary Circumstances	
<i>Applicant's Evidence</i>	
There is exceptional circumstance which necessitate the approval of this variance. The concrete tank was situated in an area of less 15% slope. A topographic map shows the tank in of the only open spaces with less than 15% slopes. This is probably why the tank was constructed in the location that it currently resides.	
<i>Staff Response</i>	
The property has been hosting the concrete storage tank for over 30 years. The tank is unusual in that it is constructed of concrete and would be impossible to relocate. Regulations governing commercial cannabis uses restrict removal of trees and the majority of the parcel is forested and development of new water storage facilities would likely require tree removal. Additionally, the topography of the parcel, does not allow for additional water storage tanks as open space with less than 15 % slopes are very limited.	
Finding B. Practical Difficulty or Hardship	
<i>Applicant's Evidence</i>	
If the code were strictly enforced and I was required to remove the concrete tank, I would be greatly impacted in a negative way. Relocating the 100,000-gallon concrete tank is not feasible. Decommissioning the tank and replacing the storage with hard tank storage would be environmentally detrimental as it would require disturbing additional ground. It is also likely that there is not enough suitable ground to fit an additional 100,000 gallons of water storage without the removal of trees. Additionally, the demolition of a 100,000-gallon concrete tank would pose a greater risk to public safety then if it were to remain in its current location undisturbed.	
<i>Staff Response</i>	
Staff agrees that the strict or literal interpretation of the 20-foot setback would result in practical difficulty or unnecessary physical hardship and would deprive the applicant of privileges that are enjoyed by the owners of other properties in the same zoning district. As discussed above, the applicant would suffer negative financial impacts if the variance were not granted. In addition, the neighboring property owner to the south of the concrete water storage structure is supportive of the structure remaining in its current location and has submitted a notarize statement. While a lot line adjustment could be performed to rectify the setback issue, it would not provide any additional benefit to the neighboring property owner who is already supports the structure remaining in its current location. Granting the variance would prevent any	

hardship to the current owner and to any future owners so long as the proposed setback was adhered to for all future development of the parcel.

Finding C. Special Privileges Inconsistent with Limitations on Other Properties of Same Zone

Applicant's Evidence

The tank on the property is not out of the ordinary in the rural neighborhood.

Staff Response

Staff agrees that this reduction of the rear yard setback will not grant a special privilege for this parcel. The concrete tank has been in place for at least 30 years and has not raised concerns from neighboring property owners as being a privilege that they do not enjoy. The tank is utilized for an existing commercial cannabis operation which is eligible to receive a permit for ongoing operation.

Finding D. Public Health, Safety, and Welfare

Applicant's Evidence

Allowing a variance for this addition has no negative impacts on public health, safety, or welfare.

Staff Response

Staff agrees that a rear setback reduction from 20 feet to 4 feet will not be to the detriment of public health, safety, and welfare. The parcel is currently developed with a single-family residence which encroaches into the rear setback. No change in development will occur as a result of this project. All responding referral agencies recommended approval of the project, and there have been no issues raised from the public.

ATTACHMENT 3

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*

APNs 210-051-080, 33096 Highway 36, Bridgeville, CA County of Humboldt

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

February 2020

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. New commercial cannabis cultivation on parcels zoned Unclassified 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 modified project involves an application three greenhouses totaling 9,375 square feet of existing mixed light cultivation. The applicant is expected to harvest two cycles a year. The 20-acre parcel is currently developed with a 3,000 SF residence, a 160 SF generator shed where nutrients and pesticides are stored, and a 400 SF multi-use building, used for propagation and drying.

Estimated annual water use for the cultivation operation is 90,450 gallons. There is an additional 54,050 gallons water stored onsite supports 8,875 SF of existing of mixed light cannabis cultivation (case number PLN-2019-15620) on APN 210-051-079. The irrigation water source is a rainwater catchment system that captures water from the roofs of the residence, the multi-use building, and the generator shed building into a 100,000-gallon concrete tank. Also, the site contains three additional tanks totaling 4,500 gallons of water storage. Further, the applicant will install an additional eight 5,000-gallon tanks, for a total of 144,500 gallons of water storage onsite. The applicant will need to acquire all the necessary Building permits for this tank and for all other unpermitted structures. In addition, to the 100,000 gallons tank does not meet the zoning setback of 20 feet in the Rear side of the property. Therefore, a Variance is sought to reduce the 20 feet setback to 4 feet.

The applicant shall record a non-exclusive easement for the use of stored water for APN 210-051-079. A metering device shall be installed and maintained at or near the outlet of all water storage facilities utilized for Irrigation. The applicant shall maintain a weekly record of all water used in Irrigation of permitted Cultivation Areas. Processing will occur offsite at a licensed facility. The applicant has successfully enrolled under the Waste Discharge Requirements Water Quality Order WQ-2017-0023-DWQ of the State Water Resource Control Board and has prepared a Site Management Plan addressing all discharge and on the subject parcel.

The site uses solar power and a backup generator. The applicant submitted a noise study that states that the ambient levels range from 35.32, 38.10, 34.37, and 36.55 decibels at all four property

lines. The applicant will conduct another study after the operations are permitted and submit it to the Planning Department. 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.

The project will comply with the provision of the CCLUO intended to eliminate impacts to sensitive species from noise and light. Compliance with these and other measures of the CCLUO ensure consistency with the EIR.

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, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous EIR 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 the project in compliance with the CCLUO 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.

Technical documents utilized in conducting this review included, but are not limited to the following:

- Regional Water Quality Control Board Site Management Plan dated August 2018 prepared by Green Road Consulting.
- Botanical Resource Assessment Report dated September 2018 prepared by Kyle Wear Botanical Consultant.
- Road Evaluation Report dated December 8, 2018 prepared by Green Road Consulting.
- Sound Evaluation Report dated December 8, 2018 prepared by Green Road Consulting.

- Cultural Resources Investigation dated June 2018 prepared by Archaeological Research and Supply Company.

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.

ATTACHMENT 4

Applicant's Evidence In Support of the Required Findings

Attachment 4 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached separately and on file)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (On file)
9. If the source of water is a well, a copy of the County well permit, if available. (On file)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not Applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana Permits/Clearances (CCM). (On file)
16. Regional Water Quality Control Board Site Management Plan dated August 2018 prepared by Green Road Consulting. (Attached separately and on file)
17. Botanical Resource Assessment Report dated September 2018 prepared by Kyle Wear Botanical Consultant. (Attached)
18. Road Evaluation Report dated December 8, 2018 prepared by Green Road Consulting. (Attached)
19. Sound Evaluation Report dated December 8, 2018 prepared by Green Road Consulting. (Attached)
20. Cultural Resources Investigation dated June 2018 prepared by Archaeological Research and Supply Company. (Attached)

21. Notarized Statement from Neighbor statement from the neighbor authorizing reduced setback.
22. Documents to support variance from the applicant. (Attached)



Road Evaluation Report

Prepared For:

Sunny Shadows, LLC

APN: 210-051-080

Signature of Civil Engineer



Seal

12/8/18

Introduction:

Green Road Consulting performed a road evaluation study to determine whether commercial cannabis cultivation activities will impact the current road systems on APN 210-051-080. This parcel is accessed using a private road, which directly intersects State Highway 36 (SR-36), a designated Category 4 road. The entirety of state Highway 36 is maintained by the California Department of Transportation (CalTrans).

Background:

On May 6, 2018, the Humboldt County Board of Supervisors passed Ordinance No. 2599 defining the rules and regulations of commercial cultivation, processing, manufacturing, distribution, testing and sale of cannabis for medicinal or adult use outside the coastal zone. Section 55.4.12 of the ordinance describes the performance standards related to all commercial cannabis activities at cultivation sites that must be met for the applicant to be eligible for a commercial cannabis cultivation permit issued by Humboldt County. As defined in Section 55.4.12.1.8, roads must conform to the following three (3) standards:

Standard 1: Dead End Road Length,

Standard 2: Functional Capacity,

Standard 3: Protection for Water Quality and biological Resources on Private Road Systems.

Humboldt County has also deemed it necessary that a road maintenance association be formed for all road systems providing access to three or more parcels seeking a Commercial Cannabis license. If a special permit regarding the functional capacity is required, Humboldt County mandates that all property owners utilizing the same road system be sent notice of the project, in addition to all parcels within 300 feet of the project parcel boundaries.

Methods:

All road systems related to commercial cannabis cultivation must comply with the standards set forth in Section 55.4.12.1.8 of Humboldt County Ordinance No. 2599. These standards include roads being located less than 2-miles from the nearest intersection with a Category 4 road (Standard 1), roads providing access to the parcel(s) must meet or exceed the Category 4 road standard (Standard 2), and all private road systems and driveways providing access to parcel(s) shall be designed, maintained, or retrofitted in accordance with "A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds" (Standard 3). Where road standards are not met, a special permit is required.

A NanoCount 1000 totalizing vehicle counter was used to determine the Average Daily Traffic (ADT) on the private access road leading to the parcel. The 24-hour study was initiated at 11 AM on 7/16/2018 and concluded at 1PM on 7/17/2018. The NanoCount 1000 uses a single-channel receiver connected to flexible surgical tubing to accurately count the number of vehicles (or axles) by sensing changes in pressure when a vehicle tire runs over the hollow tubing.

A GPS unit (2 to 4-meter accuracy) was used to mark locations where the NanoCount 1000 was installed for the study. The GPS unit also tracks the location of the user by marking a point every 15 seconds used to determine the dead-end road length. The location tracks obtained with the GPS unit were used in conjunction with Humboldt County Web GIS and ESRI ArcMap to determine accurate measurements of road segments (Figure 1).

Results:

Standard 1 – Dead End Road Length

Using Humboldt County's Web GIS tool, the length of road from the nearest designated Category 4 road (SR-36) was determined to be 0.18 miles. This is less than the 2.0 miles required by Humboldt County (Figure 1).

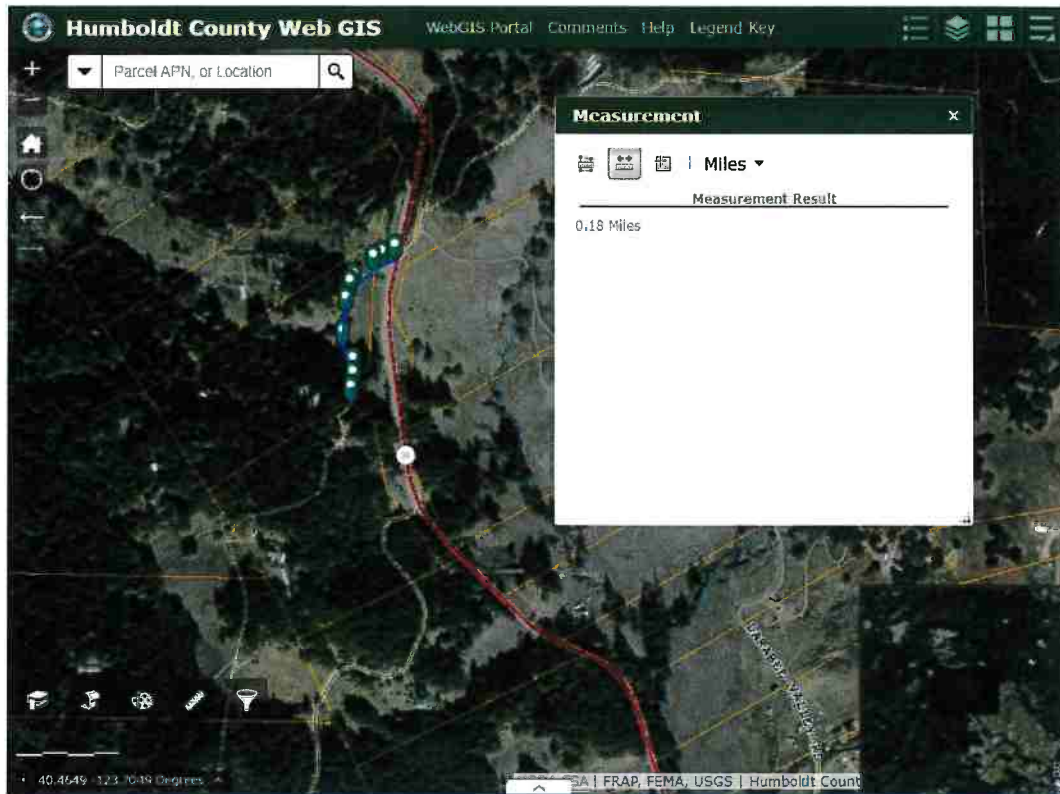


Figure 1: Snapshot from Humboldt County Web GIS measurement tool used to determine the distance traveled to reach the entrance to the applicants parcel from SR-36.

Standard 2 – Functional Capacity

The Average Daily Traffic (ADT) was used to determine the functional capacity of the private access road, from County maintained SR-36 to the parcel entrance. The Average Daily Traffic (ADT) for the 0.18-mile section of private access road, from SR-36 to the parcel entrance was 34, summarized in Table 1. This value defines the Unnamed Private Road, from the intersection of SR-36 to the parcel entrance as a very low-volume local road according to the AASHTO design manuals, indicating that a Civil Engineer licensed by the State of California must complete Section 2 and Section 3 of the Humboldt County Department of Public Works Road Evaluation Report.

Table 1: Summary of the data collected over the 24-hour road study.

