



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: May 7, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **TNT Grown, LLC, Special Permit**
Record Number: PLN-15992-SP
Assessor's Parcel Number (APN): 032-171-027
1041 Sprowel Creek Road, Garberville area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	5

Maps

Topo Map	7
Zoning Map	8
Aerial Map	9
Site Plan	10

Attachments

Attachment 1:	Recommended Conditions of Approval	13
Attachment 2:	Required Findings for Approval	20
Attachment 3:	CEQA Addendum	38
Attachment 4:	Applicant's Evidence in Support of the Required Findings	42
Attachment 5:	Referral Agency Comments and Recommendations	67

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

AGENDA ITEM TRANSMITTAL

Hearing Date May 7, 2020	Subject Special Permit	Contact Christopher Alberts
------------------------------------	----------------------------------	---------------------------------------

Project Description: A Special Permit for the modification of a previously approved Zoning Clearance Certificate (ZCC16-150) that allows for 4,940 square feet of outdoor cannabis cultivation. The modification would expand the cultivation area by adding an additional 5,060 square feet of outdoor cultivation. Water for irrigation is sourced from the Garberville Sanitary District. The applicant anticipates two cultivation cycles per year. Annual water usage is estimated at 19,450 gallons. Three employees will be required during peak operations. Processing such as drying, and curing will occur onsite in a 20'x 20' (400 square feet) structure. Trimming is proposed to occur offsite by a licensed third-party contractor. A maximum of two people will assist with farm operations. Electricity is sourced from a solar alternative energy system.

Project Location: The project is located in Humboldt County, in the Garberville area, on the west side of US Highway 101, approximately 1,169 feet from the intersection of US Highway 101 and Sprowl Creek Road, on the property known as 1041 Sprowl Creek Road.

Present Plan Land Use Designations: Public Facility (PF), Residential Agriculture: 5 to 20 acres (RA5-20), Airport Safety Review (AP), Garberville Redway Benbow Alderpoint Community Plan (GRBAP), 2017 General Plan, Density: Range is 5 to 20 acres per unit, Slope Stability: Low Instability (1) & Moderate Instability (2).

Present Zoning: Agricultural Grazing (AG), Minimum building site area is 5 acres (B-5(5)).

Record Number: PLN-2019-15992

Assessor Parcel Number: 032-171-027

Applicant
TNT Grown, LLC
Marcus Schaible
PO Box 816
Garberville, CA 95542

Owner
Marcus Schaible
PO Box 816
Garberville, CA 95542

Agent
Same as Applicant

Environmental Review: An addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration pursuant to Section 15164 of the CEQA Guidelines.

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

Major Issue: None.

TNT Grown, LLC
Record Number: PLN-15992-SP
Assessor's Parcel Number (APN): 032-171-027

Recommended Zoning Administrator Action:

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

Find that Zoning Administrator has considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance, make all of the required findings for approval of the Special Use Permit based on evidence in the staff report and adopt the Resolution approving the proposed TNT Grown, LLC, project subject to the recommended conditions.

Executive Summary

The proposed Special Permit would allow for a 5,060-square-foot expansion of an existing operation to outdoor commercial cannabis cultivation on a 5.78-acre parcel (assessed lot size) in compliance with the County Commercial Cannabis Land Use Ordinance (CCLUO). If approved, total cultivation on the subject parcel will be 10,000 square feet. There is one permitted cultivation site existing on the parcel (PLN-11489-ZCC). The 5,060-square-foot expansion will take place in a proposed 25' x 100' greenhouse and the existing 35' x 85'-square-foot greenhouse.

The subject project is currently developed with structures used for cannabis-related activities include the following: 15' x 30' hoop house used for propagation, 35' x 85'-square-foot greenhouse, 20' x 20'-square-foot storage shed, 8' x 8'-square-foot storage shed, 40' x 60'-square-foot agriculture accessory structure, one 2,5000-gallon water tank, and one 1,000-gallon water tank. The proposed project includes development of a 25' x 100'-square-foot greenhouse. Water for irrigation will be provided by the Garberville Sanitary District. The applicant anticipates two cultivation cycles per year. Annual water usage is estimated at 19,450 gallons. The parcel is accessed from Sprowel Creek Road. Sprowel Creek Road is constructed to Category 4 Road standards and is approved for use of commercial cannabis operations by the Department of Public Works.

The operation involves 5,060 square feet of cannabis cultivation. There will be 2 cultivation cycles per year occurring in two greenhouses (1- 35'x85' and 1-25'x100'). Cultivation activities extend from May-November. Propagation will occur in a 450-square-foot hoop house. Storage for pesticides and nutrients will be stored in a 64-square-foot metal structure and kept in secondary containment. Processing such as drying, and curing will take place in a 400-square-foot structure. Further processing such as trimming will take place offsite at a permitted processing facility. Power for the project is supplied by P. G. & E. and a solar alternative energy system. Artificial lighting used, will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO. The applicant states a Honda 2000 generator will be used to assist with charging solar batteries. The Generator will supply less than 20% of power for the project. TNT Grown, LLC, is an owner-family-operated farm. There will be two family members working at this farm. The applicant states a wastewater is from domestic sewage use will be serviced by a portable toilet company. The Department of Environmental Health has approved the project.

The Western bumble bee is the only mapped species of special concerned mapped on the subject parcel according to the California Natural Diversity Database (CNDDDB). An NSO sighting was mapped 1.78 miles away in 1920. The project is within 3.39 miles of a known Northern Spotted Owl Activity Center. There is also Marbled Murrelet habitat is mapped approximately 2.39 miles

north of the project site. The applicant prepared a *Noise Source Assessment and Mitigation Plan in 2019* that shows there is an existing decibel reading of 70.6db without the use of any generators or cannabis equipment (see Attachment 4). The noise source comes from traffic due to the parcel being directly adjacent to U.S. Highway 101 and Sprowel Creek Road. The proposal to continue operation of an existing cannabis cultivation site is not expected to cause additional disturbance to this specie for the following reasons: the potential impacts of the existing facilities are mitigated through generator containment, shielding of artificial light between sunrise and sunset, and the requirement that noise be kept at 70.6 decibels or less at 100 feet away from the generator, property lines, and the edge of wildlife habitat. In addition, the applicant shall not use any synthetic netting on the project site, the applicant shall leave any wildlife that they encounter unharmed, and the applicant shall always contain all refuse in wildlife proof storage containers. Proposed ground disturbance includes installing a 2,500-square-foot greenhouse.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff determined the existing cultivation and other aspects of the project were previously analyzed in the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project will result in modifications to the existing operation that will reduce and eliminate environmental impacts. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the Final EIR has been prepared for consideration per § 15164 of the State CEQA Guidelines.

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

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

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

Resolution Number 20-

**Record Number: PLN-15992-CUP
Assessor's Parcel Number: 032-171-027**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approve TNT Grown, LLC, Special Permit request.

WHEREAS, TNT Grown, LLC, submitted an application and evidence in support of approving a Special Permit that modifies a previously approved Zoning Clearance Certificate (ZCC16-150) that expands the cultivation area by adding an additional 5,060 square feet of outdoor cultivation for a total of 10,000 square feet. Water for irrigation is sourced from the Garberville Sanitary District. The applicant anticipates two cultivation cycles per year. Annual water usage is estimated at 19,450 gallons. Two employees will be required during peak operations. Processing such as drying, and curing will occur onsite in a 400-square-foot structure. Trimming is proposed to occur offsite by a licensed third-party contractor. Electricity is sourced from a solar alternative energy system; and

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

WHEREAS, The County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous mitigated negative declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-2019-15992); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on May 7, 2020.

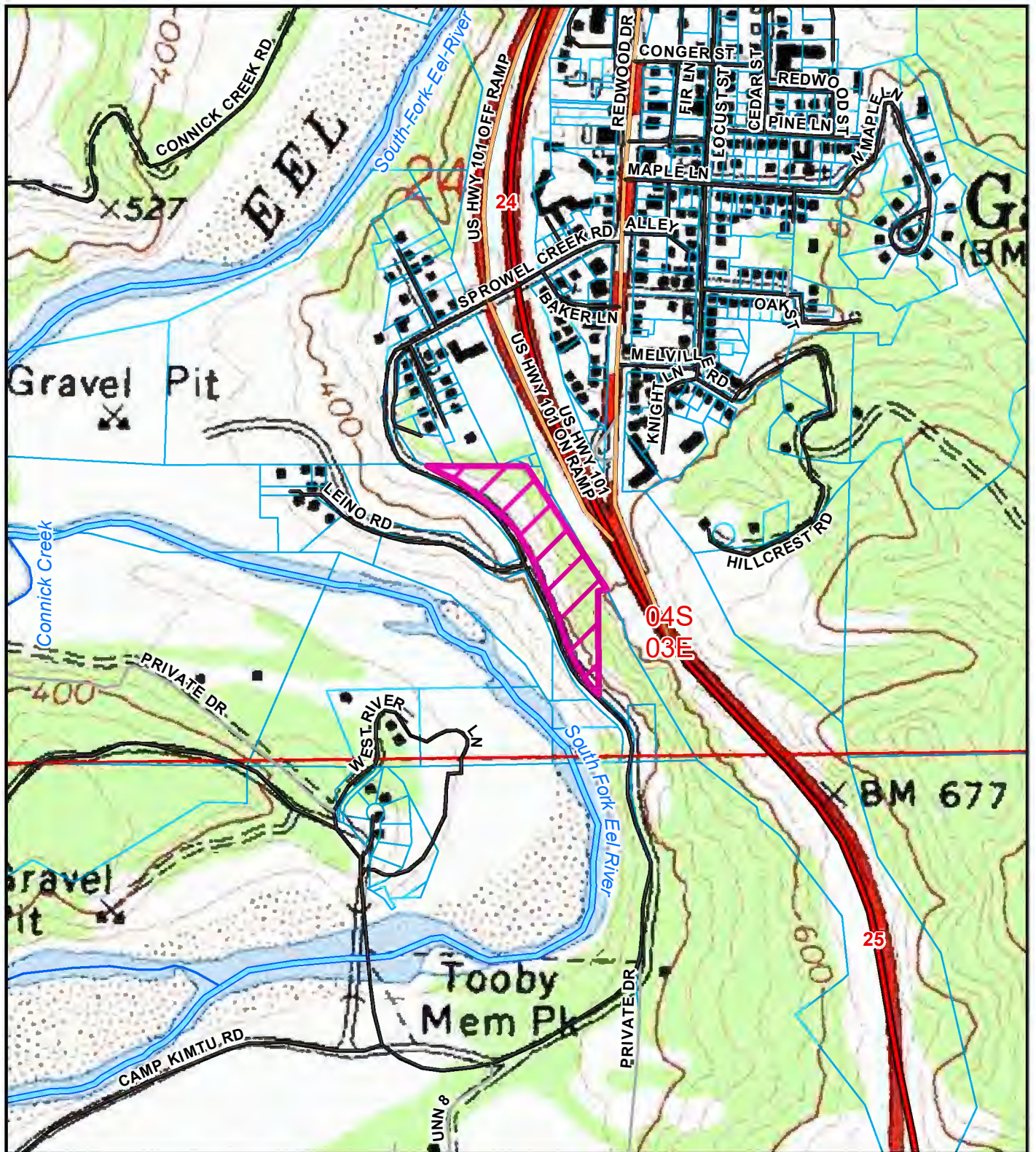
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that the following findings be and are hereby made:

1. The Zoning Administrator considered the Addendum to the EIR adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Zoning Administrator makes the required findings for approval in Attachment 2 of the Planning Division staff report for Record Number PLN-2019-15992 based on the submitted substantial evidence; and
3. Special Permit Record Number PLN-2019-15992 is approved as recommended and conditioned in Attachment 1.

