



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: June 4, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Black Bear Farms, LLC**
Record Numbers: PLN-12083-SP, PLN-12915-ZCC, PLN-12080-ZCC and PLN-12742-ZCC.
Assessor's Parcel Number: 211-283-007
337 McCann Road, McCann, CA

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Please contact Rodney Yandell, Senior Planner, at (707) 445-7541, or by email at ryandell@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
June 4, 2020	Special Permit and Zoning Clearance Certificates	Rodney Yandell

Project Description: A Special Permit and seven Zoning Clearance Certificates for a total of 183,560 square feet (sf) of outdoor commercial cannabis cultivation to be relocated to the site through the Retirement, Remediation and Relocation (RRR) program. Four of the seven proposed Zoning Clearance Certificates (PLN-12719-ZCC, PLN-12713-ZCC, PLN-2018-15294 and PLN-12418-ZCC) will be processed separately at a later date as the retirement sites are not currently ready to be brought forward for decision. There is 10,000 sf of existing permitted outdoor cannabis cultivation on site. Irrigation water for cultivation will be supplied by rainwater catchment and a groundwater well. There is a total of 770,000 gallons of rainwater catchment storage proposed at full build-out. The applicant proposes to propagate plant starts on site. Cannabis will be processed off site at a licensed processing facility. There will be 14 full-time operators. Power will be provided by Pacific Gas and Electric (PG&E). A generator is kept onsite for use during an emergency, but generators are not proposed in the final build-out of the project.

Project Location: The project is located in the McCann area, on the east side of McCann Road approximately 1,500 feet northeast from the intersection of Dyerville Loop Road and McCann Road, on the property known as 337 McCann Road.

Present Plan Land Use Designations: Residential Agriculture (RA 20-160) and Timberland (T), Humboldt County General Plan (GP), Density: 20 to 160 acres per dwelling unit, Density: 40 to 160 acres per dwelling unit, Slope Stability: Low Instability (1) and Moderate Instability (2).

Present Zoning: Agriculture Exclusive (AE), Timberland Production Zone (TPZ).

Record Numbers: PLN-12083-SP, PLN-12915-ZCC, PLN-12080-ZCC and PLN-12742-ZCC.

Assessor Parcel Number: 211-283-007

Applicant	Owner	Agent
Black Bear Farms, LLC	Innovative and Applied	NorthPoint Consulting
1024 Bayside Drive #509	Sciences, LLC Co.	Group, Inc.
Newport Beach, CA 92660	PO Box 3483	1117 Samoa Blvd
	Newport Beach, CA 92659	Arcata, CA 95521

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

Major Issue: None.

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

Black Bear Farms, LLC Special Permit and Zoning Clearance Certificates
Record Numbers: PLN-12083-SP, PLN-12915-ZCC, PLN-12080-ZCC and PLN-12742-ZCC.
Assessor's Parcel Number (APN): 211-283-007

Recommended Zoning Administrator Action

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

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

Executive Summary

Black Bear Farms, LLC is proposing to permit commercial cannabis cultivation activities in accordance with the County of Humboldt's (County) Commercial Cannabis Land Use Ordinance (CCLUO) on APN 211-283-007 in McCann, California. The property is proposing to receive eight Retirement, Remediation, and Relocation (RRR) sites for a total of 183,560 square feet (sf) of outdoor commercial cannabis cultivation ("Proposed Project"). Of the 183,560 sf, 163,560 sf is proposed to be cultivated using full-sun outdoor techniques and 20,000 sf is proposed to be cultivated using light deprivation techniques in temporary hoop houses. 10,000 sf of outdoor cultivation in temporary hoop houses currently exists onsite, which was approved through the County's Commercial Medical Marijuana Land Use Ordinance (CMMLUO). See Table 1.