Segment	Length (miles)	Count (vehicles)
SR-36 to Parcel Entrance	0.18	34

Standard 3 – Private Road Systems

An evaluation of the design, functionality, and performance conditions of the private roadways found that the private road system required some retrofitting and erosion control features (Figure 2). This shall include design measures to minimize impacts from point source and non-point source pollution, sediment delivery, and runoff velocity. Drainage features were evaluated to ensure adequate design, functionality, and performance of culverts and other discrete drainage systems and develop conclusions regarding compliance and conformance with best management practices for the defined road system.

Table 2 below outlines the remediation measures required to bring the private road system up to standards set forth in the Humboldt County Ordinance 2599 and reiterated in the Site Management Plan completed by Green Road Consulting. The Site Management Plan was prepared for the California State Waterboard to identify conditions present on the parcel that may pose a threat to water quality and resources and establish and plan to meet or surpass requirements set forth by the State Water Resources and Control Board (SWRCB) Order WQ 2017-0023-DWQ.

Table 2: Summary of remediation measure(s) required to bring the private road system up to standards set forth in Humboldt County Ordinance 2599.

Topic	Issue	Remediation Measure	Expected Completion Date
Erosion, Drainage, and Sediment Control	A 4-inch ditch relief culvert is undersized and is failing	Install an 18-inch ditch relief culvert	September 2019

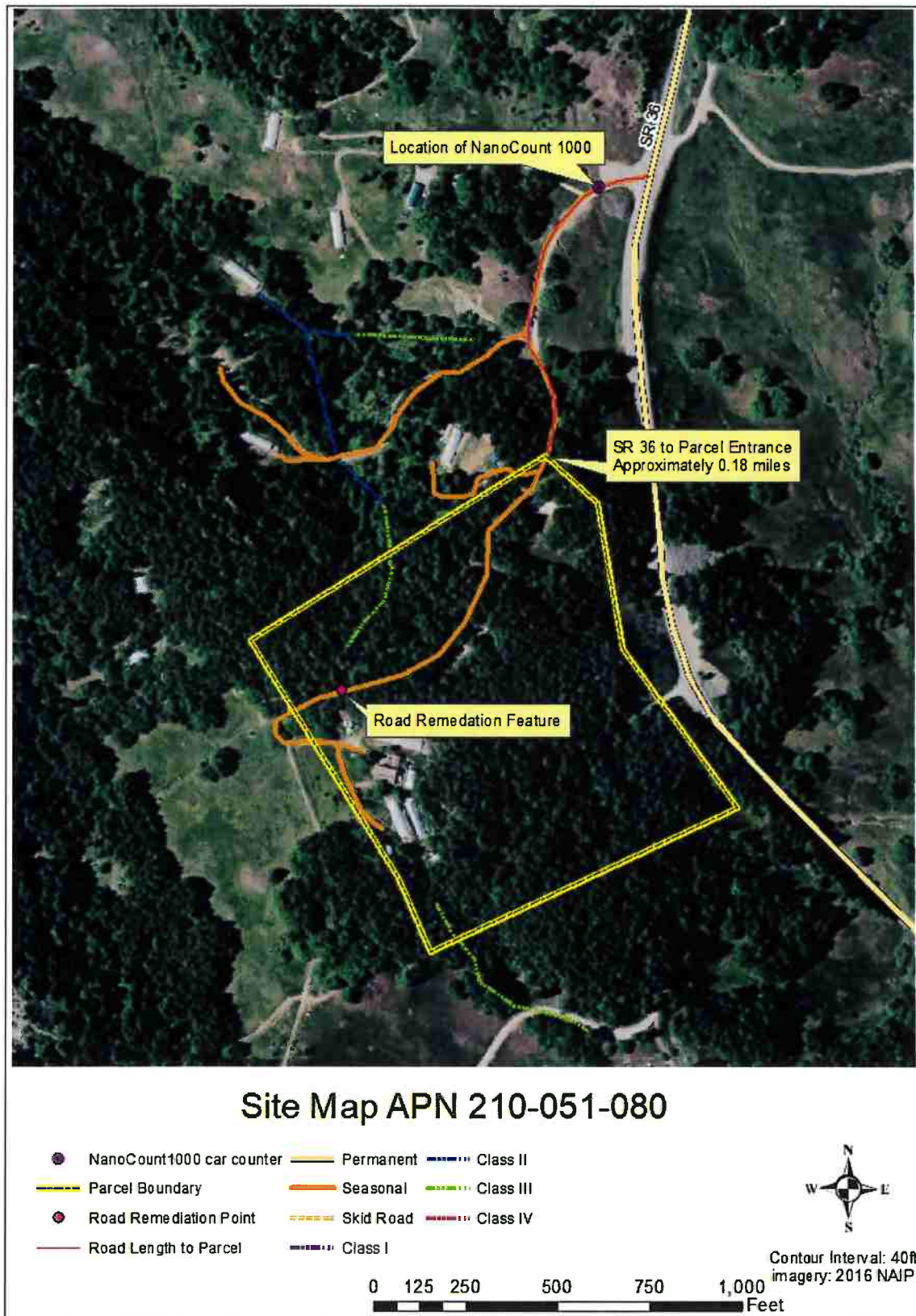


Figure 2: Site overview map showing the roadways used to access APN 210-051-080.

Conclusion:

Three road standards must be met for the applicant to be in compliance with Humboldt County Ordinance No. 2599: Dead End Road Length, Functional Capacity, and Protection for Water Quality and biological Resources on Private Road Systems. Green Road Consulting performed a road evaluation study to determine whether commercial cannabis cultivation activities will impact the current road systems on APN 210-051-080. A summary of the results can be found below:

- The Dead-End Road Length from the nearest Category 4 road (SR-36) to the parcel entrance is 0.18 miles.
- Over a 24-hour car counting study, a total of 34 vehicles utilized the road system accessing the applicants parcel.
- One (1) ditch relief culvert needs to be upgraded to bring the private road system up to standards set forth by Humboldt County Ordinance 2599.
- The condition of these roads is adequate to support commercial cultivation operations in addition to the current regular non-commercial use.
- The project shall meet all three road system standards once the road segment is upgraded as described in Humboldt County Ordinance No. 2599 Performance Standards for Road Systems described in section 55.4.12.1.8.

It is recommended that SMP methods be implemented on the private road leading to the parcel entrance for the environmental remediation conditions to be addressed. The initial site visit found no significance in the current state of the roads regarding pinch points. Precise pinch point numbers and locations shall be addressed in a future site inspection.

**HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT**

PART A: *Part A may be completed by the applicant*

Applicant Name: Sunny Shadows LLC APN: 210-051-080

Planning & Building Department Case/File No.: _____

Road Name: Applicant's Driveway (complete a separate form for each road)

From Road (Cross street): SR-36

To Road (Cross street): Applicant's Driveway

Length of road segment: 0.18 miles Date Inspected: July 16, 2018

Road is maintained by: ☐ County ☒ Other Private
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road. A map showing the location and limits of the road being evaluated in PART A is attached.

Signature

Date

Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.

Road Name: Private road connecting SR-36 to parcel entrance Date Inspected: July 16, 2018 APN: 210-051-080
From Road: SR-36 (Post Mile 32.08) Planning & Building
To Road: Applicant's Driveway (Post Mile) Department Case/File No.:

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations:

(Contact the Planning & Building Department for information on other nearby projects.)

1

ADT: 34 Date(s) measured: July 16, 2018 to July 17, 2018

Method used to measure ADT: ☒ Counters ☐ Estimated using ITE Trip Generation Book

Is the ADT of the road less than 400? ☒ Yes ☐ No

If **YES**, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)*. Complete sections 2 and 3 below.

If **NO**, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)* for guidance.)

A. Pattern of curve related crashes.

Check one: ☒ No. ☐ Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one: ☒ No. ☐ Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one: ☒ No. ☐ Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one: ☒ No. ☐ Yes (☐ check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one: ☒ No. ☐ Yes.

F. Need for turn-outs.

Check one: ☒ No. ☐ Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

☒ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

☐ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (☐ check if a *Neighborhood Traffic Management Plan* is also required and is attached.)

☐ The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

[Signature]

Signature of Civil Engineer

12/8/18

Date



Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.



Sound Evaluation Report

Prepared For:

Sunny Shadows, LLC

APN: 210-051-080

Signature of Civil Engineer

Date



Seal

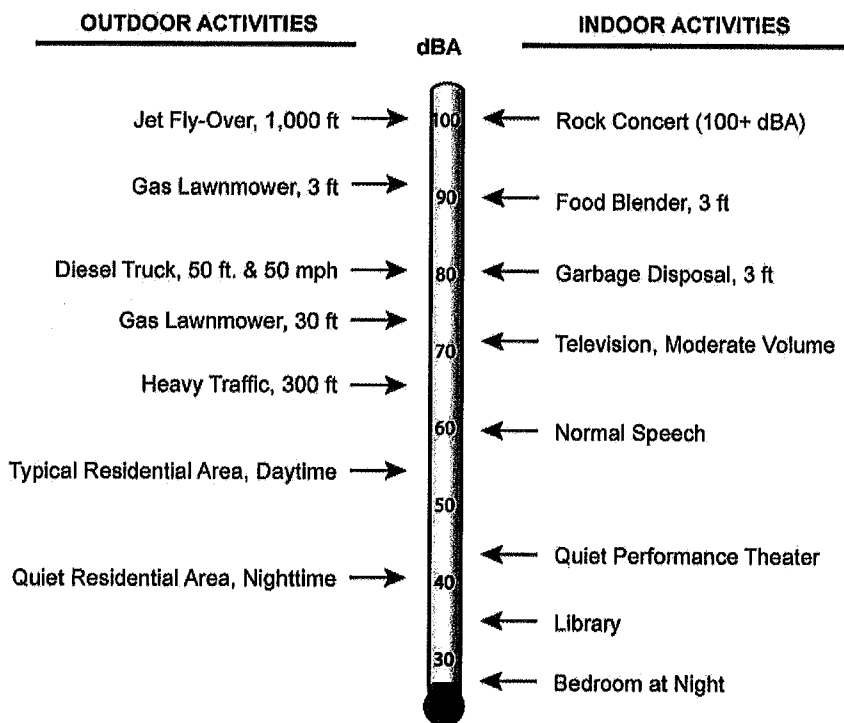
Introduction:

Green Road Consulting (GRC) performed a sound evaluation study to determine changes in ambient noise levels related to cannabis cultivation activities. Cannabis cultivation in Humboldt County is typically done in rural areas that require the use of off-grid power from diesel generators. The use of diesel generators in conjunction with cannabis cultivation activities has the potential to significantly alter natural sound levels and disturb native animals. However, parcels with zoning TPZ or U (with a General Plan Land Use Designation of “Timberland” or “Unclassified”) are prohibited from using generators.

Background:

On May 6, 2018, the Humboldt County Board of Supervisors passed Ordinance No. 2599 defining the rules and regulations of commercial cultivation, processing, manufacturing, distribution, testing and sale of cannabis for medicinal or adult use outside the coastal zone. Section 55.4.12 of the ordinance describes the performance standards related to all commercial cannabis activities at cultivation sites that must be met for the applicant to be eligible for a commercial cannabis cultivation permit issued by Humboldt County. As defined in Section 55.4.12.6 regarding noise, “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.”

Oxford Dictionary defines noise as “a sound, especially one that is loud or unpleasant or that causes disturbance” (Oxford Dictionary 2018). In terms of physics, sound is a mechanical disturbance from a state of equilibrium that propagates through an elastic material medium, such as water or air (Britannica 2018). Humans have evolved to be more receptive to sound frequencies between 500 Hz and 6 kHz (measured in decibels, dB), however, sounds can occur below or above the range of human hearing. To account for the full range of human hearing, the “A-weighted” scale was created to include a full range of frequencies, from 20 Hz up to 20 kHz and is measured in dBA (Britannica 2018). Several activities and their associated noise level for indoor and outdoor settings have been measured and are shown in Figure 1 for reference (West Los Angeles College ND).



Sources: FTA, 1995; ATS Consulting, 2005

Figure 1: Examples of noise levels for indoor and outdoor settings.

Site Summary:

APN: 210-051-080

Coordinates: <40.4581, -123.7009>

Acreage: 21.75

Zoning: FR-B-5(20)

Methods:

A 24-hour pre cultivation study was conducted by GRC on APN 210-051-080 using four CEM DT-8852 Industrial High Accuracy Digital Sound Noise Level Meter Data Loggers. These sound level data loggers feature a measurement range of 30-130 dB with an accuracy of ± 1.4 dB; and internal memory for standalone data recording. This study was conducted before cannabis cultivation activities began on the parcel to establish a baseline ambient sound level to compare to future measurements. After cannabis cultivation activities begin, a second 24-hour study will be conducted to capture the increase, if any, of sound levels related to cannabis cultivation.

If the parcel is located within one mile of mapped critical habitat for Marbled Murrelet or Northern Spotted Owls, the maximum noise expose from background cultivation related noise cannot exceed 50 decibels at a distance of 100 feet from the noise source or edge of habitat, whichever is closer. If pre-existing cultivation sites submitted for permitting prior to December 31, 2019 are located within 0.7 miles of a known Northern Spotted Owl activity center a qualified biologist shall conduct a disturbance and habitat modification assessment to determine the presence of the species and whether the cultivation site can operate or have its operation modified to avoid take of the species.