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

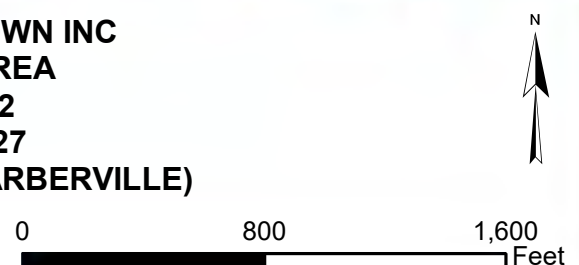
John Ford
Zoning Administrator
Planning and Building Department

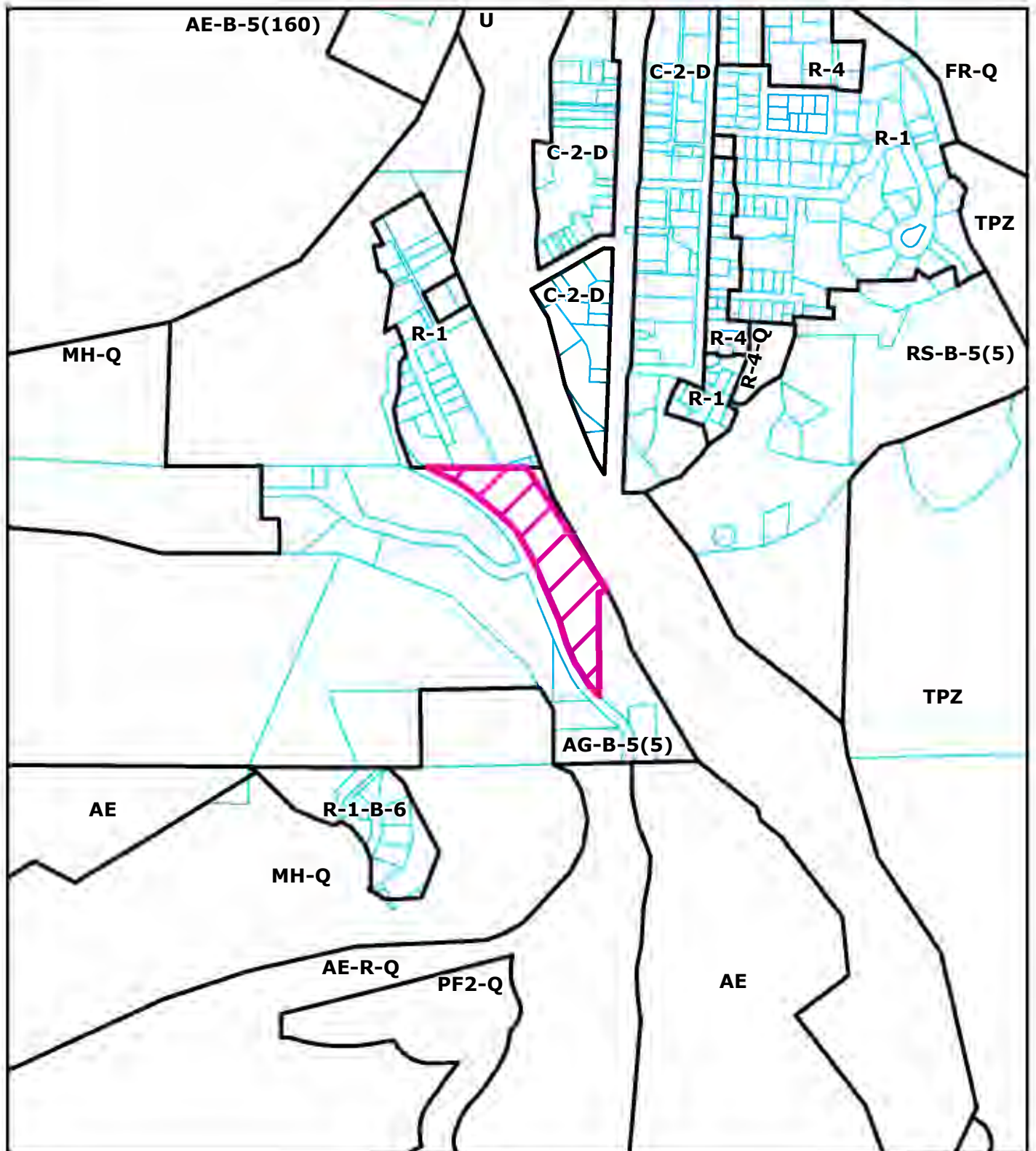


TOPO MAP
PROPOSED TNT GROWN INC
GARBERVILLE AREA
PLN-2019-15992
APN: 032-171-027
T04S R03E S24 HB&M (GARBERVILLE)

Project Area = 

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






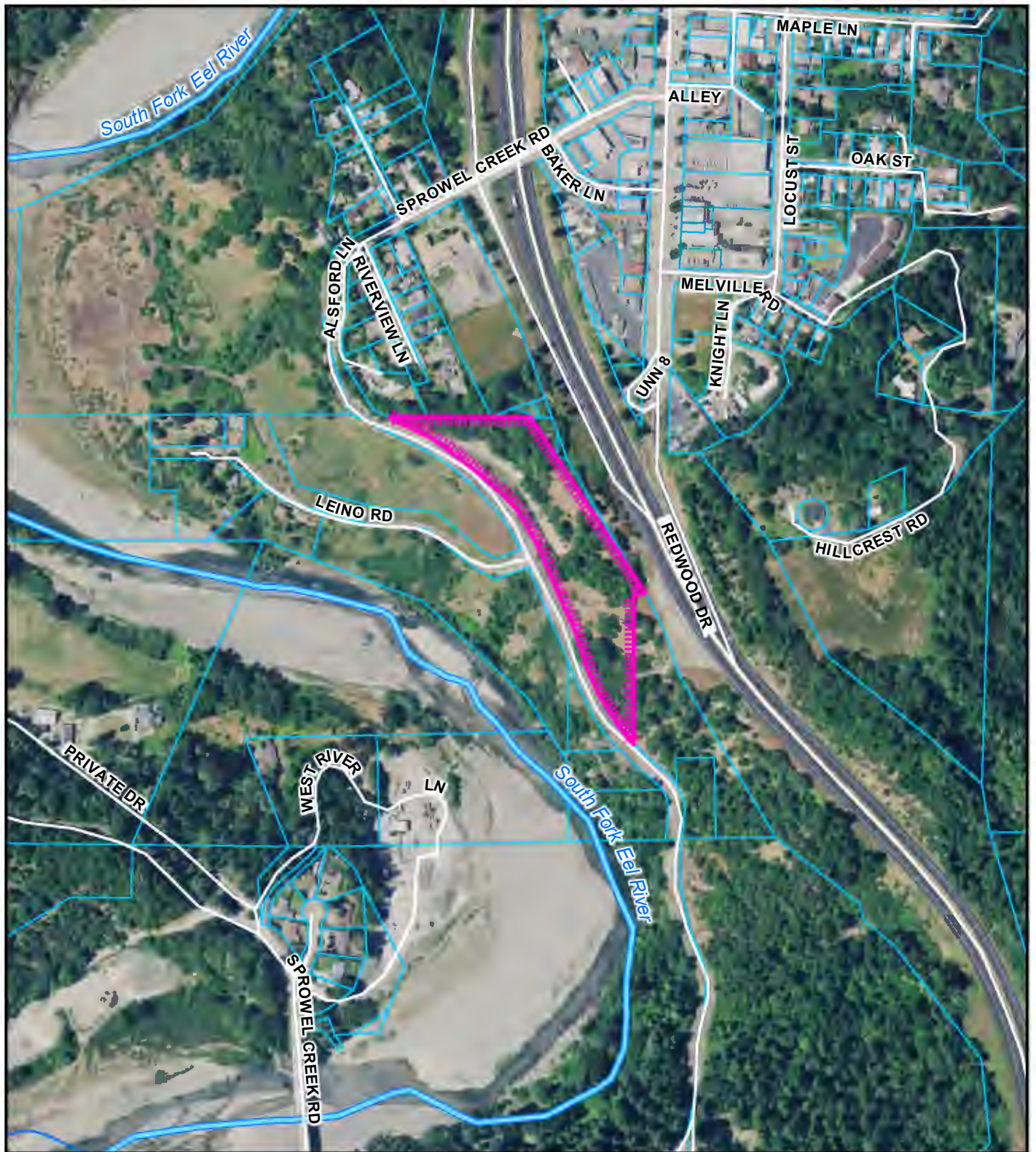
Project Area = 

**ZONING MAP
PROPOSED TNT GROWN INC
GARBERVILLE AREA
PLN-2019-15992
APN: 032-171-027
T04S R03E S24 HB&M (GARBERVILLE)**

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

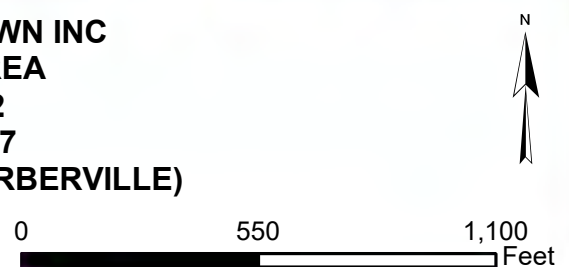




**AERIAL MAP
PROPOSED TNT GROWN INC
GARBERVILLE AREA
PLN-2019-15992
APN: 032-171-027
T04S R03E S24 HB&M (GARBERVILLE)**

Project Area = 

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



RECEIVED
NOV 20 2019

RECEIVED
NOV 15 2019
Humboldt County
Cannabis Svcs

COVER PAGE & VICINITY MAP (TNT Grown LLC) : APN: 032-171-027-000 (S: 11489)

ZONING CLEARANCE CERTIFICATE PERMIT APPLICATION PLANNING

1041 SPROWL CREEK ROAD, GARBERVILLE, CA 95542

VICINITY MAP:



DIRECTIONS TO SITE:

- FROM EUREKA, CA
- HEAD SOUTH ON US-101
- TAKE EXIT 639A FOR SPROWL CREEK ROAD
- TOWARD GARBERVILLE
- TURN RIGHT ONTO SPROWL CREEK ROAD
- DESTINATION ON LEFT

May 2020

PROJECT DESCRIPTION:

TNT Grown LLC IS SEEKING A PERMIT FOR MEDICAL CANNABIS CULTIVATION IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMALUO), ORDINANCE NO. 2554.