Table 1. Retirement, Remediation, and Relocation (RRR) Record Numbers, Square Footage, and Description			
<i>Description and Permit Type</i>	<i>Record #</i>	<i>Square Feet</i>	<i>Cultivation Method (Proposed)</i>
RRR (ZCC)	PLN-12915-ZCC	20,000	Outdoor (light-dep in temp greenhouses)
RRR (ZCC)	PLN-12719-ZCC	20,000	Full-sun outdoor
RRR (ZCC)	PLN-12713-ZCC	20,000	Full-sun outdoor
RRR (ZCC)	PLN-12418-ZCC	20,000	Full-sun outdoor
RRR (ZCC)	PLN-12742-ZCC	20,000	Full-sun outdoor
RRR (SP)	PLN-12083-ZCC	43,560	Full-sun outdoor
RRR (ZCC)	PLN-12080-ZCC	20,000	Full-sun outdoor
RRR (ZCC)	PLN-2018-15294	20,000	Full-sun outdoor
Proposed Project Square Footage		183,560 sq. ft.	
Approved ZCC	PLN-10676-ZCC	10,000	Outdoor (light-dep in temp greenhouses)
Already-Approved (Existing) Square Footage on Site		10,000 sq. ft.	
Total Square Footage on Site (Approved and Proposed)		<u>193,560 sq. ft.</u>	

The subject parcel (APN 211-283-007) is located in McCann, California in the Cameron Creek – Eel River watershed (HUC-12 #180101050502). The middle main stem of the Eel River runs northwesterly through the parcel, and several Class II and III drainages run southwesterly to drain into the Eel River. Most of the parcel is hilly and forested with redwood and Douglas' fir trees, with slopes ranging from upwards of 35% to 15%. Cultivation is proposed to be located on an approximately 5-acre agricultural grazing field (historically known as "Thompson Field") with slopes between 5 and 15% (where existing cultivation is located). This agricultural flat is adjacent to the river in the southwest area of the property and has historically been home to decades of ranching, tilling, cattle grazing, and livestock operations. A wetland feature has been delineated in the southeast corner of this field; all cultivation-related activities will be set back at least 100 feet from this feature. Elevation on the parcel ranges from approximately 1,700 feet in the northeastern corner of the property to approximately 150 feet above sea level at the Eel River in the southwestern area of the property. The parcel contains approximately 37 acres of prime agricultural soils, of which the proposed projects are proposed to impact less than five acres (approximately 13.5%). Additionally, cultivation is proposed to be located out of the 100-year FEMA flood zone.

Existing onsite infrastructure includes a residence, 10,000 sq. ft. of existing cultivation in hoop houses, an 8' x 15' storage shed, a 36' x 20' drying facility/garage, two (2) 12' x 48' storage structures, a 60,000-gallon steel-bolted metal water storage tank, numerous smaller hard plastic storage tanks, and water diversion infrastructure.

For current operations, juvenile plants are sourced from offsite. For the full site build-out, Black Bear Farms proposes to propagate juvenile plants on site from seeds and mother plants within two 24' x 125' greenhouses. The total immature plant area is proposed to be 6,000 sq. ft., less than 5% of the proposed cultivation areas. In addition to onsite propagation of nursery plants, clones will likely also need to be purchased from offsite. Mother plants will remain in the vegetative stage solely for propagation. Cuttings will be sampled from the mother plants and rooted into a growing medium, typically oasis cubes or similar, to produce clones. The clones will then be transferred to the vegetative nursery area, and after approximately 2-3 weeks will be transplanted into one-gallon pots or similar.

Onsite propagation of nursery plants involves maintaining mother plants throughout the off-season. Maintenance of mother plants requires frequent watering and daily supplemental light. The year round maintenance of mother plants will not be authorized until and unless the McCann Bridge has been improved to allow for year round access. Currently the McCann Bridge is not accessible during times of high flows during the off season, thus limiting the ease of access to the site. In order to maintain site winterization measures (including the monitoring required by the SWRCB General Order, unplugging culverts, etc.) and ensure the continued health of the mother plants, the applicant is proposing to send two staff personnel every few days or once/week to the site utilizing the County-operated McCann Ferry. It is also possible that the owner/operator may live onsite during the off season to oversee the winterization measures. No cultivation or propagation activities will be allowed while the bridge is inaccessible.

The 163,560 sq. ft. of full-sun outdoor cultivation will be planted directly in-ground, as required by the CCLUO. The cultivation operation will utilize dry-farming techniques and supplement with the groundwater well and proposed rainwater catchment tanks as necessary. The 30,000 sf of light-deprived cultivation (including the existing approved 10,000 sf and the proposed 20,000 sf of RRR cultivation – see Table 1, above) will be planted in-ground within ten 24' x 100' hoop houses and one 24' x 50' hoop house, which will require reorganizing the current square footage of the existing 10,000 sf. The hoop houses will consist of heavy gauge steel tubing with concrete footings and will be covered with a woven poly translucent tarp. These hoop houses will be constructed so that they are temporary and could be removed, if necessary, in the future. No improved floor or foundation is proposed, thus not precluding the prime agricultural soils, and allowing the

greenhouses to be removed in the future if necessary. The greenhouses utilize light deprivation techniques to produce two flowering cycles per year, dependent on weather. The hoop house covers will be removed and stored prior to the rainy season, and the beds will be mulched and cover cropped to ensure runoff does not occur during the winter.