Two sound monitoring studies are required to determine how cannabis cultivation activities effect the ambient noise levels on the property. For the duration of each study, one (1) noise level data logger was placed as close to each property boundary line as possible (minimum of 3) to capture the noise level being emitted from within the parcel (Figure 2). Data was collected every 6 seconds for at least 24 hours. The first 24-hour study was conducted from 7/17/2018 through 7/18/2018, before cannabis cultivation activities occurred on the property. The data was uploaded to Microsoft Excel, where a moving average was performed on 500, 1,000, and 2,000 data points to relax any extreme short-term fluctuations in the time-series data. The second 24-hour study will be conducted when commercial cannabis activities begin.

Critical habitats for Marbled Murrelet and Spotted Owls have been mapped by California Department of Fish and Wildlife (CDFW) and were viewed using a commercial license to the California Natural Diversity Database (CNDDDB). The CNDDDB uses the Biogeographic Information and Observation System (BIOS) to project observed critical habitat for Marbled Murrelet and Spotted Owls in an online mapping tool. This online mapping program has a distance measuring tool that was used to find the distance from this parcel to the nearest marked critical habitat.

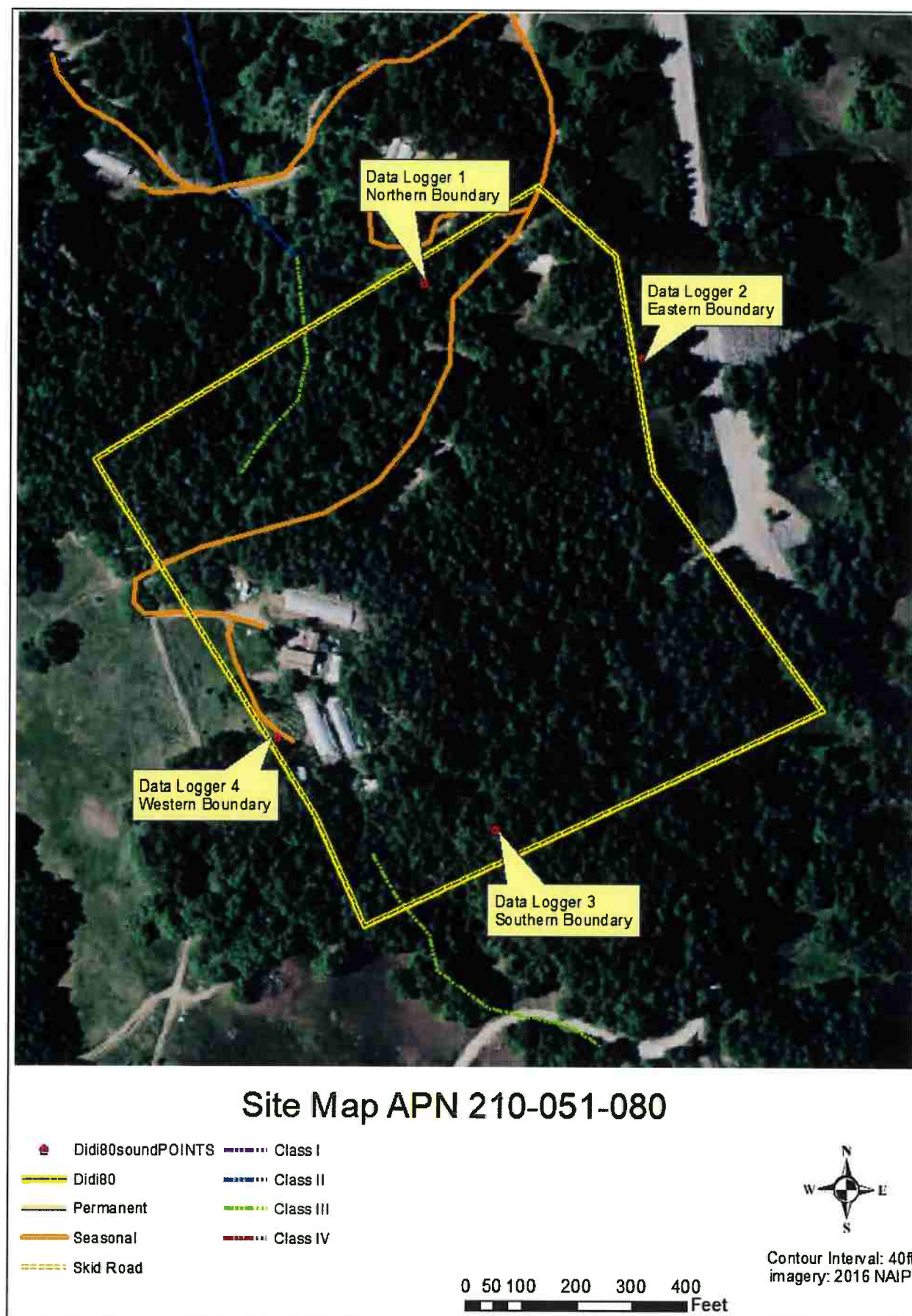


Figure 2: Location of the CEM DT-8852 Noise Level Data Loggers on APN 210-051-080.

Results:

Data from the sound study conducted during the no-cultivation period were imported into excel and plotted on a line chart to visualize the measurements over time. Rolling averages were applied to groups of 500, 1,000, and 2,000 data points, which were compared to the original data (Figures 3-6).

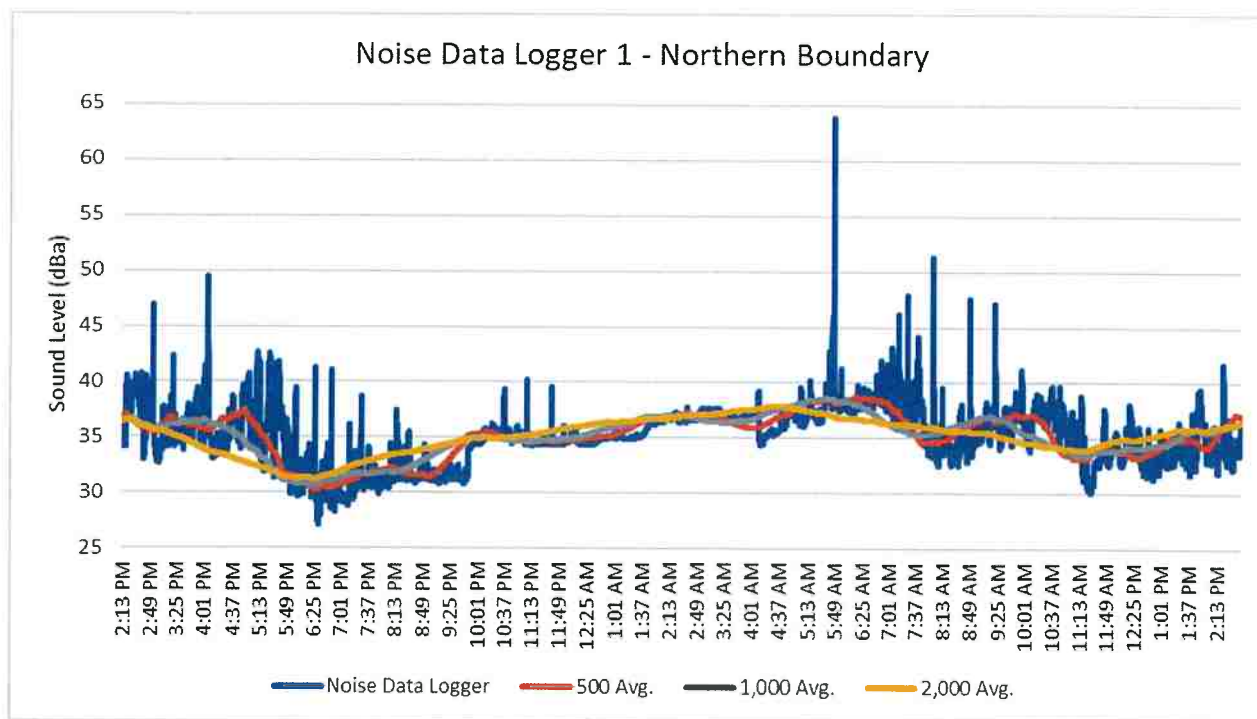


Figure 3: Results from 24 hours of sound data collected on 7/17/2018-7/18/2018 near the Northern parcel boundary. The 500, 1,000, and 2,000 data point rolling average are overlaid on the original data. **Average dBA: 35.32**

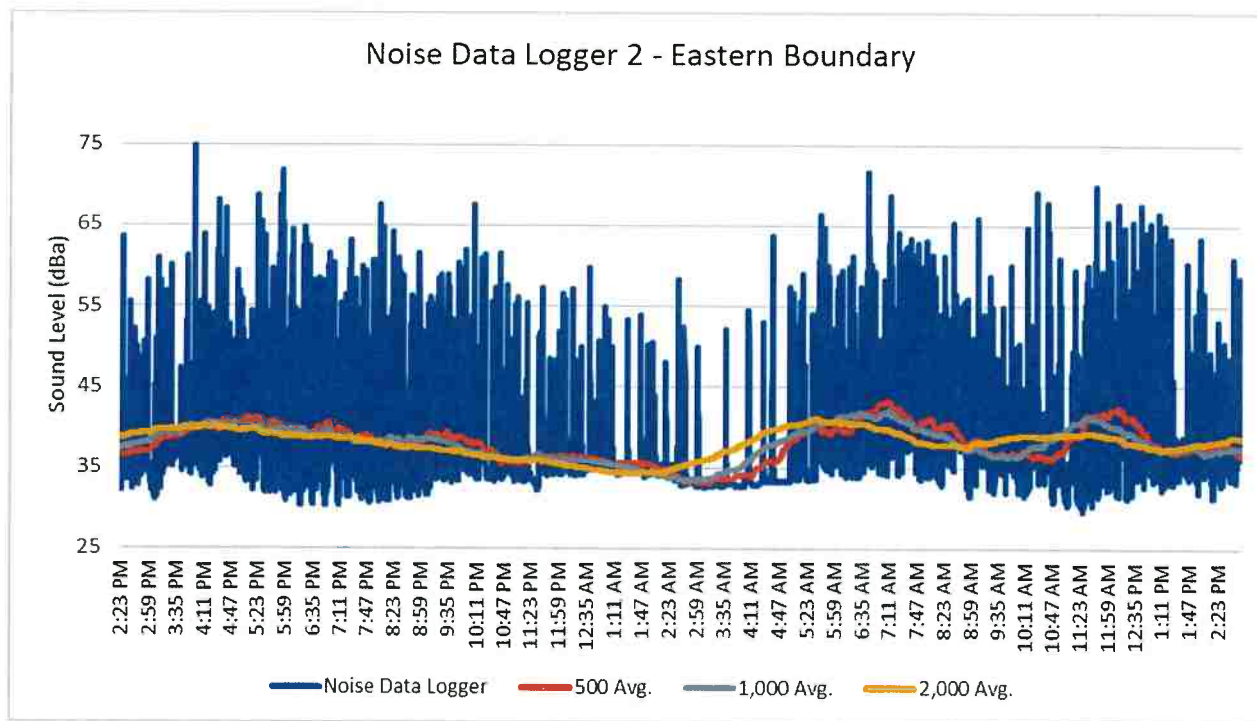


Figure 4: Results from 24 hours of sound data collected on 7/17/2018-7/18/2018 near the Eastern parcel boundary. The 500, 1,000 and 2,000 data point rolling averages are overlaid on the original data. **Average dBA: 38.10**

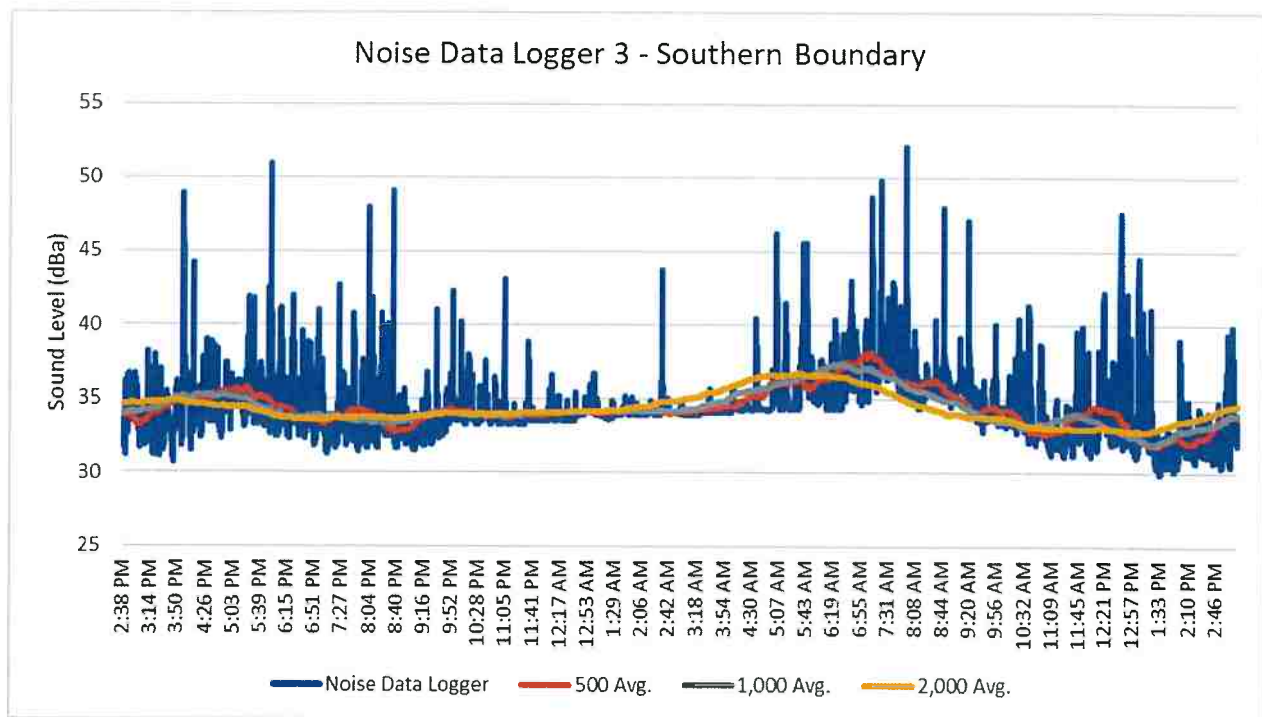


Figure 5: Results from 24 hours of sound data collected on 7/17/2018-7/18/2018 near the Southern parcel boundary. The 500, 1,000, 2,000 data point rolling averages are overlaid on the original data. **Average dBA: 34.37**