GENERAL NOTES:

DRAWING SCALE AS NOTED, THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2017 GIS DATA, EMERALD HERITAGE FARMS HAS NOT VERIFIED THIS PROPERTY BOUNDARY.

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

THERE IS ONE RESIDENCE ON AN ADJOINING PARCEL THAT IS WITHIN 300 FEET OF THE EXISTING CULTIVATION AREAS.

Page 10



LEGEND:

- <E> CULTIVATION AREA
- 300 FT BUFFER
- 600 FT BUFFER
- SETBACKS - PROPERTY LINE
- SETBACK - NEIGHBORING RESIDENCE
- NEIGHBORING RESIDENCE
- PARCEL - RIVERVIEW GARDENS
- PRIMARY ACCESS ROADS
- SECONDARY ROADS

PROJECT INFORMATION:

APPLICANT:

TNT Grown LLC

PO BOX 816

GARBERVILLE, CA 95542

PROPERTY OWNER:

MARCUS SCHABLE

1041 SPROWL CREEK ROAD

GARBERVILLE, CA 95542

OWNERS AGENT:

EMERALD HERITAGE FARMS

DAN BURKHART

PO BOX 5916

EUREKA, CA 95502

SITE ADDRESS:

APN: 032-171-027-000

1041 SPROWL CREEK ROAD

GARBERVILLE, CA 95542

TREES TO BE REMOVED: NONE
EARTHWORK QUANTITIES: NONE

WATER: CITY (COMMERCIAL)
SEWER: PRIVATE (PORTABLE TO LEFT)

PARCEL SIZE: 5.76 ACRES

ZONING: AG-B-B(6)

GENERAL PLAN DESIGNATION:
AR6-20 (GRSAP)

SRA AREA: YES

IN COASTAL ZONE: NO

IN 100 YEAR FLOOD ZONE: NO

SHEET INDEX:

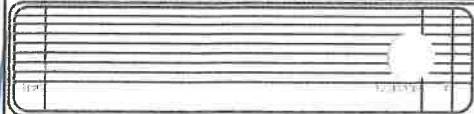
CP - COVER PAGE

CO - CULTIVATION OVERVIEW

SHEET
CP

RIVERVIEW GARDENS LLC / APN: 032-171-027-003 / APPS: 11489
1041 SPROWL CREEK ROAD
RBFRRY, LE, CA 95542
PLOT PLAN, VICINITY MAP AND PROJECT NOTES

EMERALD HERITAGE
FARMS
Consulting, Architecture, Education



1041 SPRAWL CREEK ROAD, GARBERVILLE, CA 95542

Page 11

49 50 51
 35 36 37
 48 49 50
 47 48 49
 46 47 48
 45 46 47
 44 45 46
 43 44 45
 42 43 44
 41 42 43
 40 41 42
 39 40 41
 38 39 40
 37 38 39
 36 37 38
 35 36 37
 34 35 36
 33 34 35
 32 33 34
 31 32 33
 30 31 32
 29 30 31
 28 29 30
 27 28 29
 26 27 28
 25 26 27
 24 25 26
 23 24 25
 22 23 24
 21 22 23
 20 21 22
 19 20 21
 18 19 20
 17 18 19
 16 17 18
 15 16 17
 14 15 16
 13 14 15
 12 13 14
 11 12 13
 10 11 12
 9 10 11
 8 9 10
 7 8 9
 6 7 8
 5 6 7
 4 5 6
 3 4 5
 2 3 4
 1 2 3
 0 1 2
 -1 -2 -3
 -2 -3 -4
 -3 -4 -5
 -4 -5 -6
 -5 -6 -7
 -6 -7 -8
 -7 -8 -9
 -8 -9 -10
 -9 -10 -11
 -10 -11 -12
 -11 -12 -13
 -12 -13 -14
 -13 -14 -15
 -14 -15 -16
 -15 -16 -17
 -16 -17 -18
 -17 -18 -19
 -18 -19 -20
 -19 -20 -21
 -20 -21 -22
 -21 -22 -23
 -22 -23 -24
 -23 -24 -25
 -24 -25 -26
 -25 -26 -27
 -26 -27 -28
 -27 -28 -29
 -28 -29 -30
 -29 -30 -31
 -30 -31 -32
 -31 -32 -33
 -32 -33 -34
 -33 -34 -35
 -34 -35 -36
 -35 -36 -37
 -36 -37 -38
 -37 -38 -39
 -38 -39 -40
 -39 -40 -41
 -40 -41 -42
 -41 -42 -43
 -42 -43 -44
 -43 -44 -45
 -44 -45 -46
 -45 -46 -47
 -46 -47 -48
 -47 -48 -49
 -48 -49 -50
 -49 -50 -51
 -50 -51 -52
 -51 -52 -53
 -52 -53 -54
 -53 -54 -55
 -54 -55 -56
 -55 -56 -57
 -56 -57 -58
 -57 -58 -59
 -58 -59 -60
 -59 -60 -61
 -60 -61 -62
 -61 -62 -63
 -62 -63 -64
 -63 -64 -65
 -64 -65 -66
 -65 -66 -67
 -66 -67 -68
 -67 -68 -69
 -68 -69 -70
 -69 -70 -71
 -70 -71 -72
 -71 -72 -73
 -72 -73 -74
 -73 -74 -75
 -74 -75 -76
 -75 -76 -77
 -76 -77 -78
 -77 -78 -79
 -78 -79 -80
 -79 -80 -81
 -80 -81 -82
 -81 -82 -83
 -82 -83 -84
 -83 -84 -85
 -84 -85 -86
 -85 -86 -87
 -86 -87 -88
 -87 -88 -89
 -88 -89 -90
 -89 -90 -91
 -90 -91 -92
 -91 -92 -93
 -92 -93 -94
 -93 -94 -95
 -94 -95 -96
 -95 -96 -97
 -96 -97 -98
 -97 -98 -99
 -98 -99 -100
 -99 -100 -101
 -100 -101 -102
 -101 -102 -103
 -102 -103 -104
 -103 -104 -105
 -104 -105 -106
 -105 -106 -107
 -106 -107 -108
 -107 -108 -109
 -108 -109 -110
 -109 -110 -111
 -110 -111 -112
 -111 -112 -113
 -112 -113 -114
 -113 -114 -115
 -114 -115 -116
 -115 -116 -117
 -116 -117 -118
 -117 -118 -119
 -118 -119 -120
 -119 -120 -121
 -120 -121 -122
 -121 -122 -123
 -122 -123 -124
 -123 -124 -125
 -124 -125 -126
 -125 -126 -127
 -126 -127 -128
 -127 -128 -129
 -128 -129 -130
 -129 -130 -131
 -130 -131 -132
 -131 -132 -133
 -132 -133 -134
 -133 -134 -135
 -134 -135 -136
 -135 -136 -137
 -136 -137 -138
 -137 -138 -139
 -138 -139 -140
 -139 -140 -141
 -140 -141 -142
 -141 -142 -143
 -142 -143 -144
 -143 -144 -145
 -144 -145 -146
 -145 -146 -147
 -146 -147 -148
 -147 -148 -149
 -148 -149 -150
 -149 -150 -151
 -150 -151 -152
 -151 -152 -153
 -152 -153 -154
 -153 -154 -155
 -154 -155 -156
 -155 -156 -157
 -156 -157 -158
 -157 -158 -159
 -158 -159 -160
 -159 -160 -161
 -160 -161 -162
 -161 -162 -163
 -162 -163 -164
 -163 -164 -165
 -164 -165 -166
 -165 -166 -167
 -166 -167 -168
 -167 -168 -169
 -168 -169 -170
 -169 -170 -171
 -170 -171 -172
 -171 -172 -173
 -172 -173 -174
 -173 -174 -175
 -174 -175 -176
 -175 -176 -177
 -176 -177 -178
 -177 -178 -179
 -178 -179 -180
 -179 -180 -181
 -180 -181 -182
 -181 -182 -183
 -182 -183 -184
 -183 -184 -185
 -184 -185 -186
 -185 -186 -187
 -186 -187 -188
 -187 -188 -189
 -188 -189 -190
 -189 -190 -191
 -190 -191 -192
 -191 -192 -193
 -192 -193 -194
 -193 -194 -195
 -194 -195 -196
 -195 -196 -197
 -196 -197 -198
 -197 -198 -199
 -198 -199 -200
 -199 -200 -201
 -200 -201 -202
 -201 -202 -203
 -202 -203 -204
 -203 -204 -205
 -204 -205 -206
 -205 -206 -207
 -206 -207 -208
 -207 -208 -209
 -208 -209 -210
 -209 -210 -211
 -210 -211 -212
 -211 -212 -213
 -212 -213 -214
 -213 -214 -215
 -214 -215 -216
 -215 -216 -217
 -216 -217 -218
 -217 -218 -219
 -218 -219 -220
 -219 -220 -221
 -220 -221 -222
 -221 -222 -223
 -222 -223 -224
 -223 -224 -225
 -224 -225 -226
 -225 -226 -227
 -226 -227 -228
 -227 -228 -229
 -228 -229 -230
 -229 -230 -231
 -230 -231 -232
 -231 -232 -233
 -232 -233 -234
 -233 -234 -235
 -234 -235 -236
 -23

4940 SQ FT (CUMULATIVE)
mixed light - Dep
5060 SQ FT (CUMULATIVE)
High

200



ATTACHMENT 1
Recommended Conditions of Approval

APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

1. The applicant shall secure permits for all existing and proposed structures related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures and grading related to cannabis cultivation are permitted will satisfy this condition.
2. The applicant shall submit an invasive species control plan to the Planning Department for review and approval. The plan shall include, but not be limited to, identification of types of invasive plant species, where they are located, and a plan to control their spread.
3. The applicant shall ensure all fences and gates are relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no material shall be stored or placed in the County right of way. Confirmation from Public Works will satisfy this condition.
4. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County (Sight Visibility Ordinance). Confirmation from Public Works will satisfy this condition.
5. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
6. Prior to initiating commercial cannabis cultivation or associated activities 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.
7. Provide a portable toilet to meet the needs of the farm operators. Annual contracts or invoices confirming the use of a portable toilet is required and will be provided to Humboldt county Health and Human Services, Department of Environmental Health (DEH). The portable toilet must not occupy the property outside of the cultivation season.
8. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.