Plants that are ready for harvest will have their flowering branches removed and suspended in the proposed drying barn. The drying process takes approximately one week. The dried flowers will be bucked into manageable buds and transported to an off-site processing facility for trimming, packaging, and distribution.

Water for the 183,560 sf of proposed cultivation will be sourced primarily from rainwater and supplemented by the groundwater. A groundwater well exists onsite. The applicant may also pursue drilling a second groundwater well, which, if deemed hydrologically disconnected from surface waters, may be used to offset proposed storage. No diversionary water sources are proposed as irrigation sources for the proposed project.

Two springs and a shallow well are located on the subject property and are permitted to serve the already-approved 10,000 sf of cultivation, though the springs are currently only used for domestic purposes. The approved 10,000 sf also utilizes rainwater captured in an existing 60,000-gallon rainwater catchment tank. The existing 60,000-gallon rainwater catchment tank has been engineered to accommodate 280,000 gallons of storage by attaching permitted extensions. In the approval Record Number PLN-10676-ZCC, the proposed cultivation will require 128,000 gallons of storage for irrigation outside of the diversion period. Therefore, to accommodate the approved storage demand, a 130,000-gallon tank is proposed to be installed for use during future seasons (2021 and beyond). The 130,000-gallon tank will separate water stored for the approved 10,000 sf of cultivation from the proposed 183,560 sq. ft. of cultivation.

Water usage for the 183,560 sf of proposed cannabis cultivation is projected to be approximately 815,000 gallons. Variables such as weather conditions and cannabis strains will have an impact on water use. The applicant is intended to attempt dry-farming techniques at least initially while the rainwater collection and water storage is developed to full capacity. The irrigation demand for the cultivation activities is anticipated to be less than typical cultivation operations because plants are proposed to be cultivated directly in the fertile prime agricultural soils. Additionally, automated drip-emitters with moisture sensors will be installed to ensure each plant is efficiently watered and to prohibit irrigation runoff. Initially, the applicant will attempt mostly dry-farming techniques and supplement with the groundwater well and available water storage. Water from the well and the tanks will be metered, and the Planning Department reserves the right to reduce the allowable cultivation area based on available water storage. As the site is further developed for full build out, additional water storage may be required if necessary to support the proposed cultivation. However, water meters will be inspected and the applicant shall acknowledge that plants will be removed during the season if there is not sufficient water.

The applicant is proposing a Water Source, Storage, and Use Compliance Plan (See Cultivation and Operations Manual – Attachment 4). All water sources will be metered and water usage and application from each source will be tracked and reported to applicable agencies. The total proposed storage for the 183,560 sf is 640,000 gallons, which includes the existing 280,000-gallon tank and proposed 72 x 5,000-gallon tanks. As discussed in the Rainwater Catchment Analysis (See Cultivation and Operations Manual – Attachment 4), all of the proposed storage is anticipated to fill with rainwater during a typical precipitation year. Rainwater for irrigation will be supplemented by the existing groundwater well. A second groundwater well may also be drilled which, if deemed hydrologically disconnected from surface waters, may be utilized as an irrigation source and would reduce the number of required storage tanks. The exact amount of storage the

proposed well would offset would depend on the production rate. Until such a time that the applicant can obtain and fill the required water storage, the applicant is proposing to dry-farm cultivation. During the 2020 season, approximately 163,560 sf will be cultivated using dry-farming techniques supplemented by existing onsite storage and the existing groundwater well. Information about which specific permit applications will be dry farmed during 2020 is shown the Water Source, Storage, and Use Compliance Plan.

During the cultivation season, the proposed project is expected to employ up to fourteen full-time workers and approximately nine additional part-time employees for peak seasonal operations such as planting or harvesting. At any given time, there may be up to 23 people located on the project site. The proposed drying facility will include one ADA-compliant restroom, including a working flush toilet and a sink with hot and cold running water. Employees will work at a distance typically no greater than 900 feet from the restroom facility. The project is conditioned that portable toilets must be utilized until the proposed drying facility is constructed.