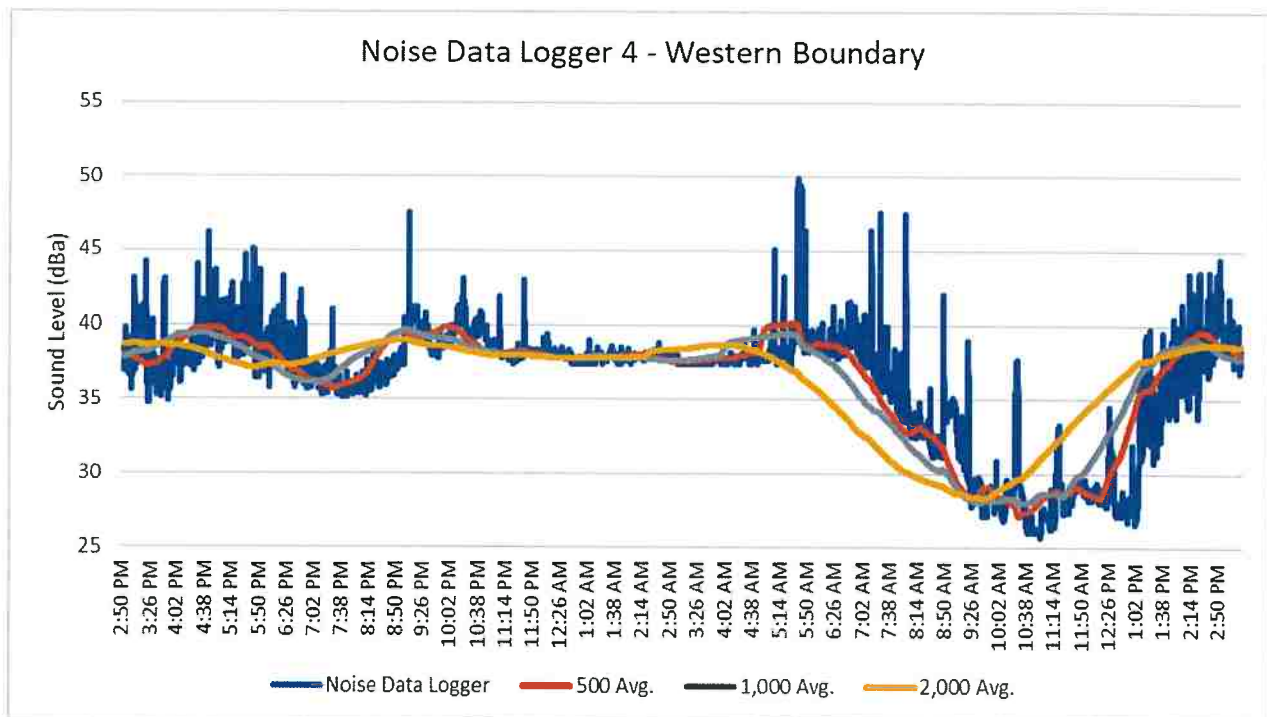


Figure 6: Results from 24 hours of sound data collected on 7/17/2018-7/18/2018 near the Western parcel boundary. The 500, 1,000, and 2,000 data point rolling averages are overlaid on the original data. **Average dBA: 36.55**

The results from the 500, 1,000 and 2,000 data point rolling averages were then plotted without the original data (Figure 7-10). The rolling average removes the extreme values, greatly reduced the range of values for the measurements.

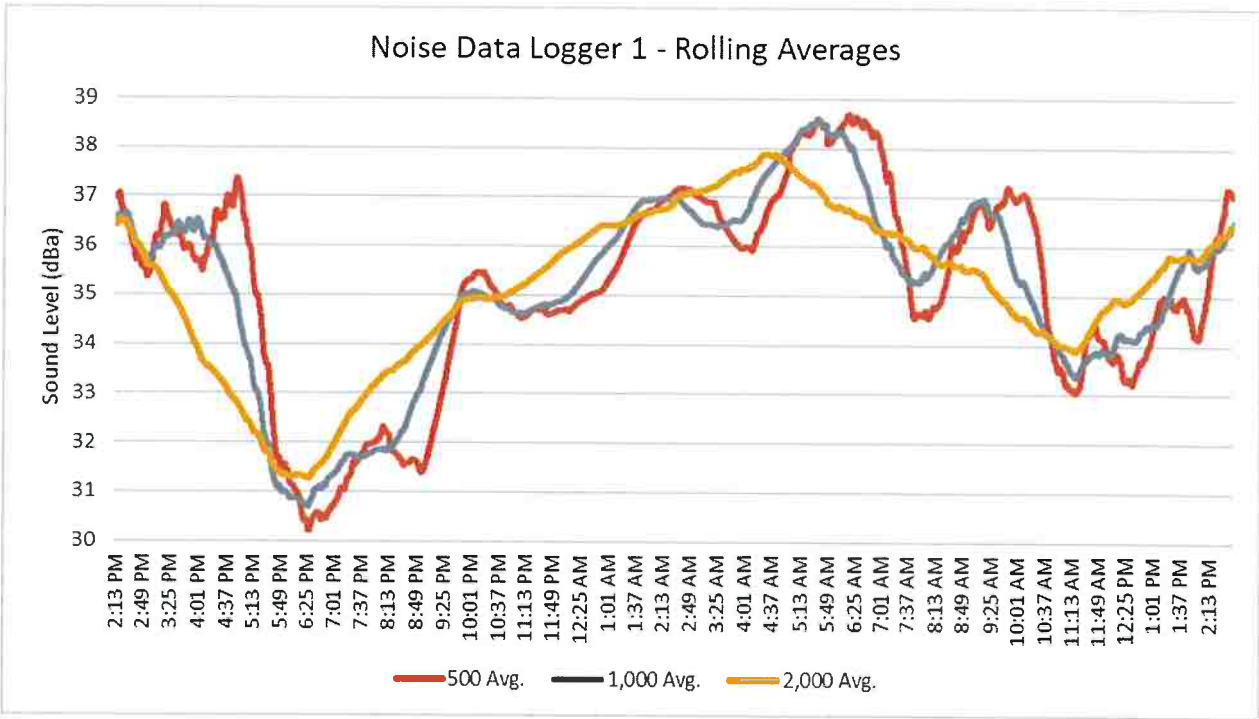


Figure 7: Results from performing rolling averages on 500, 1,000, 2,000 data points from the data logger located on the Northern parcel boundary over the 24-hour measurement period.

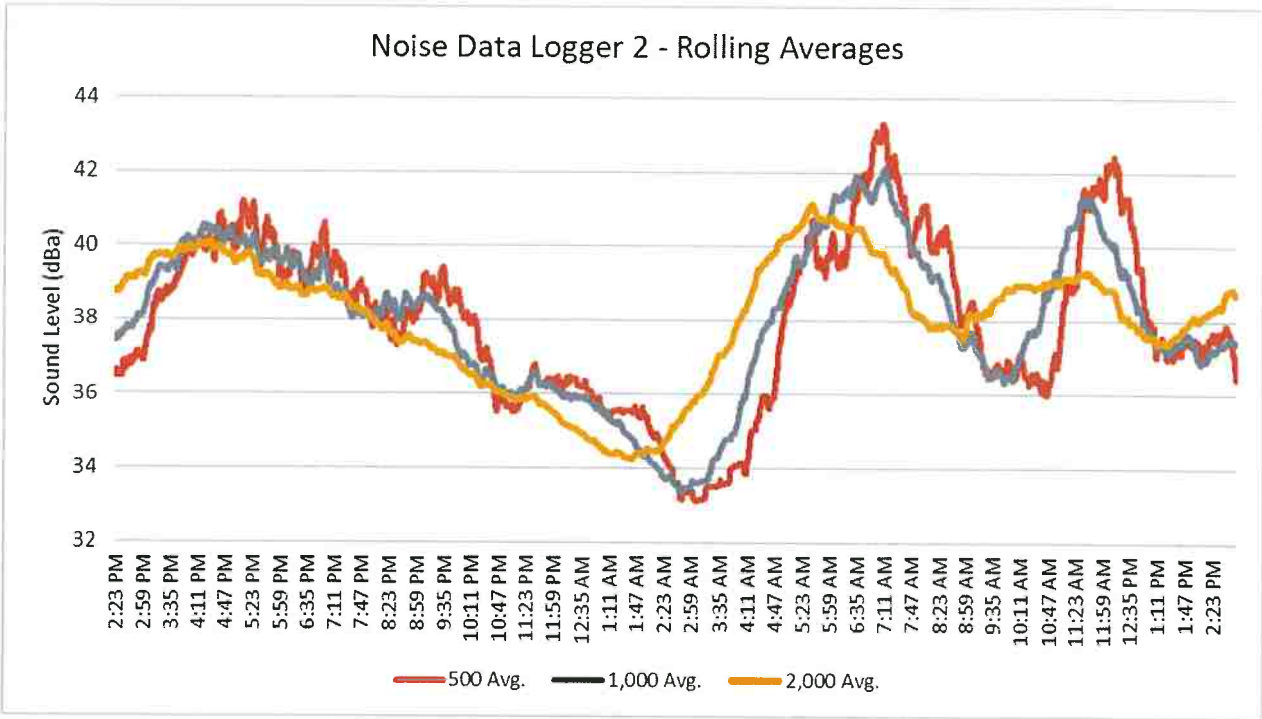


Figure 8: Results from performing rolling averages on 500, 1,000, 2,000 data points from the data logger located on the Eastern parcel boundary over the 24-hour measurement period.

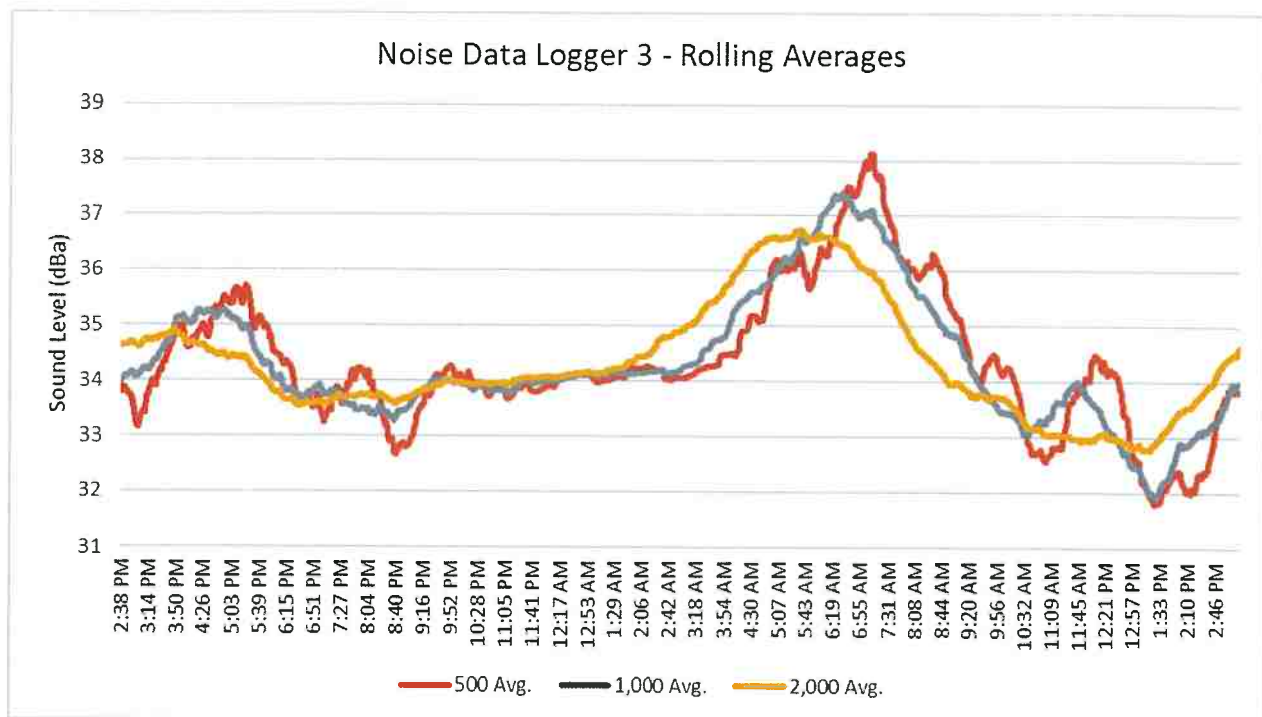


Figure 9: Results from performing rolling averages on 500, 1,000, and 2,000 data points from the data logger located on the Southern parcel boundary over the 24-hour measurement period.