2. 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.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. 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.
6. 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 10 feet from the side property lines and 20 feet from the front and rear property lines, 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 55.4.6.4.4. The project is located within the Myers Flat Community area and the setbacks from property lines meet those of the underlying zone (FP). The allowance for a setback reduction of 600 feet from a Public Park is approved as part of this project. The adjacent property owned by Redwood State Park is managed for open space and/or wildlife habitat purposes, and no developed or designated recreational facilities are within 600 feet of the cultivation area.
7. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. 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).
9. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
10. Pay all applicable application, review for conformance with conditions and annual inspection fees.
11. Power is to be supplied by PG&E. If the project is modified to use a generator for cannabis operations the noise from the generator or fans shall not be audible by humans from

neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.

13. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
14. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
15. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
16. Any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.
17. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
18. The Master Logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
20. Participate in and bear costs for permittee's participation in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
Performance Standards for Cultivation and Processing Operations
21. 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."
22. 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).
23. 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.
24. 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 operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 1) Operation manager contacts;
 - 2) Emergency responder contacts;
 - 3) 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.
25. 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.
26. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CCLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the

written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permits, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CCLUO.

27. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #26, 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.
28. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
 - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
 - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
29. 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 Commercial Cannabis.
30. 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. 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.

2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions 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.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. 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.
5. 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.
6. 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 CEQA Guidelines have been made.

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

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture: This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. RA5-20 are rural residential designations for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access. Density range is 5-160 acres/unit.</p> <p>Public Facility (PF): This designation is utilized to classify land appropriate for use by a governmental agency or public agency, which has the purpose of serving the public health, safety, convenience, or welfare.</p>	<p>The project includes approximately 5,060 square feet of outdoor cannabis cultivation on a 5.78-acre parcel, APN 032-171-027. General and intensive agriculture are allowable use types in the RA designation. General agriculture is an allowable use type in the PF designation.</p> <p>The subject parcel is located within the Part 77 Civil Surfaces, of the Code of Federal Regulations (CFR), therefore, the development on the subject parcel must conform to the requirements of the Code of Federal Regulations (CFR). See <i>Circulation</i> (Chapter 7) findings below for more information.</p>

	<p>Airport Land Use Compatibility Zone Overlay (AP): An Airport Land Use Compatibility Zone for all public use airports shall be established that matches the Recommended Compatibility Zones contained in the March 1993 Airport Land Use Compatibility Plan, as amended, for Humboldt County Airports, and that limits the maximum allowable residential density and building occupancy for each land use designation subject to such zones, to the Airport/Land Use Safety Compatibility Criteria of the Airport Land Use Compatibility Plan (Table 14-A)</p>	
<p>Circulation Chapter 7</p>	<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-G5).</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The subject parcel is accessed via Sprowel Creek Road from U.S. Highway 101. The subject project is approximately 560 feet south from the intersection of Sprowel Creek Road, Alsford Lane and Riverview Lane, and approximately 618 feet north of the intersection of Sprowel Creek Road and Leino Road. Sprowel Creek Road is constructed to a Category 4 Road standard. The Department of Public Works approved the use of Sprowel Creek Road at this location for use by commercial cannabis operations. The Department of Public Works recommended conditional approval of the proposed project. The applicant is required to relocate all fences and gates out of the County right of way and to ensure all driveways and private road intersections onto the county Road shall be maintained in accordance with County (Sight Visibility Ordinance).</p> <p>The subject parcel is located within the Part 77 Civil Surfaces, of the Code of Federal Regulations (CFR), therefore, the development on the subject parcel must conform to the requirements of the Airport Land Use Compatibility Zone (ALUCZ). The CFR requires projects that are proposing construction or alteration of existing structures to follow the safe, efficient use, and preservation of the</p>

		navigable airspace guidelines. These requirements do not apply to the subject project because the subject parcel is located at an elevation of 500 feet and the Garberville Airport has an elevation of approximately 535 feet. Due to the difference in elevation between the two parcels and a condition to the project that the applicant shall not construct structures more than 10 feet in height without following Part 77 Civil Surfaces guidelines, therefore, staff does not believe the project is subject to the Part 77 Civil Surfaces guidelines.
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>	The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project is located within a Housing Opportunity Zone. The proposed project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
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>	The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
Conservation and Open Space Chapter 10	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to	The Western bumble bee is the only mapped species of special concerned mapped on the subject parcel by the California Natural Diversity Database (CNDDB). The project is within 3.39 miles of a known Northern Spotted

<p>Biological Resources Section 10.3</p>	<p>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>Owl Activity Center and an NSO sighting was mapped 1.78 miles away in 1920. There is also Marbled murrelet habitat mapped approximately 2.39 miles north of the project site. The subject project is not located in an area that requires special noise attenuation measures. Power is supplied by solar and P. G. & E. An onsite generator will be used to top off batteries located onsite. Processing such as drying, and curing will take place in a 20'x20' structure. Further processing such as trimming will take place offsite at a permitted processing facility. The project is conditioned to comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and that any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) to no higher than 70.6 db as demonstrated by the <i>Noise Assessment and Mitigation Plan</i>.</p> <p>New ground disturbance includes the development of a new 25'x100' greenhouse.</p> <p>Upon a site visit on December 11, 2019, there were no streams or water courses located on the parcel. The closest wetland and water course are the South Fork Eel River which is approximately 537 feet away. There is no development within the SMA.</p> <p>The project was referred to the California Department of Fish and Wildlife (CDFW) on November 25, 2019. No response was received. Staff contacted CDFW on April 3, 2020, to request project comments (see Attachment 5). Staff has not received a response from CDFW.</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</p>	<p>The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of Rohnerville Rancheria. The NWIC requested a cultural resources study while the Bear River Band of Rohnerville Rancheria recommended conditional approval of the project with the incorporation of the inadvertent discovery protocol. A condition of approval has been incorporated regarding inadvertent discovery protocol to protect cultural resources.</p>

	American Tribal Consultation.	
Conservation and Open Space Chapter 10 Scenic Resources Section 10.7	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). Related standards: SR-S4, Light and Glare.	The applicant will be utilizing light deprivation techniques on the greenhouses. The applicant states there will be no supplemental lighting used for cultivating cannabis. The project will not be visible from of any scenic highways. The project involves outdoor cultivation and ancillary propagation within greenhouses. The CCLUO requires cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. These standards are included in the conditions of approval for the project.
Water Resources Chapter 11 Stormwater Drainage	Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9). Related policies: WR-P10, Erosion and Sediment Discharge; WR-42, Erosion and Sediment Control Measures.	The applicant was required to enroll in the State Cannabis Discharge program by July 2019. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. 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 project is consistent with the Water Resource policies of the General Plan.
Water Resources Chapter 11	Goals and policies contained in this Chapter relate to adequate public	The site is currently developed with agriculture accessory structures with no onsite waste treatment system. Two employees are required

Onsite Wastewater Systems	<p>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-G11).</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>peak operations. Processing will occur an off-site, licensed processing facility. The applicant states that portable bathroom and handwashing facilities are available for employees. The compliance agreement for the ZCC16-150 requires the applicant to provide annual invoices confirming the use of the ADA-compliant portable restroom and handwashing station to the Humboldt County Health and Human Services and Division of Environmental Health (DEH) annually. These conditions will remain the same for the subject project. The Department of Environmental Health recommends approval of the project.</p>
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2).</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures. The existing cultivation areas are outdoor and take place in greenhouses. According to the Cultivation and Operations Plan, power is provided by P. G. & E. and solar. Generator use is limited to one Honda 2000 generator that will be used to top off solar system batteries and P.G.&E. Noise generated from generators shall comply with the standards set forth in Section 55.4.11(o) of the CCLUO and Department Policy Statement #DPS-16-005. The applicant prepared a <i>Noise Source Assessment and Mitigation Plan</i> in 2019 that shows there is an existing decibel reading of 70.6db without the use of any generators or cannabis equipment (see Attachment 4). The noise source comes from traffic due to the parcel being directly adjacent to U.S. Highway 101 and Sprowel Creek Road. Ongoing conditions of approval require the require the applicant to ensure noise levels do not go above the existing decibal reading of 70.6db. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are not above the existing ambient noise levels of 70.6db when measured at 100 feet or edge of habitat prior to cultivating.</p>
Safety Element Chapter 14 Geologic & Seismic	<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</p>	<p>The project is located approximately 541 feet east from the Garberville Briceland fault line and is not subject to liquefaction. The project area is classified as moderate instability. According to the Humboldt County WebGIS, slopes on the parcel are variable ranging from less than 15 to 30%. Historic landslides are within the southern portion of the project site where</p>

	<p>prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2).</p> <p>Related policies: S-P11, Site Suitability; S-P7, Structural Hazards.</p>	<p>cannabis is not located. Staff conducted a site visit for the subject on December 11, 2019. Upon a site visit, staff were able to analyze that the slopes where cultivation will be located is on slopes less than 15%. Conditions of approval require the applicant to obtain building and grading permits from the Humboldt County Building Division for construction of the proposed 2,500-square-foot greenhouse. Staff does not believe the project will pose a 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 the mapped flood hazard area for the South Fork Eel River. The property boundary is 423 feet east of the 100-year flood zone. The project site is not within a mapped dam or levee inundation area and is outside the area subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential (S-G4).</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located in an area with a high fire hazard severity. The subject project is within the Garberville Fire Protection District and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. California Department of Forestry and Fire Protection comments recommended 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 property is 5.78-acres and structures are setback 30 feet from property lines. The Operations Plan states there will be a maximum of 2 employees during peak operations. The project is conditioned to supply an additional</p>

		1,000 gallons of water storage for fire protection for the project.
Community Infrastructure and Services Element, Chapter 5 Implementation Action Plan	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.	The subject property is located within the boundaries of the Garberville Fire Protection District.
Air Quality Chapter 15	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-G3) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.	New development for cannabis cultivation consists of one 2,500-square-foot greenhouse. The North Coast Unified Air Quality Management District (NCUAQMD) was sent a project referral on November 25, 2019. No response was received. As a condition of approval, the applicant will utilize dust control practices during construction, and grading shall achieve compliance with NCUAQMD 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 Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 032-171-027 is one legal parcel per NOM-17-009 the subject parcel has been determined to be one legal parcel as described in Notice of Merger Certificate of Subdivision Compliance 2018-011512. There is no evidence indicating there

		have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.2 Agriculture General	<p>Agricultural Grazing (AG): Intended to be applied in areas in which agriculture is the desirable predominant use and rural residential uses are secondary.</p> <p>Minimum building site area is 5 acres (B-5(5)) Intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified.</p>	The applicant is seeking a Special Permit that would modify an approved Zoning Clearance Certificate (ZCC16-150) that allows for 4,940 square feet of outdoor cultivation. The proposed project would expand the cultivation area by 5,060 square feet, bringing total cultivation on the subject parcel to 10,000 square feet of outdoor cannabis cultivation. The subject parcel is 5.78 acres in area and is zoned AG. The proposed use is specifically allowed with a Special Permit in this zoning district and under Section 314-55.4.6 of the CCLUO.
Minimum Parcel Size:	2.5 acres	5.78 acres
Maximum Ground Coverage:	35%	<35%
Minimum Lot Width:	60 feet	202 feet
Maximum Lot Depth:	None specified	1,117 feet
Minimum Parcel Setbacks: (Through the SRA setbacks)	Front: 20 feet Rear: 20 feet Side: 6 feet SRA: 30 feet, all sides	Front: 670 feet Rear: 22 feet Side, east and west property lines: >30 feet
Max. Building Height:	35 feet	<35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	Water is supplied from the Garberville Sanitary District (GSD) via commercial connection. The applicant has submitted a will-serve letter from Garberville Sanitary District (GSD) (see Attachment 4). According to a site visit on December 11, 2019, and Humboldt County WebGIS there were no wetlands or water bodies identified on APN 032-171-027. The closest Streamside Management Area to the

		subject parcel is the South Fork Eel River, which is approximately 303 feet southwest from the project site.
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p>*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.</p>	2 spaces