The subject parcel is accessed off McCann Road. McCann Road is impassible during certain times of year due to the low-water bridge, which gets covered by the heightened Eel River during the rainy season. The exact closing date of the bridge varies from year to year depending on weather conditions, but typically, the bridge becomes inaccessible anywhere from late October to December and reopens in March or April. The start of the season for this project will be dictated by the opening of McCann Road. As discussed above, fourteen full-time employees will help operate the site and an additional nine part-time workers may be required for peak seasonal events. To reduce the impact of employee traffic on the McCann Bridge and the Eel River bar, the applicant proposes that employees will carpool to and from the site each day, leaving their cars in the public parking lot located near Exit 663 off the 101 or another suitable location. Prioritizing carpooling amongst employees will help reduce the number of vehicle trips to and from the site daily from approximately 14-23 to 3-5 (with carpooling). Additionally, as described above, two of the fourteen full-time employees will work year-round to ensure the site is maintained and properly winterized. If the site is inaccessible via vehicle, they will utilize the County-maintained McCann Ferry. As the residence on the property has been historically occupied, two daily ferry trips would not be considered an addition to normal use. A Road System Assessment was prepared by NorthPoint Consulting Group, Inc. The assessment concludes that the property is accessed off McCann Road, which is County maintained and meets Category 4 Road standards. The assessment also identifies that the Site Management Plan prepared for the subject property contains details regarding stream crossings, road drainage conditions, and proposed corrective actions for the entire parcel road network. The Department of Public Works (PW) was notified of the project and responded by stating that project appears to access the property from the river bar after the low-level summer bridge and that the County maintained road after the low-level summer bridge is due east and the southerly. PW also stated that It does not make sense to have the applicant gravel the river bar and therefore no road improvements are required. Lastly, PW stated that the applicant shall not turn to the north (left) in locations that might damage the County's road access for McCann Road and that it should be noted that the Department cannot guarantee year-round access to the subject parcel.

All nutrients, pesticides and fungicides are located in the garage or shed within secondary containment during the rainy season or when not in use. Solid waste and recycling will be taken to the nearest transfer station. Bear Farms, LLC will account for and keep records of annual and seasonal volumes of soil imported and exported on and off site. Any purchased soils will be reamended for use the following year. During the wet season, any soil piles will be located in a flat area outside of riparian setbacks and winterized, likely with a tarp underneath the pile and straw wattles located around the pile to prevent leachate from entering surface waters. Potential spent soils will be properly disposed of off-site at an appropriate facility.

Black Bear Farms, LLC has enrolled with the State Water Resources Control Board (SWRCB) for coverage under the General Order. A Site Management Plan for existing site conditions has been developed by NorthPoint Consulting Group, Inc. The Site Management Plan details erosion control and sediment capture mechanisms, as well as road maintenance and runoff activities. The proposed cultivation activities will take place on an approximately five-acre historic agricultural field. As described above, the field is mostly flat, with slopes less than 15% and contains prime agricultural soils with a high drainage capacity. The full-sun outdoor cultivation is proposed to be planted in ground and is not expected to impact the drainage characteristics of site soils. The outdoor cultivation in greenhouses, which will also be planted in ground, are not expected to increase stormwater runoff because greenhouse skins will be removed prior to the rainy season. Stormwater Management for the remainder of the property, including recommendations to maintain the road network, are addressed in the Site Management Plan. Existing and proposed structures will be located over 150 feet from the Mainstem of the Eel River, providing a sufficient buffer to prevent potential sediment or nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of drip irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone. The Site Management Plan prepared for this site includes erosion and sediment control BPTCs designed to prevent, contain, and reduce sources of sediment. The Site Management Plan includes corrective actions to reduce sediment delivery from the timber roads on the property, including rocking roads, replacing culverts, installing rolling dips and water bars, and unplugging ditch relief culverts.

A Biological Assessment Report was prepared by Natural Resources Management Corp. for the proposed project. Habitat for listed or sensitive wildlife species was identified in the vicinity of the project for northern spotted owl (*Strix occidentalis caurina*), Cooper's hawk (*Accipiter cooperii*), sharpshinned hawk (*Accipiter striatus*), fisher (*Pekania pennanti*), Sonoma tree vole (*Arborimus pomosus*), Western pond turtle (*Actinemys marmorata*) and foothill yellow-legged frog (*Rana boylei*). It was determined that the project and operations will have less than significant impacts if Management Recommendations are adhered to.