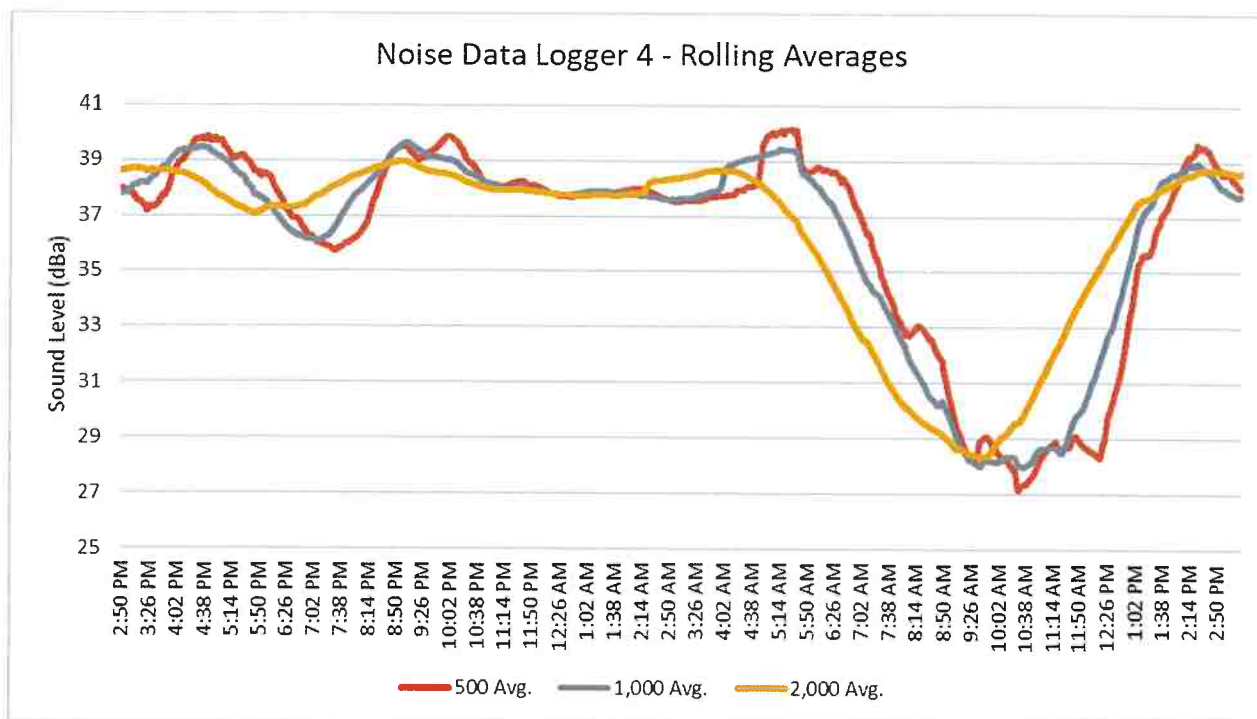


Figure 10: Results from performing rolling averages on 500, 1,000, and 2,000 data points from the data logger located on the Western parcel boundary over the 24-hour measurement period.

The second sound study will be performed after Cannabis cultivation commences. That study will be used to identify if there is an increase of 3 decibels or more. If an increase of over 3 decibels is observed, changes will be made to reduce the sound levels.

Critical Habitat:

Considerations of noise levels affecting the Marbled Murrelet and Northern Spotted Owl was determined using the California Department of Fish and Wildlife's Biogeographic Information and Observation System (BIOS). This system utilizes the California Natural Diversity Database (CNDDDB) to visualize positive observations and critical habitat for rare and sensitive species.

Critical habitat areas for the Marbled Murrelet and Spotted Owl were viewed in the CNDDDB BIOS Viewer. The property was located over 12 miles from mapped Marbled Murrelet critical habitat areas (Figure 11).

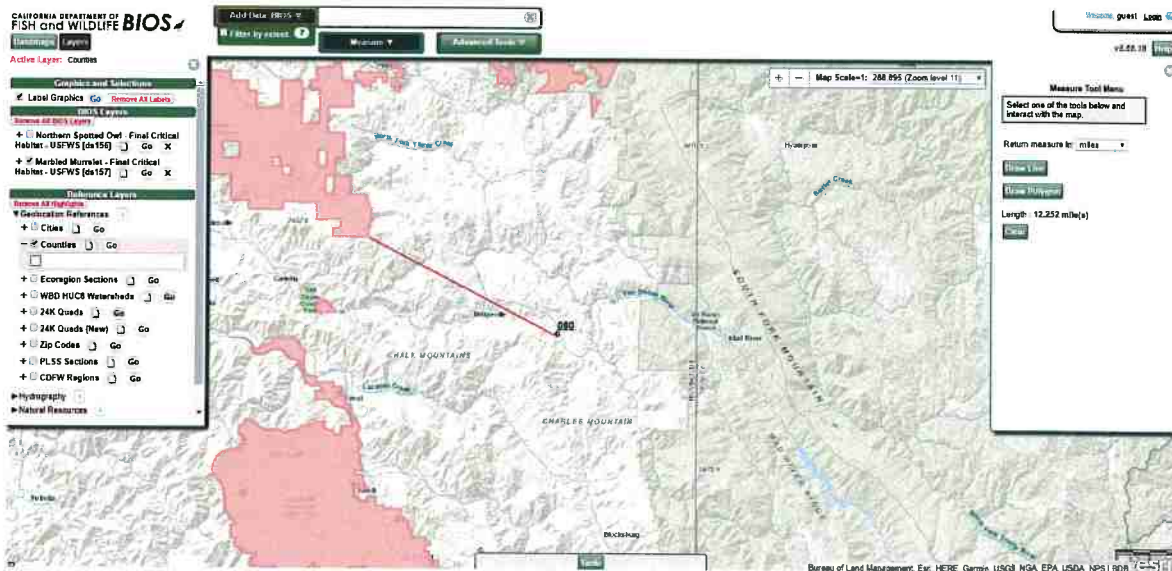


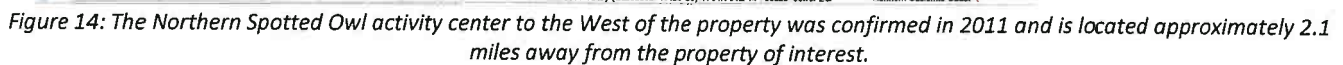
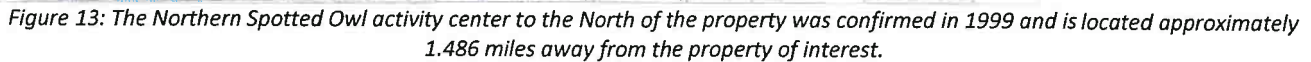
Figure 11: Snip of the CNDDDB BIOS Viewer used to determine the extent of critical habitat of Marbled Murrelet (red square) relative to the parcel (Yellow dot, labeled 080). A distance of 12.25 miles was measured from the center of the parcel to the edge of the mapped critical area.

Critical habitat area for the Northern Spotted Owl was observed 0.35 miles to the South of APN 210-051-080 (Figure 12).



Figure 12: Snip of the CNDDDB BIOS Viewer used to determine the extent of critical habitat of Spotted Owls (pink square) relative to the parcel (Yellow dot, labeled 080). A distance of 0.35 miles was measured from the center of the parcel to the edge of the mapped critical area South of the property.

Activity centers for the Northern Spotted Owl have been observed in the Larabee Valley. Activity centers are historic nesting sites that have been observed by qualified professional and entered in the CNDDb database. Two activity centers have been mapped near the parcel, one to the North and one to the West. The distance from the center of the parcel to the edge of the activity centers were measured using the embedded Measure Tool within the BIOS Viewer (Figure 13 and Figure 14).

Page 10 of 12
February 6, 2020

Conclusion:

An initial sound study was conducted during a no-cultivation period on APN 210-051-080. During this study, the site was free of cultivation related activities, free of noise pollution, and produced no noise from any generators or fans. Only ambient noise from county roads and wildlife could be heard during this initial study. Data from this first study will be compared to a second sound study. The second study will take place once a cultivation permit has been issued by Humboldt County and cultivation begins in order to determine changes in ambient noise levels caused by cannabis cultivation activities. The Pre-cultivation and active cultivation studies will be compared for each Data Logger point (North, East, South, West) to assess if there is an average increase of 3 decibels or more from any pre-cultivation data logger average. If an increase of 3 decibels or more is observed after the second study, changes will be made to attenuate sound production at the site. See Appendix A for mitigation methods.

The North, East, South, and West Data Logger point measured with average levels of 35.32 dBA, 38.10 dBA, 34.37 dBA, and 36.55 dBA, respectively. These measurements will serve as a baseline for ambient noise levels at the site. Since commercial activity was not taking place during this initial study, and due to the relative proximity to Highway 36, it stands to reason that most of the high-trending sound data resulted from passing traffic. Indeed, most of the readings over 40 decibels occurred during typical rush hour traffic periods. Regardless, we would hope to find sound levels not exceeding 41 decibels in the following study due to the 3-decibel increase cap set forth by CDFW habitat proximity standards.

The parcel is located 1.486 miles from a mapped Northern Spotted Owl activity center to the North and 2.1 miles from a mapped activity center to the West. Both activity centers are located outside of the 0.7-mile buffer set forth by California Department of Fish and Wildlife. Therefore, it is unlikely noise caused by cultivation operations on this parcel will negatively impact Northern Spotted Owl activity. A Biological Assessment Report prepared for this site by S.E. McAllister & Associates states, "Harassment associated with noise disturbance at the site is not expected. The project is proposed for permitting under Humboldt County Ordinance 2.0 and will, therefore, only be allowed to use generators for 20% of its power needs and will instead primarily use solar energy."

The parcel is located over 12 miles from mapped critical habitat for the Marbled Murrelet. Critical habitat for the Northern Spotted Owl has been mapped 0.35 miles from the parcel. Because of this, maximum noise exposure from cultivation related noise may not exceed 50 decibels at a distance of 100 feet from the noise source or edge of habitat, whichever is closer, as required by Humboldt County Ordinance 2.0. This 50 decibel limit greatly exceeds the 3 decibel increase limit incurred on this site for critical habitat proximity, and will therefore not be an issue.

References:

Humboldt County Ordinance No. 2599.

"Noise." Def.1. OxfordDictionaries.com. Oxford Dictionaries, 2018. Web. 5/31/18.

Berg, R. 2018. "Sound", Encyclopaedia Britannica, Inc., Encyclopaedia Britannica. 6/1/2018

"Noise Basics". West Los Angeles College Noise Monitoring Program. ND. 6/26/2018

Restoration Plan

APNs: 210-051-080 & 210-051-079

Prepared by



**GREEN
ROAD**
CONSULTING

1650 Central Ave, Suite C

Mckinleyville CA, 95519

707-630-5041

www.greenroadconsulting.com

August 28, 2018

A handwritten signature in blue ink, appearing to read 'Ty Robin Collins', is written over a horizontal line.

Ty Robin Collins, P.E.

Seal



1. Introduction

The attached report is a restoration plan designed by Green Road Consulting (GRC) for parcels 210-051-080 & 210-051-079. These parcels are conjoined and share the same property owner and occupants, so this restoration report has been prepared to meet the restoration requirements for both parcels. The purpose of this plan is to outline the cleanup of wastes and abatement of impacts to water resources on said parcel. Specifically, the plan outlines the cleanup and restoration actions needed to permanently address the violations identified in the notice issued by the county.

Information for the parcel and surrounding area was collected through this site visit on November 17th, 2017 and May 15, 2018 as well as through a variety of county, state, and private websites (USDA web soil survey, Google Earth, Humboldt County Web GIS). The site maps were created using ArcMap and CAD Civil 3D and surveyed with a 2 to 4- meter accuracy GPS unit to document areas of improvement.

Both parcels were issued a Notice to Abate Nuisance on October 25th, 2017 for the following violations:

Table 1: Violations Issued by Humboldt County.

Violation Number	County Code Section	Description
1	331-14	Grading without Permits
2	331-28	Construction of building/structure in violation of Building, Plumbing and/or Electrical Codes
3	314-55.4	Violation of the Commercial Medical Marijuana Ordinance

The violations are identical for both parcels.

Site Descriptions

APN: 210-051-079

Acreage: 20.20

Humboldt County Zoning: FR-B-5(20)

Site Address: 33096 ST HWY 36, BRIDGEVILLE, CA 95526

Land Owner: Plamen Stoilov

APN: 210-051-080

Acreage: 21.75

Humboldt County Zoning: FR-B-5(20)

Site Address: 33096 ST HWY 36, BRIDGEVILLE, CA 95526

Land Owner: Didi and Marin Stoilov

The sites are located off State Highway 36 near the Bridgeville area of Humboldt County.

Overview map of the parcel boundaries as shown on the Humboldt County Web GIS:



Previously used for cannabis cultivation, the agricultural infrastructure on this site is to be dismantled until further notice and any associated residuals removed.

2. Restoration Measures

Mitigate Disturbances

To rectify the violations specified above, all cannabis related nuisances will be discontinued, and all aspects of the parcel shall be brought into compliance with local and state regulations. All areas of bare

soil and unstable fill shall be treated to reduce the risk of erosion and sediment delivery to water bodies on and near the parcel. Restoration measures requiring immediate action and locations of necessary sediment and erosion control measures are indicated on the attached map, with key points detailed below.