314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Commercial Cannabis Inland Land Use Regulation (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).	According to the records maintained by the Department, the applicant, TNT Grown, LLC, applied for one cannabis activity permit. If approved, the applicant will hold one permit.
§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.	A review of aerial imagery on the Humboldt County WebGIS shows the parcel has a naturally open area where domestic and cultivation activities have occurred. 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 considered as timber are proposed to be removed as part of the project.
§314-55.4.6.4.3 Limitation on Use of Prime Soils	The cumulative area of any Cannabis Cultivation Site(s) located in areas identified as having Prime Agricultural Soil shall not exceed 20 percent of the area of Prime Agricultural Soil on the Parcel. Where occurring in areas with Prime Agricultural	There are no Prime Agricultural Soils located on the subject parcel.

	<p>Soil, Cultivation shall only occur within the native soil. Removal of native soil and replacement with manufactured soil is prohibited. Exceptions to the in native soil planting requirement may be considered with a Use Permit. Where an exception is sought, the Use Permit application shall include evidence demonstrating that in the circumstances of the particular cultivation site, it is better to not plant within the native soils. An exception shall only be approved if it can be demonstrated that the native soil will not be impaired or damaged.</p>	
<p>§314-55.4.6.4.4</p> <p>Standard Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.</p>	<p>The proposed expansion is located within an existing 2,975-square-foot greenhouse and a proposed 2,500-square-foot greenhouse. The proposed project conforms to the 600-foot setback for schools, school bus stops, parks, places of religious worship. No nearby Tribal Cultural Resources or Tribal Ceremonial Sites were identified by the Bear River Band THPO. The project complies with these standards.</p>
<p>§55.4.5.1.4</p> <p>Community Planning Areas</p>	<p>A Conditional Use Permit shall be required for any Commercial Cannabis Activity where located within the Sphere of Influence (SOI) of any incorporated city or within any of the following mapped Community Planning Areas (CPA's): Blue Lake, Fieldbrook-Glendale, Fortuna, Hydesville-Carlotta, McKinleyville, Rio Dell-Scotia, Shelter Cove, Trinidad-Westhaven, and Willow</p>	<p>The subject project is located in the Garberville/Redway/Benbow/Alderpoint Community Planning Area, which is not on the listed CPS's where a Conditional Use Permit is required. Therefore, the project conforms to this section.</p>

	Creek. A Conditional Use Permit shall also be required for any Commercial Cannabis Activity where located within one thousand feet (1,000') of any incorporated city, Tribal Lands, or any of the Community Planning Areas (CPA's) identified herein. For purposes of determining the Trinidad Planning Area, the Trinidad General Plan shall be utilized.	
§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 Systems	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.	This property is designated as a CalTrans road easement for Highway 101. The publicly owned land has no park or recreation facilities and is not managed for open space and/or wildlife habitat purposes. There, the cannabis activity is allowed.
§314-55.4.12.1.10 Performance Standards– Biological Resource Protection	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.	The subject parcel is not located in an area that requires special noise attenuation measures. The project is within 3.39 miles of a known Northern Spotted Owl Activity Center and an NSO sighting was mapped 1.78 miles away in 1920. Power is supplied by solar and P.G.&E. An onsite generator will be used to top off batteries located onsite. Processing such as drying, and curing will take place in a 20'x20' structure. Further processing such as trimming will take place offsite at a permitted processing facility. The project is conditioned to comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and that any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more

		<p>than 70.6 decibels measured from 100ft or to the nearest tree line, whichever is closer.</p> <p>The Western bumble bee is the only mapped species of special concerned mapped on the subject parcel by the California Natural Diversity Database (CNDDDB). New ground disturbance includes the development of a new 25'x100' greenhouse. Upon a site visit on December 11, 2019, staff were able to determine that the proposed greenhouse will be occurring on already disturbed land.</p> <p>Upon a site visit on December 11, 2019 there are no streams or water courses located on the parcel. The closest wetland and water course are the South Fork Eel River which is approximately 537 feet away. The project was referred to the California Department of Fish and Wildlife (CDFW) on November 25, 2020. No response was received. Staff contacted CDFW on April 3, 2020. Staff has not received a response from CDFW.</p>
<p>§314-55.4.12.2 Performance Standards–</p> <p>Commercial Cannabis Cultivation</p>	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.
<p>§314-55.4.12.4 Performance Standards–</p> <p>Light Pollution Control</p>	<p>a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise.</p> <p>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</p>	The proposed project is for 5,060 square feet of outdoor cannabis cultivation. The applicant will be utilizing light deprivation techniques and supplemental lighting used in the nursery will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO.

	directly focusing on any surrounding uses.	
§314-55.4.12.5 Performance Standards– Energy Use	<p>All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards:</p> <ul style="list-style-type: none"> • Grid power supplied from 100% renewable source; and • On-site renewable energy system with twenty percent net non-renewable energy use <p>Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.</p>	The proposed project is for 5,060 square feet of commercial outdoor cannabis cultivation. Power is supplied by 75% solar energy and 25% P. G. & E. Any fans or dehumidifiers use in the cultivation operation will be conditioned to operate at less than 50 dB at 100-foot distance or at the closest tree line, whichever is closer. The project is conditioned to provide evidence during annual inspection to show 20% of energy is being used by P. G. & E. and 80% of energy being used is renewable.
§314-55.4.12.6 Performance Standards– 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. 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.	An NSO sighting was mapped 1.78 miles away in 1920. The project is within 3.39 miles of a known Northern Spotted Owl Activity Center. Power is supplied by P. G. & E. and solar. Generator use is limited to topping off solar batteries. According to the <i>Noise Source Assessment and Mitigation Plan</i> submitted by the applicant, there is an average decibel reading of 70.6db without the use of any generators or cannabis equipment (see Attachment 4). The noise source comes from traffic due to the parcel being directly adjacent to U.S. HWY 101 and Sprowel Creek Rd. Ongoing conditions of approval require the applicant to ensure noise levels do not go above the existing decibel reading of 70.6db. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are not above the existing ambient noise levels of 70.6db when measured at 100 feet or edge of habitat prior to cultivating.
§314-55.4.12.7 Performance Standards – Cannabis Irrigation	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 for irrigation will be provided by the Garberville Sanitary District. The applicant has submitted a will-serve letter from Garberville Sanitary District (GSD). A project referral was sent to the GSD on November 29, 2019. No response was

	water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.	received. GSD contacted Staff on March 13, 2020 via email (see Attachment 4). GSD stated they "will serve water" to the property and the expanded cannabis cultivation proposed as long as all GSD requirements are met which include: updating the cannabis water use application annually; no alternative water will be allowed within GSD boundaries; and there shall be water storage for dry months or during a drought should be installed and have backup water stored. The project is conditioned for the applicant to implement the recommendations made by the Garberville Sanitary District.
314-55.4.12.10 Performance Standards – Soils Management	A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.	The applicant has provided a soils management plan stating that soil is reused and kept under tarps in the off-season, or cover cropped to prevent erosion and loss of soil.
314-55.4.12.11 Performance Standards – Existing Site Reconfiguration	Where an existing site does not conform to one or more performance standards or eligibility criteria, or cannot comply with local, state, or federal regulatory requirements, reconfiguration of the cultivation site and associated infrastructure may be permitted, provided that the reconfiguration results in an improvement in the environmental resources of the site.	There are no existing site reconfigurations proposed for the subject project.
314-55.4.12.13 Performance Standards –	All remediation activities shall be conducted in accordance with the requirements for Mitigation and Monitoring Plans	Upon a site visit on December 11, 2019, conducted by a Planning Department staff member, there were no areas needing remediation identified nor are any proposed.

Remediation Activities	described within 314-61.1 of the Humboldt County Code, including the standards for documentation, reporting, and adaptive management.	
314-55.4.12.16 Performance Standards – Invasive Species Control	It is the responsibility of a certificate or permit holder to work to eradicate invasive species.	According to the Invasive Species Control Plan submitted by the applicant, all plants will be ventilated with fans to deter pests. Only natural organic methods will be used including predator bugs. Periodically plants will be spaded using atomizer with neem oil and plant therapy. This addresses invasive species within the greenhouses. The CCLUO requires a plan for the entire parcel, therefore, conditions of approval require the applicant submit an addendum to the invasive species plan that addresses invasive species and removal for the entire parcel.

4. Public Health, Safety and Welfare: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and 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 Required Findings for all Projects	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have reviewed the proposed project and none have any comments that the project would be detrimental to the public health, safety and welfare, or injurious to other properties. The project as proposed and conditioned is consistent with the general plan and zoning ordinance; and the proposed project is not expected to cause significant 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	The proposed development shall not reduce the residential	The project does not involve residential development, nor is the project site part of

Housing Element Densities	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), 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.	the Housing element Residential Land Inventory. However, the project is located within a Housing Opportunity Zone. The proposed project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
---------------------------	---	---

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

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is a modification to an existing 4,940-square-foot cultivation operation that would allow for an additional 5,060 square feet, which would bring the total cultivation on the subject parcel to 10,000 square feet. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

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

*Commercial Cannabis Land Use Ordinance Environmental Impact Report (EIR)
(State Clearinghouse # 2015102005), January 2016*

APN 032-171-027, County of Humboldt

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

April 2020

Background

Modified Project Description and Project History - The original project reviewed under the Environmental Impact Report (EIR) for the Commercial Cannabis Land Use Ordinance (CCLUO) 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 states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the 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 operation involves an expansion of 5,060 square feet of cannabis cultivation. There will be 2 cultivation cycles per year occurring in two greenhouses (1 existing - 35'x85' and 1 proposed - 25'x100'). Cultivation activities extend from May-November. Propagation will occur in a 450-square-foot hoop house. Storage for pesticides and nutrients will be stored in an 8'x8' square foot metal structure and kept in secondary containment. Processing such as drying, and curing will take place in a 20'x20' square foot structure. Further processing such as trimming will take place offsite at a permitted processing facility. Power for the project is supplied by P. G. & E. and a solar alternative energy system. The applicant states a Honda 2000 generator will be used to assist with charging solar batteries. TNT Grown, LLC, is an owner-family-operated farm. There will be two family members working at this farm. The applicant states a wastewater is from domestic sewage use will be serviced by a portable toilet company.