Key Points:

1. Greenhouses shall be removed from this flat. All construction materials will be transported off site for reuse or to a proper waste disposal facility. Potting soil stored in this area shall be transported off-site to a proper waste disposal facility. If any chemical pesticides, fungicides, or fertilizers have been used on or around this potting soil, it shall not be dispersed on the property.
2. A 24-inch diameter non-corrugated plastic pipe culvert carries a class III ephemeral watercourse under a seasonal access road. To withstand a 100-year storm event, this culvert shall be replaced with a 36-inch diameter culvert installed at stream grade. A Lake and Streambed Alteration Agreement will be obtained from CDFW prior to commencement of instream work.
3. Four (4) greenhouses shall be removed from this flat. All construction materials will be transported off site for reuse or to a proper waste disposal facility.
4. All fertilizer containers and mixing areas will be stored with secondary catchment and rain cover.
5. All unused chemical containers will be removed from the site and any hazardous waste will be deposited at a hazardous waste disposal facility. Remaining chemical containers as well as fuel/petroleum containers will be stored with secondary catchment and rain cover.
6. Three (3) greenhouses shall be removed from this flat. All construction materials will be transported off site for reuse or to a proper waste disposal facility. Cultivation equipment such as irrigation and potting equipment will also be removed.
7. Remove water bladder and replace with hard tank storage.

8. Potting soil and cultivation debris have been placed on the slopes located around the head of a class III ephemeral drainage. These materials shall be carefully removed from slopes and discarded off site at a green waste depository or properly composted.
9. Cultivation debris such as discarded stems have been placed on the slopes below a flat. These materials shall be removed from slopes and discarded off site at a green waste depository or properly composted.
10. Remove water bladder and replace with hard tank storage.

The earthworks required for returning this flat to natural contours would result in the release of more sediment through erosion than the current condition of the flats risk depositing in their present condition. Therefore, the reconstruction of these flats is not advised. Instead, once these flats are cleared of cultivation waste and structures, the cut slopes, flat, and fill slopes shall be coated with straw and seeded, as described below, to stabilize the surface and reduce the risk of future erosion. These flats shall be monitored according to the schedule below to guard against flat failure and erosion.

Erosion Control Guidelines

Upon completion of structure removal, slope reconstruction, or incidental soil disturbance operations exposed soil areas within the work area shall be stabilized by applying mulch and seed. First, seed shall be spread via broadcast dispersal of local/native, non-invasive and weed free erosion control grass seeds (e.g. American Meadows Western Grass Seed or Lerner Seeds Golden State Native Grass Erosion Control Mix). Seeding shall be applied at a rate of 15-20 pounds per acre of bare soil. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Following this, restored areas shall be mulched using two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, seeding may be covered with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting or erosion control blanketing.

Introduced plant seed or seedling species shall not include those identified in the California Invasive Pest Plant Council's database, available at: www.cal-ipc.org/paf/.

Steep slopes, such as areas identified as unstable fill, shall have straw wattles placed along the entire length of the fill at 10-foot increments. Wattle installation shall follow the best management practices indicated by the following diagram.

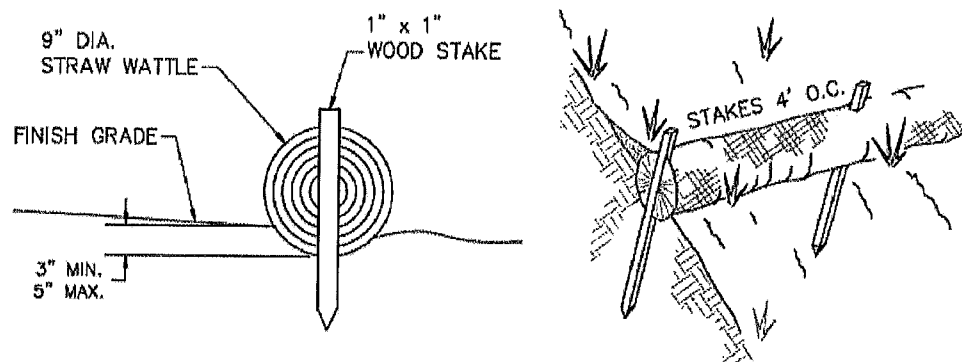


Figure 1: Best management practices straw wattle installation.

Road Maintenance Guidelines

Roads on the property shall be inspected and maintained to ensure concentrated runoff and surface erosion are avoided. All access roads shall have drainage features installed in accordance with the recommendations in the following chart.

Soil Erodibility	Road gradient (%) and drainage feature spacing (feet)				
	0-3	4-6	7-9	10-12	>12
High	250	160	130	115	100
Low	400	300	250	200	160

Based on Keller and Sherar, 2003

All access roads on the property shall be maintained to the standards specified in the *Handbook for Forest, Ranch & Rural Roads*, prepared by Pacific Watershed Associates (2014).

One stream crossing is located on APN: 210-051-079 visible on the attached site map below. The stream crossing shall be evaluated for stability and ability to pass a 100-year storm event. This work shall be conducted through the California Department of Fish and Wildlife Lake and Streambed Alteration (LSA) Agreement program (see permitting, below). Any required maintenance, installation, or replacement of stream crossing culverts or fords will be conducted after issuance of the complete agreement by CDFW. Instream work will not commence until this time.

3. Monitor and Maintain

Restoration work shall be completed in keeping with the timeline of goals detailed in section 5 below. Required work shall be carried out as described in the guidelines sections above. The goal of this work is to limit the impact of development features on this parcel on riparian health and impact on natural resources. These guidelines were designed based on Best Management Practices (BMPs) which were in turn selected to meet the standards set forth by various local, regional, and national regulations. Specifically, the minimum performance standards for this work are (1) to revegetate bare soil areas to 80% coverage through grass seeding and mulch cover and (2) to reduce concentrated runoff from developed surfaced by discontinuing channelized flow of storm water outside of natural stream channels.

Monitoring guidelines

Monitoring will be carried out via visual inspection by the landowner once per season, with special care to monitor that heavy rains during the winter season to not degrade or otherwise undo restoration areas and the erosion control measures installed there. In addition to the four inspections per year, monitoring shall take place after major storm events to ensure the integrity of restoration areas.

Reseeded areas shall be inspected each season with re-seeding and re-mulching each spring until the goal of 80% vegetative cover is met. Road surfaces and the edges of graded flats shall be inspected for signs of scouring to ensure that channelized flow and sediment transport are absent from developed features.

4. Permitting

- A Lake and Streambed Alteration (LSA) Agreement shall be filed with the California Department of Fish and Wildlife (CDFW) for one (1) stream crossing. The LSA permit will specify the measures necessary to protect existing fish and wildlife resources whenever there is a diversion or obstruction of any river, lake or stream, or when any debris or material is taken from or deposited near any natural river, lake or stream. This applies to stream crossings, surface (spring, stream) diversions for domestic use, and for structures encroaching on riparian areas. During the permitting process, specific culvert/diversion sizing and installation instructions will be prepared for these projects.

- A retroactive grading permit shall be obtained from Humboldt County for all graded flats on the property. Grading plans will be prepared by a licensed engineer and include cross-sections of cut and fill slopes, erosion control measures, a drainage plan, and a soils report, if applicable.

5. Timeline of Goals

Required Action	Completion Goal
Remove structures, garbage, and potting soil from site	November 2018
Stabilize graded surfaces	November 2018
Acquire Grading Permits from Humboldt County	October 2018
Monitor/maintain erosion control measures	November 2018, then every 4 months
Acquire LSA Agreement from CDFW	September 2019
Replace 1 stream crossing culvert	TBD

AERIAL MAP



PROJECT INFORMATION
LAT/LONG: 40.4581, -123.7009
40.4581, -123.7009
APN: 210-051-079
& 210-051-080
APPLICANT: STOILOV
PARCEL SIZE: ±20 ACRES
ZONING: FR-B-5/20 [Gen P AL20(FRWK)]

COASTAL ZONE: **Y**
100 YEAR FLOOD: **Y**

AGENT: KAYLIE SAXON
GREEN ROAD C
1650 CENTRAL /
MCKINLEYVILLE
707-630-5041

TRAVEL TIME
APPROXIMATELY: 1 HR 11 MIN (52.9 MI)

SHEET INDEX
CP-COVER PAGE
RP-RESTORATION PLAN




PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON AERIAL MAPS AND GPS DATA TAKEN IN THE FIELD.

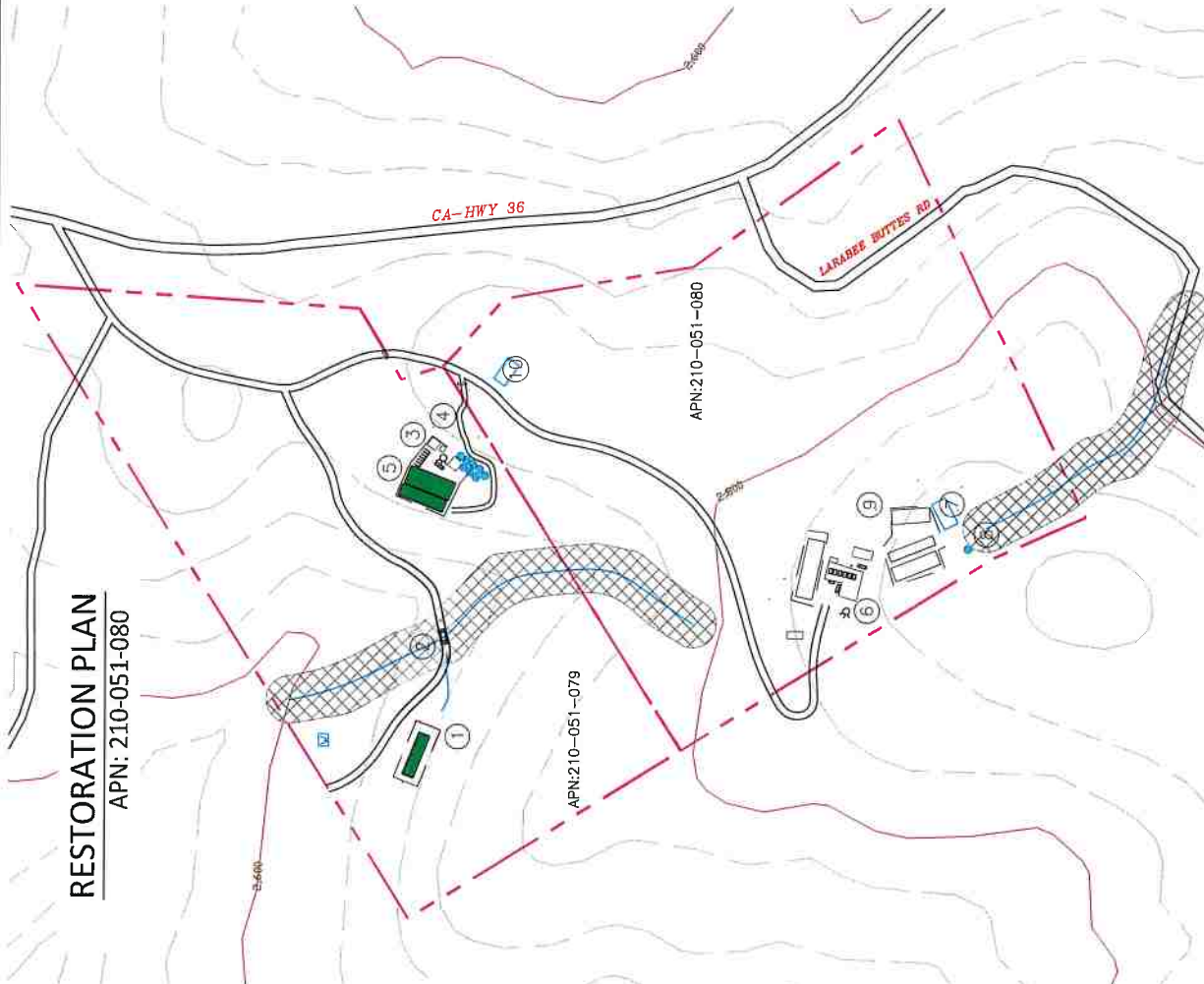


KEY NOTES

- ① DECOMMISSION SITE, REMOVE STRUCTURES, STRAW/SEED AREA
- ② SIZE, PERMIT REPLACE STREAM CROSSING CULVERT
- ③ DISMANTLE FOUR GREENHOUSES, DISPOSE OF POTTING SOIL
- ④ CONTAIN FERTILIZERS W/CATCHMENT & COVER
- ⑤ REMOVE CHEMICAL CONTAINERS, STORE FUEL/PETROLEUM WITH CATCHMENT & COVER
- ⑥ DISMANTLE THREE GREENHOUSES, REMOVE CULTIVATION EQUIPMENT
- ⑦ REMOVE WATER BLADDER, REPLACE WITH HARD TANK STORAGE
- ⑧ CLEAN UP POTTING SOIL & CULTIVATION DEBRIS FROM HEAD OF DRAINAGE
- ⑨ REMOVE CULTIVATION DEBRIS FROM SLOPES
- ⑩ REMOVE WATER BLADDER, REPLACE WITH HARD TANK STORAGE

LEGEND

-  OUTDOOR CULTIVATION
-  STREAM CROSSING
-  HOPE WATER TANK



RESTORATION PLAN
 APN: 210-051-080

Acknowledgement of Cultivation Activities

We, Geoffrey Campbell and Kimi Tamura, the undersigned, acknowledge that we are the owners of record of Assessor Parcel Number (APN) **210-044-008**. We acknowledge that Sunny Shadows LLC of APN: **210-051-080**, has an existing 100,000-gallon concrete water storage tank, to be used to support a legal commercial cannabis operation on APN:**210-051-080**. We acknowledge that the 100,000-gallon concrete tank resides within twenty (20) feet of the property boundary. As the owners of APN **210-044-008** we have no objections with the 100,000-gallon concrete tank remaining in its current location. We, the owners of APN **210-044-008** hereby give our consent to allow Sunny Shadows LLC to proceed with their operations as outlined in the staff report, composed by Humboldt County's Planning and Building Department.

OWNER(S): Geoffrey Campbell / Kimi Tamura
ADDRESS: 33216 State Hwy 36, 95526-Bridgeville Ca.

Geoffrey Campbell
Signature

11/18/19
Date

Kimi Tamura
Signature

11/18/19
Date



**CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Humboldt }

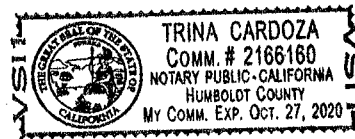
On 11/18/2019 before me, Trina Cardoza, Notary Public
(Here insert name and title of the officer)

personally appeared Kimi R Tamura
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Trina Cardoza (Seal)



ADDITIONAL OPTIONAL INFORMATION

Though the data below is not required by law, it may provide valuable to persons relying on the documents and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY THE SIGNER

- ☒ Individual(S)
☐ Corporate Officer

Title(s)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

**DESCRIPTION OF ATTACHED
DOCUMENT**

Acknowledgment of

Title or description of document

Cultivation Activities

Title or description of document

Number of pages 1

Document Date 11/18/19

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Humboldt }

On 11/18/2019 before me, Trina Cardoza, Notary Public
(Here insert name and title of the officer)

personally appeared Geoffrey P. Campbell
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Trina Cardoza (Seal)



ADDITIONAL OPTIONAL INFORMATION

Though the data below is not required by law, it may provide valuable to persons relying on the documents and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY THE SIGNER

- ☒ Individual(S)
☐ Corporate Officer

Title(s)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

DESCRIPTION OF ATTACHED DOCUMENT

Acknowledgment of

Title or description of document

Cultivation Activities

Title or description of document

Number of pages 1

Document Date 11/18/19





Moreno, Elizabeth

From: Dante Hamm <dante@greenroadconsulting.com>
Sent: Monday, November 25, 2019 12:06 PM
To: Moreno, Elizabeth
Cc: Marin Stoilov
Subject: RE: variance - sample argument(s)
Attachments: Site Topo.pdf

Categories: needs atten!

Hi Elizabeth,

The attached PDF demonstrates that the tank is located on land that is sloped less than %15. This is probably why the tank was constructed in the location that it currently resides.

Relocating the 100,000 gal concrete tank is not feasible. Decommissioning the tank and replacing the storage with hard tank storage would be environmentally detrimental as it would require disturbing additional ground. It is also likely that there is not enough suitable ground to fit an additional 100,000 gallons of water storage without the removal of trees. Additionally the demolition of a 100,000 gal concrete tank would pose a greater risk to public safety then if it were to remain in its current location undisturbed.

To be clear when you reference the neighboring southern parcel, are you are talking about APN 210-044-008? This would appear to be the only property that has a boundary within 20ft of the tank. If this is the property you are referencing the neighbor has already provided us with their notarized consent.

The tank will be utilized to support a commercial cannabis operation in compliance with Humboldt County CCLUO.

Dante Hamm
Senior Environmental Planner
(707) 630-5041 – Office
1650 Central Avenue, Suite C
McKinleyville, CA 95519

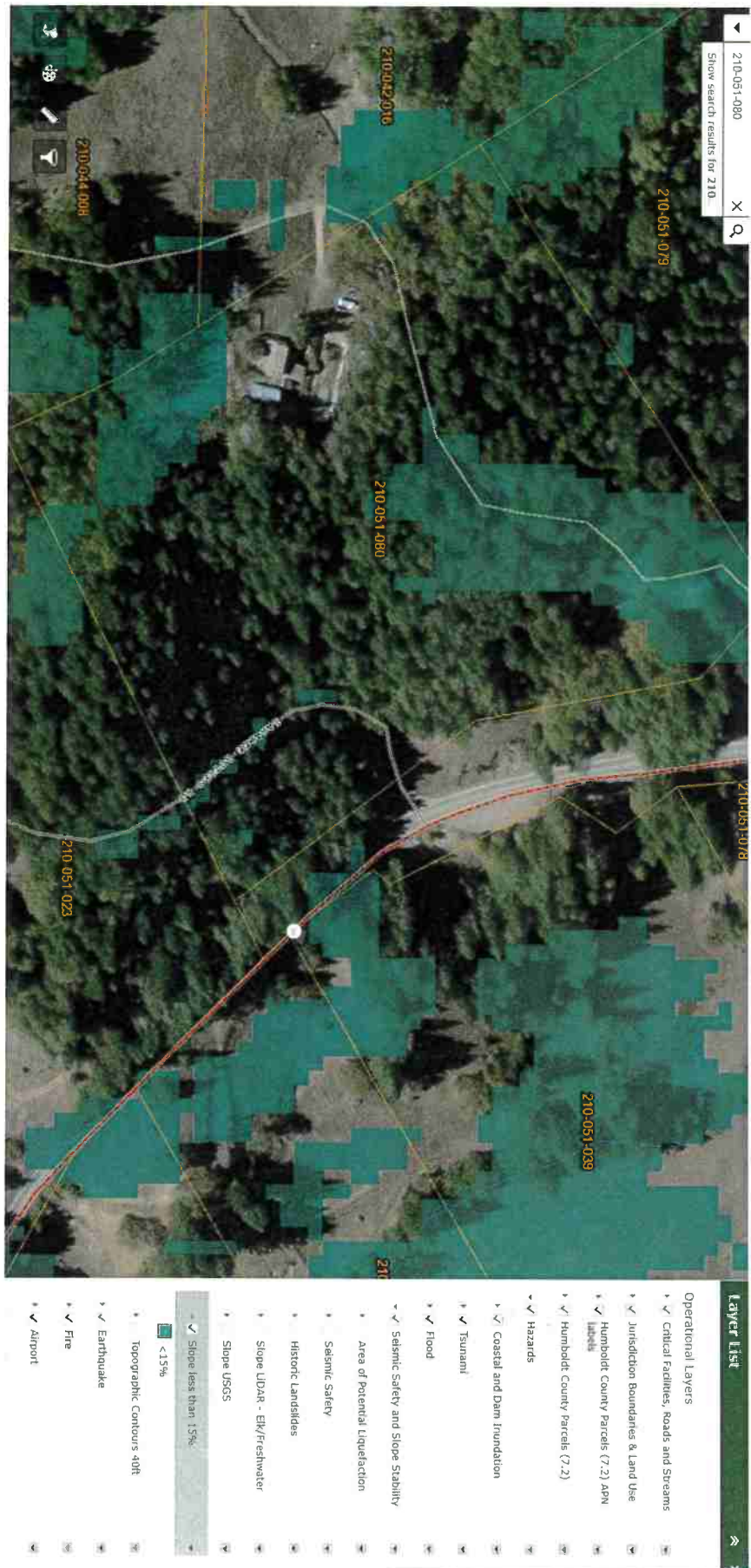
- Civil Engineering
- Environmental Science
- Construction Management
- Rural Land Development



CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

Slope 15% or Less on APN 210-044-080

APPS No: 15619



ATTACHMENT 5

Referral Agency Comments And Recommendations

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	07/11/2019	Approval	Attached
Department of Public Works- Land Use Division	7/03/2019	Conditional approval	Attached
Division of Environmental Health	07/08/2019	Conditional approval	Attached
Department of Fish & Wildlife		No Response	
Bridgeville School District		No Response	
Fortuna Union District		No Response	
CalTrans		No Response	
Northwest Information Center	06/27/2019	Cultural resources study and contact local tribes	On file with Planning
Bear River Band of the Rohnerville Rancheria	09/09/2019	Inadvertent Discovery	On file with Planning

Task Details Environmental Health

Current Status

Approved with
Conditions

Status Date

07/08/2019

Due Date

07/18/2019

**Action
By**

Ben Dolf

**Action by
Department**

Environmental
Health

Assigned Date

06/21/2019

**Assigned to
Department**

Environmental Health

**Assigned
to**

LandUse1
DEH

Comments

Applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources.

Task Details PW Land Use

Current Status Approved	Status Date 07/03/2019	Due Date 07/13/2019	Action By Ken Freed	Action by Department Public Works Department
Assigned Date 06/24/2019	Assigned to Department Public Works Department	Assigned to Ken Freed		

Comments

This project has no direct effect on any facilities maintained by this Department



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

7/1/2019

Project Referred To The Following Agencies:

Environmental Health, PW Land Use, Building Inspections, NCUAQMD, School District: Bridgeville, Cal Fish & Wildlife, Bear River Band, NWIC, School District: Fortuna Union HSD

Applicant Name Sunny Shadows, LLC **Key Parcel Number** 210-051-080-000

Application (APPS#) PLN-2019-15619 **Assigned Planner** Elizabeth Moreno

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

Return Response No Later Than: 7/16/2019

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

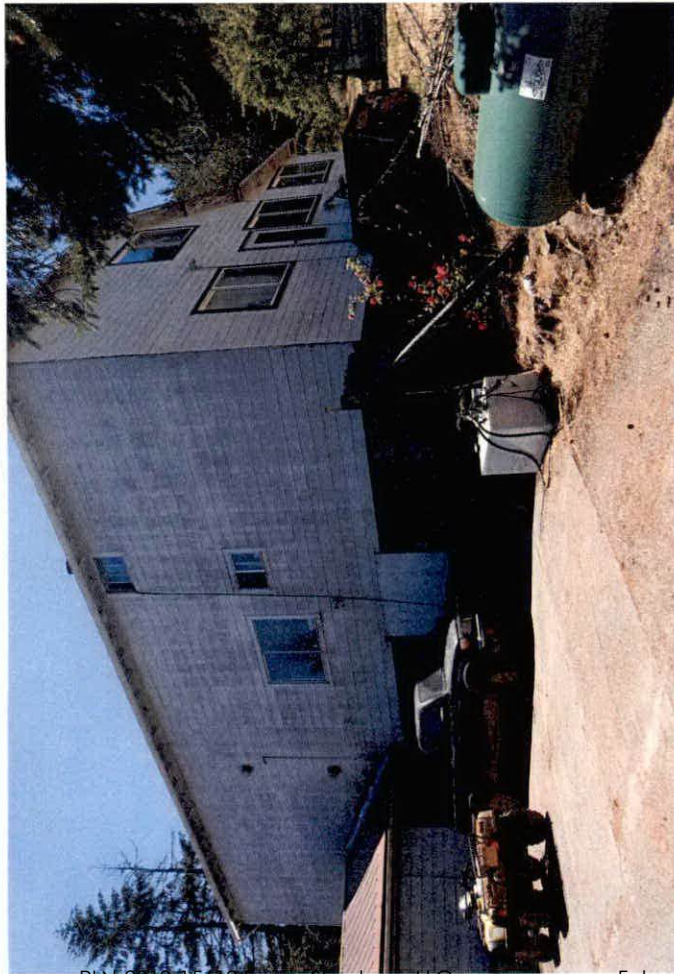
We have reviewed the above application and recommend the following (please check one):

- ☐ Recommend Approval. The department has no comment at this time.
- ☒ Recommend Conditional Approval. Suggested conditions attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.