Water for irrigation will be provided by the Garberville Sanitary District (GSD). The applicant has submitted a will-serve letter that allows for use of GSD water for irrigation. Annual water usage is estimated at 19,450 gallons. Water is stored in one 2,5000-gallon water tank and one 1,000-gallon water tank, totaling 3,500 gallons of water storage onsite. GSD contacted Staff on March 13, 2020 via email. GSD stated they "will serve water" to the property and the expanded cannabis cultivation proposed as long as all GSD requirements are met which include: updating the cannabis water use application annually; no alternative water will be allowed within GSD boundaries; and there shall be water storage for dry months or during a drought should be installed and have backup water stored. The project is conditioned for the applicant to implement the recommendations made by the Garberville Sanitary District.

The Western bumble bee is the only mapped species of special concerned mapped on the subject parcel by the California Natural Diversity Database (CNDDDB). An NSO sighting was mapped 1.78 miles away in 1920. The project is within 3.39 miles of a known Northern Spotted Owl Activity Center. The proposal to continue operation of an existing cannabis cultivation site is not expected to cause additional disturbance to this specie for the following reasons: the potential impacts of the existing facilities are mitigated through generator containment, shielding of artificial light between sunrise and sunset, and the requirement that noise be kept at 70.6 decibels or less at 100 feet away from the generator, property lines, and the edge of wildlife habitat. In addition, the applicant shall not use any synthetic netting on the project site, the applicant shall leave any wildlife that they encounter unharmed, and the applicant shall always contain all refuse in wildlife proof storage containers. Proposed ground disturbance includes installing a 2,500-square-foot greenhouse.

The project was referred to the Bear River Band of Rohnerville Rancheria Tribal Historic Preservation Officer (THPO). No Cultural Resource Evaluation was requested. Standard Inadvertent Archaeological Discovery Protocol will be implemented during any project construction activities.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (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; or
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 previous 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 EIR; B) significant effect previously examined will be substantially more severe than shown in the previous 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 previous 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 original EIR recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the original EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the EIR. Compliance with the CCLUO ensures consistency with the adopted EIR and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted EIR, the County considered the following information and studies, among other documents:

- o Operations Plan for TNT Grown, LLC; APN 032-171-027 prepared by the applicant, November 2019.
- o Site Plan for TNT Grown, LLC; APN 032-171-027 prepared by the applicant, November 2019.

Other CEQA Considerations

Staff suggest no changes to 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 certified EIR is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the EIR, remain in full force and effect on the original project.

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. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet (Attached).
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)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Evidence of enrollment into the State Cannabis Cultivation Discharge Program, 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. (Not Applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable)

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. DEH Worksheet (On file)
16. *Noise Source Assessments and Mitigation Plan* prepared by the applicant received November 2019. (Attached).

TNT Grown



CULTIVATION AND OPERATIONS MANUAL
HUMBOLDT COUNTY, CA

COMMERCIAL CANNABIS
CULTIVATION FACILITIES

PREPARED FOR:



August 2019

TNT Grown
PO Box 816
Garberville, CA 95542

Cultivation and Operations Plan

August 2019
APN: 032-171-015
App#:

Commercial Cannabis Cultivation Facilities

Lead Agency:

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Prepared By:
Marcus Schaible
PO Box 816
Garberville, CA
95542

1.0 Operations Plan	7
1.1 Water Management	7
1.11 Source	7
1.12 Storage	7
1.13 Irrigation Plan & Projected Usage	7
1.2 Erosion Control, Habitat Protection & Storm Water Management.	7
1.3 Noise Compliance	8
1.4 Storage Protocols	8
1.41 Hazardous Materials	8
1.5 Security Plan	8
2.0 Cultivation Plan	8
2.1 Schedule of Activities for Growing and Harvest Seasons	9
2.2 Standard Cultivation Practices + Soil Management Plan	9
2.3 Propagation	10
2.4 Processing Plan	10
2.5 Recordkeeping	10
2.6 Waste Removal & Domestic Sewage	10
2.7 Human Resources	10
2.8 Parking and Roads	10
2.9 Soils Management	10
2.10 Light Pollution Plan	11
2.11 Invasive Species Control Plan	11
2.12 SWRCB Compliance Measures	

11

Owner Consent pg. 12

**Appendix A: Personnel Acknowledgement Form 13 Appendix B: Emergency
Procedures and Contact Information for Riverview Gardens 15**

Fire and Emergency Procedures Checklist	16
Spill Procedures Checklist	16
Incident Reporting	17
Minor Injury Accidents	17
Serious Injury Accidents	17
Property Damage	17
Control of Bleeding	17
Management of Burns	18
Management of Eye Injuries	18
Foreign Bodies In the Eye(s)	18
Chemicals in Eye(s)	18
Breathing	19
Location of Firefighting, Spill and First Aid Kits	19

Appendix C: Permits for this Parcel	19
Building Inspection Division Permits	19

1.0 Operations Plan

1.1 Water Management

1.11 Source

TNT Grown will draw from municipal water of the Garberville Community Services District, via commercial connection on APN 032-171-015.

1.12 Storage

There are two plastic tanks on-site totaling 3,500 gallons in water storage that is fed by the municipal connection and used for irrigation. Expansion options for water storage are being explored.

1.13 Irrigation Plan & Projected Usage

All irrigation of cannabis is done by hand, every other day on average, at agronomic rates.

Projected Water Usage by Month

- June: 2,250 gallons • July: 3,600 gallons
- August: 3,600 gallons
- September: 4,500 gallons
- October: 4,500 gallons
- November: 1,000 gallons
- December-May: No water usage

1.2 Erosion Control & Habitat Protection

TNT Grown is enrolled as Tier 1 with the North Coast Regional Water Quality Control Board (NCRWQCB) and will adhere to the Standard Conditions of that tier and maintain enrollment. A copy of the Notice of Intent and the Monitoring and Reporting Program form is included with the application. A WRPP is not required for Tier 1 projects meeting the Standard Conditions per the NCRWQCB order.

Applications of compost tea along with organic amendments will follow management practices to carefully prevent run-off and/or discharge. Due to the size of the garden and agronomic watering practices, there is no anticipated run-off. Soil is reused and kept under tarp in the off-season, or cover cropped to prevent erosion and loss of soil. The cultivation parcel has not been identified as being in a sensitive habitat area.

Storm Water Management includes covering all soil with tarps preventing any soil run off.

1.3 Noise Compliance

No generators will be used regularly for cannabis production, the farm and residence is solar powered. A Honda 2000 generator (to be replaced in the future) is used to top off solar system batteries and PG & E. Noise levels generated by normal farming activities will be below the 60 decibel maximum allowed at the property line.

1.4 Storage Protocols

Compost tea is created in a 250 gallon tank in batches and applied by hand, ingredients are stored in secondary containment within the designated on-site structure. Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. Neem Oil is used preventatively through the vegetative cycle on a weekly basis and is stored in secondary containment within the designated on-site facility. Compost material is kept in a designated area.

All labels are kept and directions are followed when amendments are applied. All excess compost and amendments are stored and/or disposed of according to manufacturer's guidelines.

1.41 Hazardous Materials

Four gas cans (5 gallons) of gasoline is kept on-site for the generator (domestic use) and is stored in approved containers in an appropriate storage facility in secondary containment. A 30 gallon tank, filled as needed by the 5 gallon cans, is used to supply the generator if it is needed for an extended period of time.

1.5 Security Plan

Only persons approved by the owners will be allowed onto the property. The driveway leading into the cultivation parcel will have a locked gate and secure fence to prevent unauthorized vehicle access. The parcel will be monitored by the owners, and there is automatic motion-sensor security exterior lighting installed.

2.0 Cultivation Plan

TNT Grown will feature under 5060 square feet of mixed light cultivation and propagation area. These areas are located in hoop style greenhouses with no supplemental lighting.

2.1 Schedule of Activities for Growing and Harvest Seasons

Month	Activity
January	Maintain cover crop in cultivation zone, inspect systems and storage
February	Maintain cover crop in cultivation zone
March	Maintain cover crop in cultivation zone
April	Maintain cover crop in cultivation zone
May	Maintain cover crop in cultivation zone, begin planting, weather allowing.
June	A portion of immature plants will be planted in the ground. Compost tea and organic amendments applied weekly or biweekly, depending on needs.
July	Tend plants. Monitor water use and watch for signs of mold and nutrient imbalance. Compost tea and organic amendments applied weekly or biweekly depending on needs.
August	Tend plants. Monitor water use and watch for signs of mold and nutrient imbalance. Compost tea and organic amendments applied weekly or biweekly depending on needs, stopping at least two weeks before harvest.
September	Harvest and process the varieties that finish maturing flowers this month. Maintain and monitor other varieties in preparation for late harvest.
October	Harvest and process the varieties that finish maturing flowers this month.
November	Harvest and prepare for transport the varieties that finish maturing flowers this month.

December	Maintain cover crop in cultivation zone.
----------	--

2.2 Standard Cultivation Practices

- *Planting:* A portion of the total cannabis clones and seeds will be planted in the ground or pots.
- *Soil Management:* Current potting soil is reused and stored under tarp to prevent loss. TNT Grown's goal is to transition to a permaculture garden that utilizes its natural environment in a regenerative fashion.
- *Compost Tea Management:* Applied as a soil drench and foliar spray during the cultivation cycle. Compost tea is made on-site from organic kitchen waste and typically applied 2 gallons per plant once a week. The amount applied to each plant's soil will vary as needed based on the plant's health.
- *Cover crop:* Mulch made from last year's garden waste, rice straw and cover crop beans.
- *Feeding routine:* Molasses, bat guano, chicken manure, compost tea, and worm castings are used in the feeding routine.
- *Mildew management:* Excessive signs of mold and/or mildew will require containment and destruction.

2.3 Propagation

Propagation is primarily done through seed starts and cloning using a portion of the cultivation area. Depending on weather conditions, indoor propagation may be used on-site in the existing structure in order to keep a consistent production schedule. In order to continue producing marketable strains, seeds/starts/clones may be acquired from an off-site licensed nursery to provide genetic diversity and supplement propagation needs.

2.4 Processing Plan

When cannabis flowers have reached desired maturity, the whole plant will be chopped, and dried on-site in the 20x20' structure, unless an alternate method of harvest is requested by a contracted manufacturer/processor/distributor. For example, some

contractors now request “fresh-frozen” whole plants for medical extraction and will provide the means for harvest and transport.

Trimming and related processing activities (packaging, etc.) will occur off-site at a licensed processing facility. As licensed processing facilities are becoming available, contracts with licensed providers are being explored, the applicant will provide further information to the local and state licensing authorities once a contract is in place. A transport license will be acquired if transportation is not provided by the contracted entity.

2.5 Recordkeeping

TNT Grown will comply with all accountability requirements from the state and county. The applicant will participate in the Metric tracking system as they become available.

2.6 Waste Removal

Garbage and recycling is removed from the parcel and taken to a permitted waste transfer station, with Redway Transfer Station as the primary location. Plant and organic material is composted on-site. Wastewater from domestic sewage use will be serviced by a portable toilet company.

2.7 Human Resources

The commercial cultivation will be operated by Marcus Schaible of TNT Grown; only Marcus Schaible and family members provide labor; there is a maximum of two workers

on site. All workers will be given a copy of this operations manual and TNT Grown will ensure each worker signs Appendix A acknowledging they received a copy of this operations plan.

2.8 Parking and Roads

Parking is provided for up to five (5) vehicles on the driveway measuring approximately one-hundred sixty (160) feet in length, noted on the site plan. The driveway meets Sprowel Creek Road with an apron of asphalt and then continues as a rocked driveway into the property.

2.9 Soils Management

Agronomic watering practices will be used and there is no anticipated run-off. Soil is reused and kept under tarp in the off-season, or cover cropped to prevent erosion and loss of soil. The cultivation parcel has not been identified as being in a sensitive habitat area. Extra soil will be stored under tarp in designated area located on Premises Diagram.

2.10 Light Pollution Plan

Florescent lights will be used for vegetative grow cycle. No light will be allowed to escape after sundown. Greenhouses will be covered automatically or manually to keep any light from escaping.

lights will BE used for Propagation of Baby Plants.
11/20/19

2.11 Invasive Species Control Plan

All plants will be well ventilated with fans to deter pests. Only natural organic methods will be used including predator bugs.

Periodically plants will be spaded using atomizer with:

Neem Oil. Active Ingredients - Azadirachta indica, azadirachtin, nimbin, picrin, sialin.

Plant Therapy. Active Ingredients - Soy oil, Peppermint, Citric Acid

2.12 SWRCB Compliance Measures

- The cultivation area shall be contiguous
- The disturbed area complies with the setback requirements
- No part of the disturbed area is located on land with a slope greater than 20-percent.
- Shall immediately report any significant hazardous material release or spill that causes a film or sheen on the water's surface.
- All land disturbing activities during the winter period shall be supervised by a Qualified Professional.
- Shall not discharge waste in a manner that creates or threatens to create a condition of pollution or nuisance.
- Shall only use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh.
- Shall monitor erosion control measures during and after each storm event
- Shall only use hazardous materials²⁴ in a manner consistent with the product's label.
- Shall not apply agricultural chemicals within 48 hours of a predicted rainfall event
- Shall ensure that potting soil or soil amendments, when not in use, are placed and stored with covers, when needed, to protect from rainfall and erosion, to prevent discharge to waters of the state, and to minimize leaching of waste constituents into
- Shall implement all applicable Erosion Control and Soil Disposal and Spoils Management Requirements in addition to the Winterization Requirements below by the onset of the winter period.



Appendix B: Emergency Procedures and Contact Information for TNT Grown

The first priority in the event of an emergency is for the safety of all people present.

Move quickly out of area danger.

Meet at assigned meeting place to get a headcount.

Enact Emergency Procedures.

Emergency Phone Numbers Dial 911 for Fire/Police/Ambulance:

1. Tell the operator which emergency service you want
2. Wait until the service answers
3. Give the following address: 1041 Sprowl Creek Road, Garberville, CA
4. Do not hang up until told to do so by the 911 Operator

Other Emergency Contacts

Humboldt County Sheriff: 707-445-7251

Briceland Volunteer Fire Department: 707-923-7204

Humboldt County HazMat: 707-445-6215

Humboldt County Ag Dept.: 707-441-5260

Fire and Emergency Procedures Checklist

You must know and understand what to do if a fire occurs. Your first concern is the immediate safety of visitors and staff; secondly, the need to call emergency services and then to contain the fire but only if it is safe to do so. If help is available, allocate responsibilities to others to create a competent firefighting team.

-
-
- Evacuate people from the area
- If it is safe to do so, switch off power to all equipment
- Call the fire department (dial 911)
- If a small fire, use your fire extinguisher, tools and water hoses if it is safe to do so – try to contain and extinguish the fire
- If the fire is near a fuel tank, do not attempt to extinguish the fire – retreat to a safe distance
- Be prepared to direct the fire service to the scene

Spill Procedures Checklist

You must know and understand what to do if a spill occurs. Your first consideration is the immediate safety of visitors and staff; secondly, the need to call emergency services and then contain the spill if it is safe to do so. If help is available, allocate responsibilities to others to create a competent team to deal with the spill.

- If the spill is from the hose or tap, shut the isolation valve
- Warn people in area of the spill – evacuate if necessary
- Remove sources of ignition if flammable substance is present
- Evaluate the spill – only respond if you believe it is safe to do so
- Refer to the Materials Safety Data Sheet or call on an approved handler or other specialists for advice
- If necessary, call emergency services and alert local authority
- Put on safety equipment (e.g., overalls, boots, gloves, eye protection, etc.)
- Contain the spill if it is safe to do so – utilize a drip tray or oversize container or spill kit to soak up the substance
- Dispose of waste safely as set out in the Materials Safety Data Sheet

Incident Reporting

- Every accident resulting in injury or damage to the property must be reported to your manager immediately
- Respond to the accident promptly and positively
- Collect relevant information about the accident
- Develop and take remedial actions
- Complete insurance claims and reports required
- A first aid kit must be kept on the premises and maintained
- All staff must know basic first aid procedures

Minor Injury Accidents

- Minor cuts and abrasions must be attended to immediately
- If in doubt, contact a physician or call 911

Serious Injury Accidents

- Call an ambulance immediately (dial 911)
- Seek the assistance of any first responder
- Stabilize the victim
- Advise your manager

Property Damage

- All damage to farm property must be reported to your manager

Control of Bleeding

1. Direct pressure – use your hand(s)
2. Elevate (raise) the limb
3. Apply a pad and firm bandage
4. If necessary, use clean rags or clothing

Remember!!

- Always check for circulation below the bandage!
- If there is tingling, numbness or blue color, loosen the bandage

Management of Burns

1. Cool the burned area with cool water for 10-15 minutes
2. If necessary, cover the burn with a clean dressing or plastic wrap before moving person

Remember!!

- Do not burst blisters
- Do not remove clothing that is stuck
- Do not apply creams

Management of Eye Injuries

Foreign Bodies In the Eye(s)

1. Wash the eye(s) with eyewash or clean water
2. If the foreign body is stuck to the eye, DO NOT attempt remove
3. Place covering over the eye and obtain medical attention

Chemicals in Eye(s)

1. Wash the eye(s) with clean cool water for at least 15 minutes
2. Wash from near the nose outward
3. Always wash under the upper eyelid
4. Obtain medical attention

Breathing

If a person is breathing but unconscious, turn them on their side to prevent tongue swelling or vomit from obstructing airway

If person is not breathing:

- Check airway for blockage and clear
- Call 911
- Administer CPR

Location of Firefighting, Spill and First Aid Kits

A fire extinguisher is located in the following places:

- Work vehicles
- Equipment storage area

A first aid kit is located in the following places:

- Work vehicles
- Equipment storage area

A spill kit is located in the following places:

- Equipment storage area

Appendix C: Permits for this Parcel

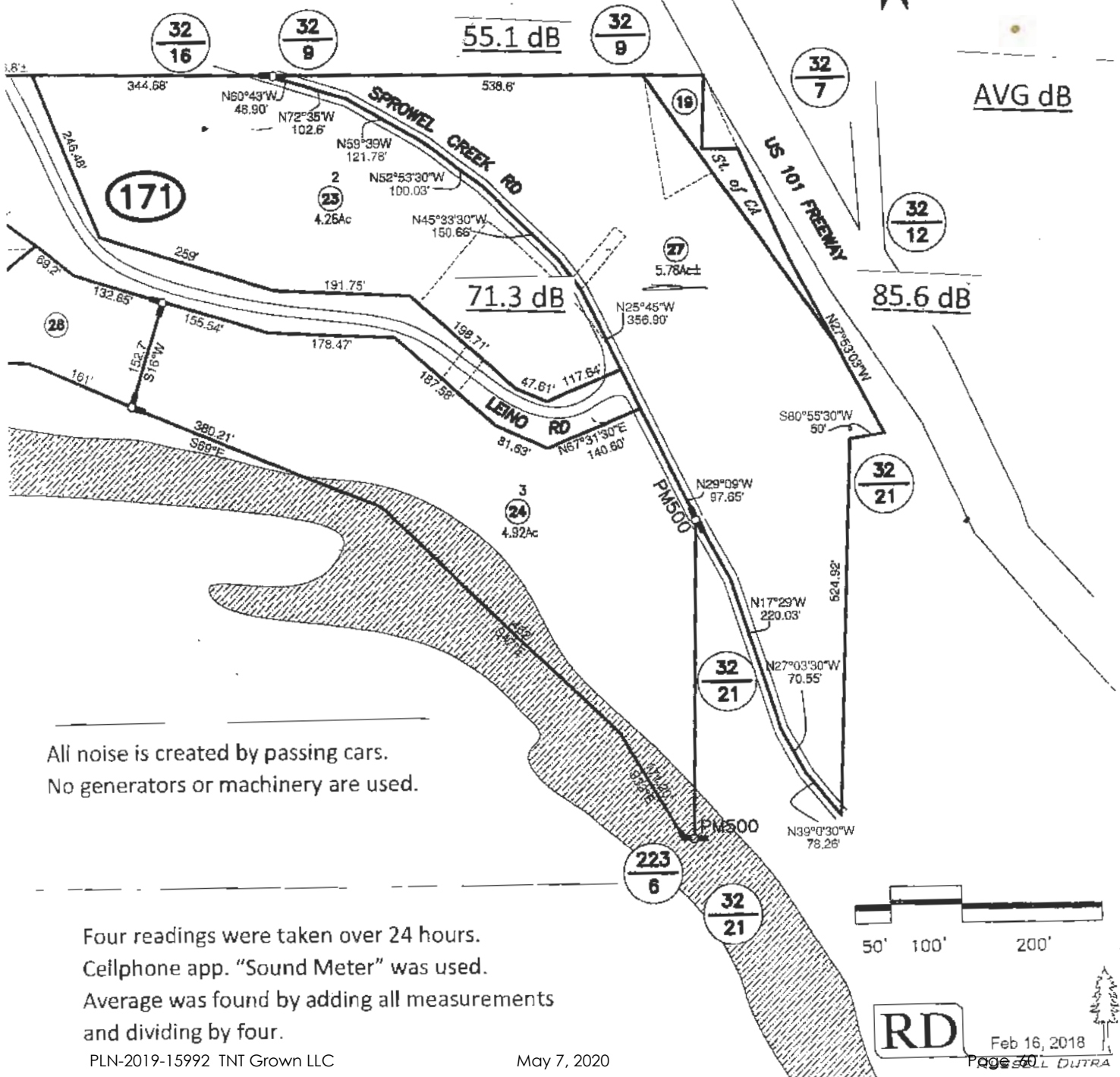
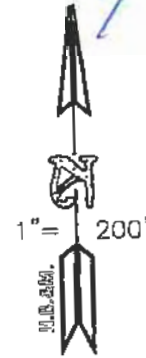
Building Inspection Division Permits

Application Number	NA	Permit Number	NA
032-171-027-000			



Noise Source Assessments and Mitigation Plan

TNT Grown LLC
032-171-027
1041 Sprowl Cr Rd.