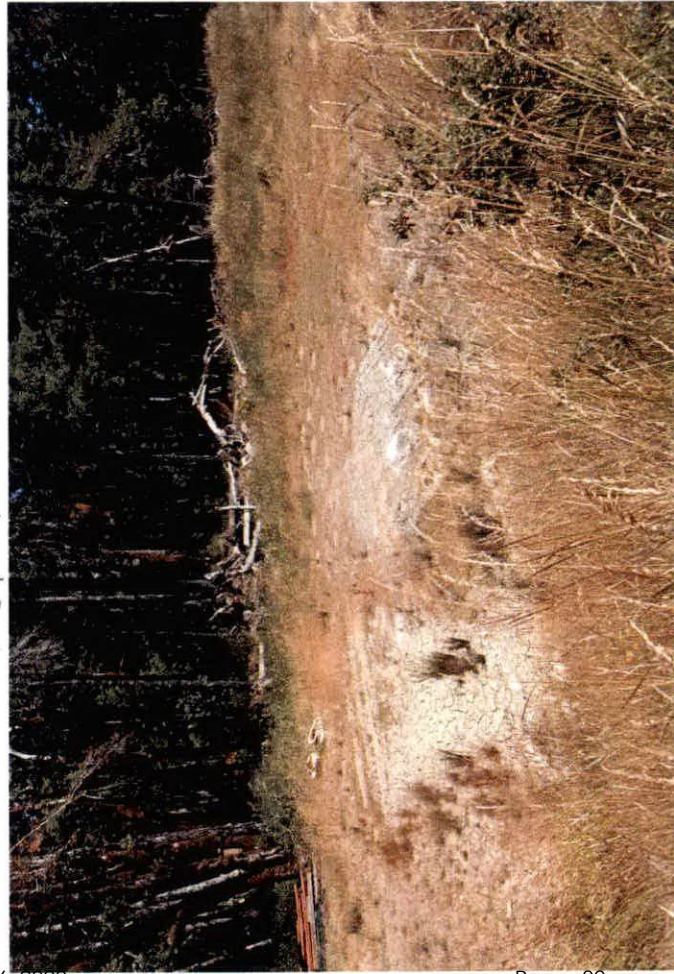
Other Comments: SEE PRE SITE COMMENTS

DATE: 7/10/19 PRINT NAME: MARC PHIPPEN

BACK OF RESTA ATT. SHOP/GARAGE PLN-2019-15619

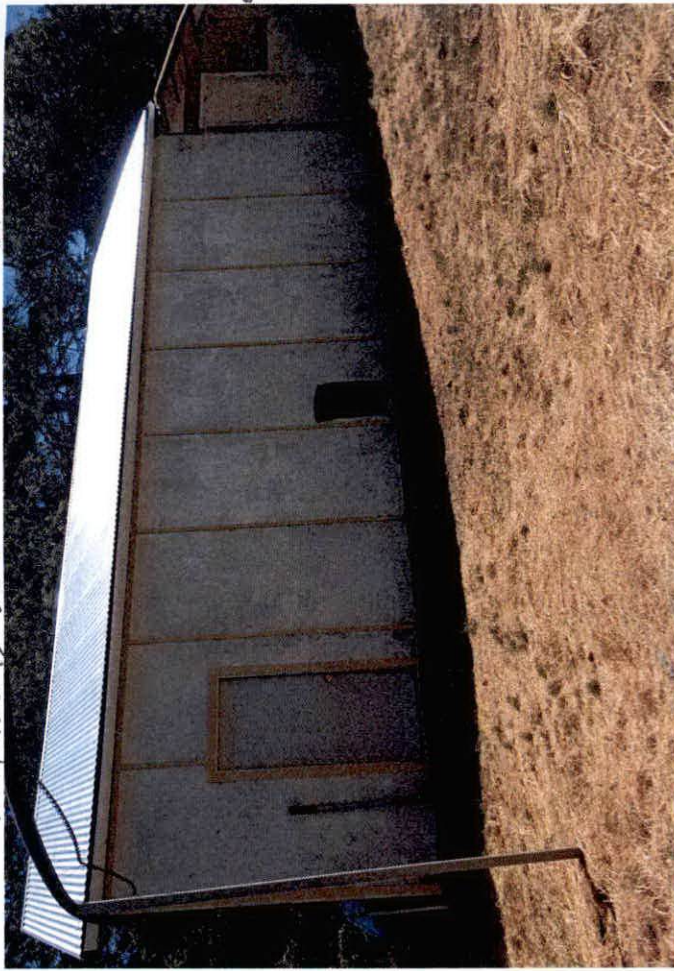


GH#1

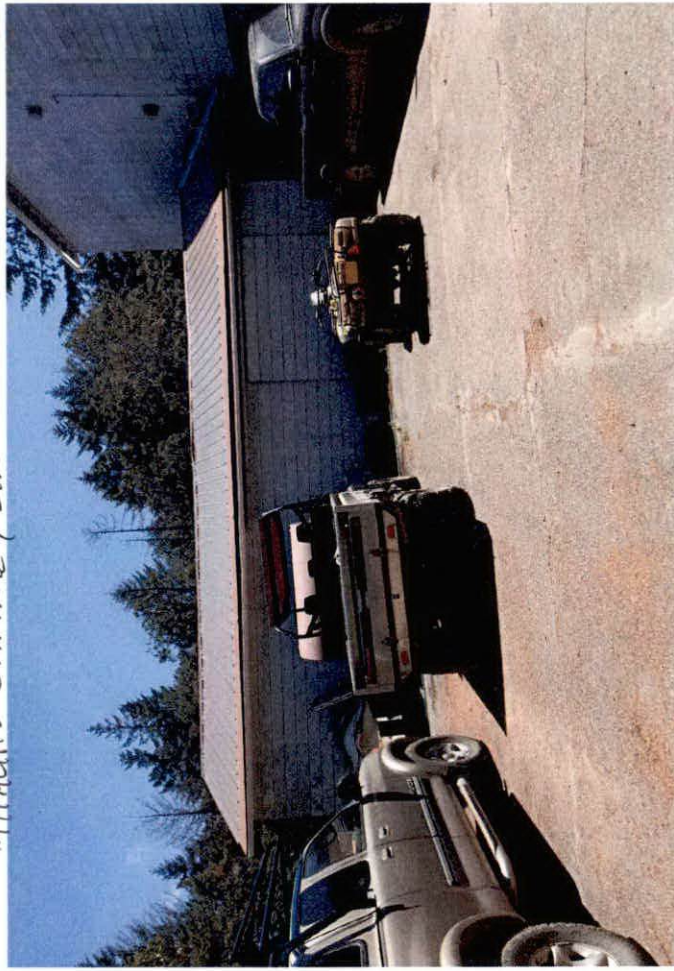


DAYING-BLDG.

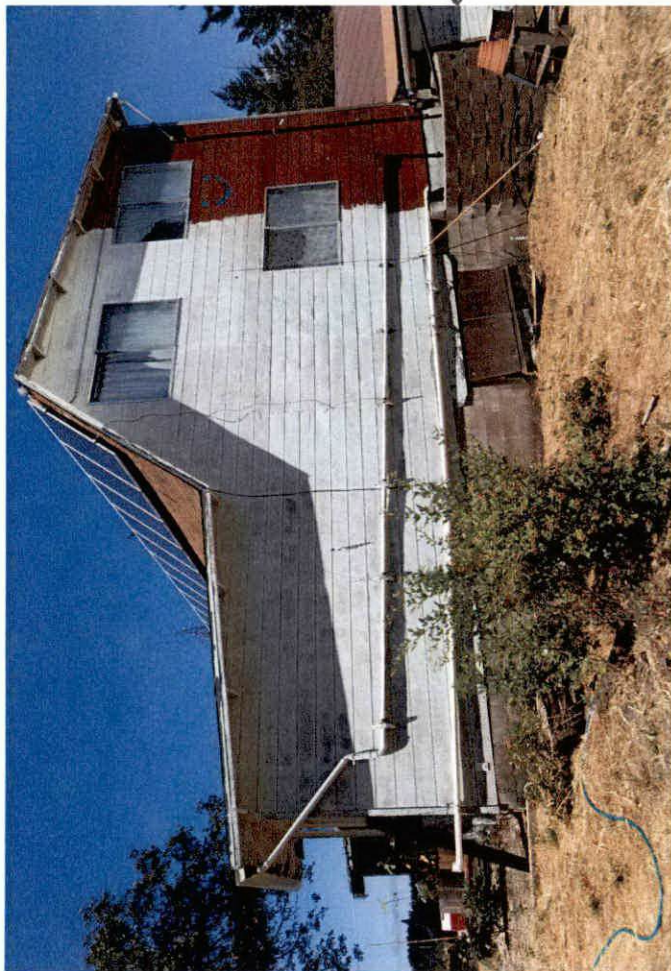
LEAN-TO



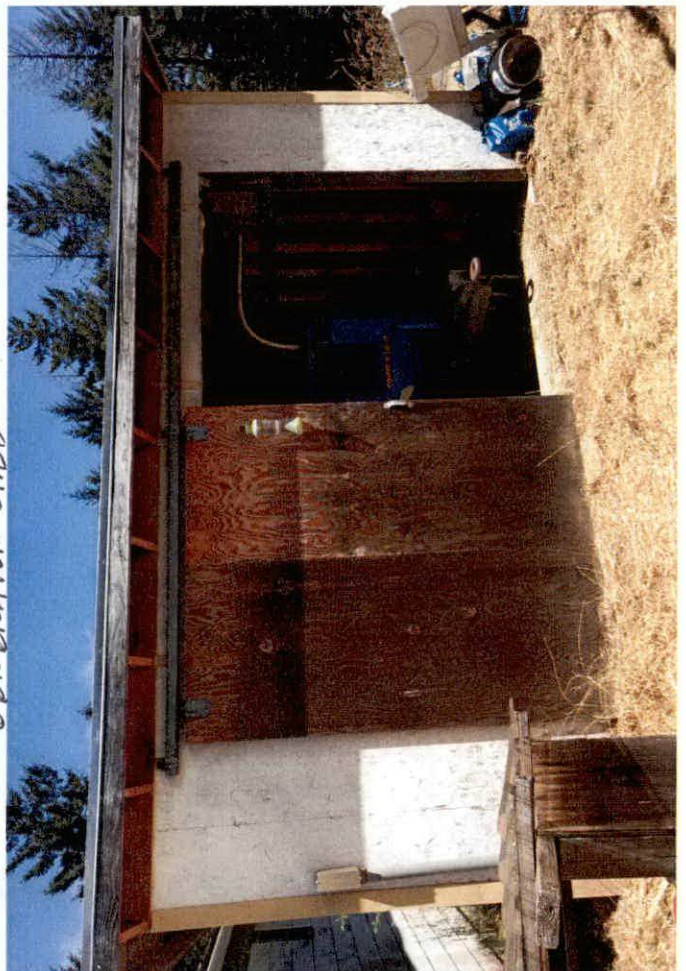
ATTACHED-GARAGE / SHOP



AP# 210-051-080 RES. RAIN CATCHMENT TANK



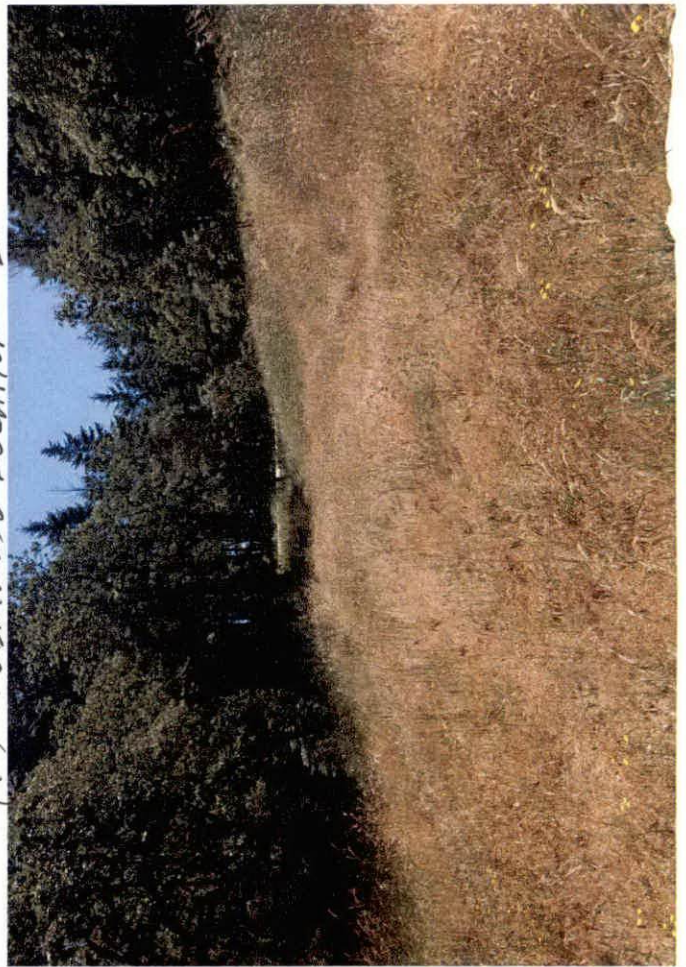
GENERATOR SHED



GH#3



(P) GREENHOUSE LOCATION #2



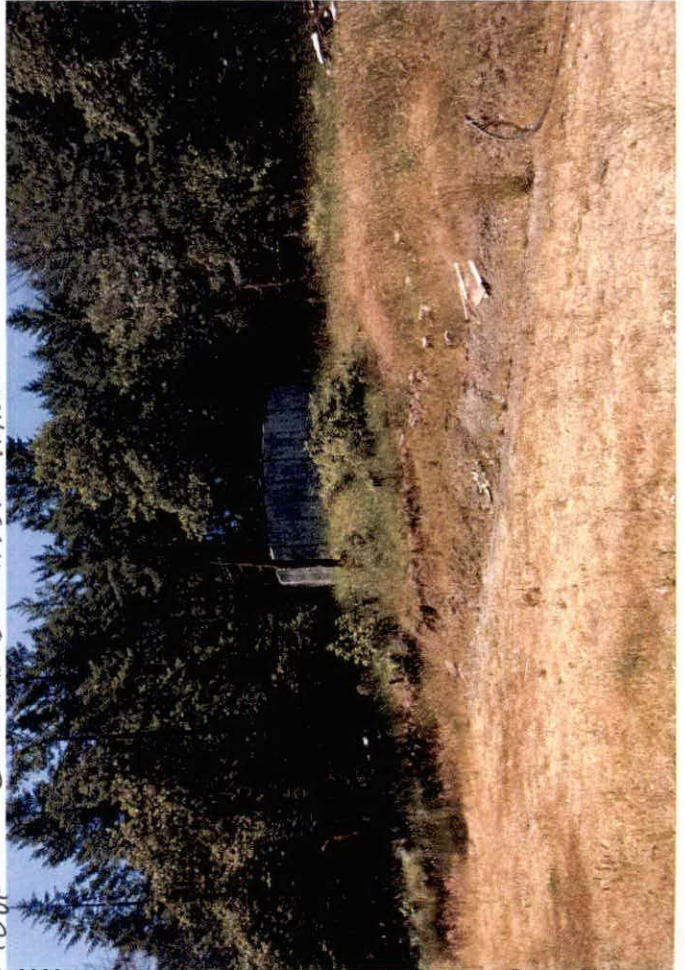
AP# 210-051-080 PLN-2019-15619

PV / RESIDENCE ↓



← GENERATOR SHED

100K CONCRETE WATER TANK



BLADDER

WATER TANKS