All noise is created by passing cars.
No generators or machinery are used.

Four readings were taken over 24 hours.
Cellphone app. "Sound Meter" was used.
Average was found by adding all measurements
and dividing by four.



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

June 14, 2018

WDID:1_12CC402503

MARCUS SCHAIBLE
816 PO BOX 816
GARBERVILLE, CA 95542

Subject: Notice of Applicability - Waste Discharge Requirements Water
Quality Order WQ-2017-0023-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov.

Sincerely,

Kason Grady

On Behalf Of

2018.06.14 13:09:19 PDT

Matthias St. John
Executive Officer
North Coast Regional Water Quality Control Board

180611_1L_1_12CC402503_Riverview Gardens_NOA_TW

DAVID M. NORDEN, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skyline Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast



NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ-2017-0023-DWQ, RIVERVIEW GARDENS, HUMBOLDT COUNTY APN(s) 032-171-027; WDID: 1_12CC402503

Marcus Schaible (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on May 23, 2018, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board *Cannabis Cultivation Policy-Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order). This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC402503**.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA).

1. FACILITY AND DISCHARGE DESCRIPTION

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet), no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at <http://www.waterboards.ca.gov/cannabis>. The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and

implement *Site Management Plans* that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Quality Control Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. Enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- ii. Access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- iii. Inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iv. Sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

3. TECHNICAL REPORT REQUIREMENTS

The following technical report(s) shall be submitted by the Discharger as described below:

A *Site Management Plan*, by August 20, 2018, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Management Plan*.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with the Monitoring and Reporting Program (MRP). Attachment B of the General Order provides guidance on the contents for the annual

reporting requirement. Annual reports shall be submitted to the Regional Water Board by March 1 following the year being monitored. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 1 Low Risk with the current annual fee assessed at \$600. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Notice of Termination, including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Regional Water Board reserves the right to inspect the site before approving a NOT. Attachment C of the General Order includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the Regional Water Board staff by telephone at (707) 576-2676 or email at northcoast.cannabis@waterboards.ca.gov so that a site-specific compliance schedule can be developed.

cc: Kevin Porzio, State Water Resources Control Board, dwq.cannabis@waterboards.ca.gov
Michael Vella, California Department of Food and Agriculture, michael.vella@cdfa.ca.gov
Cheri Sanville, California Department of Fish and Wildlife, cheri.sanville@wildlife.ca.gov
Steve Werner, Humboldt County Planning Division, swerner@co.humboldt.ca.us



EDMOND G. BROWN JR.
GOVERNOR



MATTHEW ROORLICK
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Notice of Receipt for Cannabis Small Irrigation Use Registration

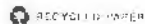
Registration ID: NA

Based on the response provided for your cannabis cultivation water source, you do not need to file for a Small Irrigation Use Registration. You may use your existing water source for cannabis cultivation. Be aware - you may still need coverage under the Cannabis General Order. Even if you do not need a water right for your project, you are still required to comply with the Cannabis Cultivation Policy and all other state and local requirements that pertain to your water source. The Cannabis Cultivation Policy has additional requirements for your diversions including groundwater wells, and discharges.

If you feel you have reached this page in error, please contact the Cannabis Registration Unit at cannabisreg@waterboards.ca.gov or 916-319-9427.

FELICIA MARQUIS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

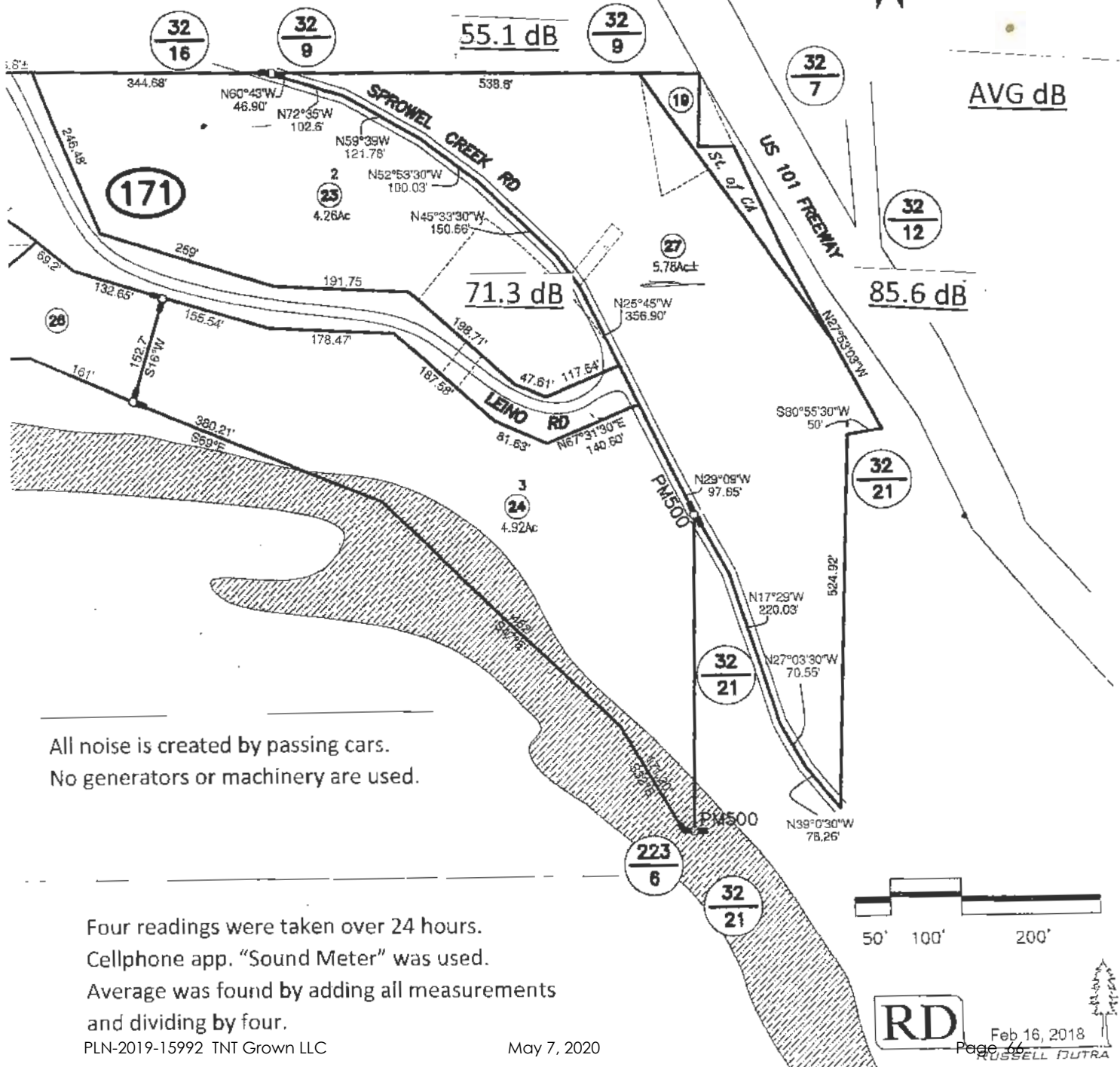
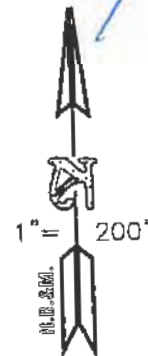


© 2018 - State Water Resources Control Board



Noise Source Assessments and Mitigation Plan

TNT Grown LLC
032-171-027
1041 Sprowl Cr Rd.



All noise is created by passing cars.
No generators or machinery are used.

Four readings were taken over 24 hours.
Cellphone app. "Sound Meter" was used.
Average was found by adding all measurements
and dividing by four.

ATTACHMENT 5

Referral Agency Comments and Recommendations

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No response	
Public Works Land Use Division	✓	Approved	Attached
Division of Environmental Health	✓	Approved	On file with Planning
California Department of Fish and Wildlife		No response	Attached-Staff email to CDFW dated April 3, 2020
Northwest Information Center	✓	Recommend study	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
Humboldt County Sherriff's Office	✓	Approved	On file with Planning
Garberville Sanitary District	✓	Conditional approval	Attached-Staff email dated March 13, 2020
Southern Humboldt Unified School District		No response	
Ag Commissioner		No response	
District Attorney		No response	
Regional Water Quality Control Board		No response	
California Division of Water Rights	✓	Approved	Attached
California Transportation Department		No Response	



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ON-LINE
WEB: CO.HUMBOLDT.CA.US

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409
ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MANAGEMENT 445-7493
NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS 445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388
LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Megan Ryan, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 12/18/2019

RE:

Applicant Name	TNT GROWN LLC
APN	032-171-027
APPS#	PLN-2019-15992

The Department has reviewed the above project and has the following comments:

- ☒ The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- ☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- ☐ Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- ☐ *Road Evaluation Reports(s)* are required; See **Exhibit "D"**

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Parcel has a previously paved driveway approach to County standards from the edge of the County roadway.

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply) APPS # 15992

- ☒ **COUNTY ROADS- FENCES & ENCROACHMENTS:**
All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- DRIVEWAY (PART 1):**
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

- ☐ **COUNTY ROADS- DRIVEWAY (PART 2):**
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.
 - If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
 - If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
 - If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.
The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- DRIVEWAY (PART 3):**
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.
- ☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)**
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
 - If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
 - If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**
All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //



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

11/25/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, CSD: Garberville Sanitary District, FPD: Garberville, RWQCB, NCUAQMD, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, CalTrans Dist 1, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name TNT Grown, LLC **Key Parcel Number** 032-171-027-000

Application (APPS#) PLN-2019-15992 **Assigned Planner** Meghan Ryan 707-441-2622

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: 12/10/2019

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: Applicant is sourcing their irrigation water from local irrigation district and thus is exempt from SIUR program.

DATE: 11/27/2019 PRINT NAME: Jonathan Pham, Cannabis Registration Unit- Division of Water Rights