No special status plant species or sensitive natural communities were found within the project area. We have determined that there will be no impacts to special status plant species or sensitive natural communities. A wetland delineation of the project area was conducted by Mad River Properties, and all resulting wetland boundaries will be buffered from development under the setbacks outlined in the California State Water Resources Control Board (SWRCB) General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (SWRCB 2017).

The Management Recommendations of the Biological Assessment are outlined below. Adherence to these recommendations is a condition of project approval.

- The project could have some impacts on nesting northern spotted owls if project construction uses heavy equipment and it occurs during the breeding season (March- August). As per the NSO protocol (2012), if heavy equipment for construction and planting will be used during the breeding season (March- August), then the project should do one year of "disturbance only" surveys to ensure no NSO are nesting within 0.25 miles of the project area. Alternatively, the project construction could not use any heavy equipment, or construction could take place outside of the breeding season.
- If construction of the infrastructure and initial planting takes place during the nesting season, preconstruction surveys western pond turtle nests will be conducted within the project footprint. If nests are found, they will be buffered and undisturbed until turtles have hatched and left the nest.

As is standard practice CDFW will be consulted to help with buffer sizing. Often CDFW takes into account specific local factors when making buffer size decisions.

- If construction and initial planting takes place during the migratory bird breeding season (Feb 15- August 31), preconstruction surveys for migratory birds should be conducted. A three-pass survey of the entire footprint of the project plus a 300-foot buffer should be done no more than 7 days prior to the start of construction/ planting.
- Strict adherence to Riparian Setback Requirements for Humboldt County and State Water Board are required to maintain quality habitat for amphibians and anadromous fish.
- Propagation (nursery) hoop houses utilizing early-season, low impact lighting will require tarps to block all potential light pollution from at least one hour prior to sunset through at least one hour past sunrise.
- No use of plastic support netting. This plastic netting is a hazard to all forms of wildlife and is not to be used. CDFW recommends using netting of natural materials such as jute or hemp, with no welded seams.
- No rodenticides shall be used.

There was a Noise Source Assessment and Mitigation Plan prepared for the proposed project (see Attachment 4). The applicant aims to meet the noise levels and mitigations set forth in this report. The proposed noise sources from the project are not expected to increase onsite ambient noise levels by greater than 3 dBs at any of the property lines. Proposed noise sources are not expected to exceed 50 dBs at any tree line or habitat line, or 60 dBs at any property line. In order to ensure that cultivation activities comply with the Performance Standards, future noise measurements will be taken at the same locations to ensure no harm is occurring to habitat and no disturbance is occurring to neighbors. Therefore, noise levels from the proposed cultivation activities are anticipated to be in compliance with the Performance Standards set in the CCLUO. Adherence to the recommendations in the Noise Source Assessment and Mitigation Plan and annual noise measurement reporting to the Planning Department are conditions of project approval.

The subject parcel is powered by Pacific Gas & Electric Company. To meet the County's Renewable Energy Performance Standard as outlined in Section 55.4.12.5 in Ordinance 2.0, the applicant will upgrade to the RE Power+ Plan through PG&E. The RE Power+ Plan supplies 100% renewable energy through the Redwood Coast Energy Authority. A generator is kept onsite for use during an emergency, but generators are not proposed in the final build-out of the project.

The property is accessed through an entry gate which locks. Cultivation facilities, including greenhouses, outdoor cultivation, storage sheds, and the drying facility, will be enclosed in the existing fence and will only be accessible through the locked gate. Access to the area is limited to employees and approved personnel including agency staff, consultants, and distributors.

Environmental review for the proposed project as initially proposed 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 this staff recommendation of permitting the existing cultivation area and allowing for a reduction to the required 600-foot setback from public lands.

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Record Number: PLN-12083-SP
Assessor's Parcel Number: 211-283-007**

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

WHEREAS, Black Bear Farms, LLC submitted an application and evidence in support of approving the Special Permit to permit 43,560 square feet of relocated outdoor cannabis cultivation to APN 211-283-007 through the Retirement, Remediation and Relocation program; and

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

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number: PLN-12083-SP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on June 4, 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 Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Zoning Administrator makes the findings in Attachment 2 of the Zoning Administrator staff report for approval of Record Number: PLN-12083-SP based on the submitted substantial evidence; and
3. Special Permit Record Number: PLN-12083-SP is approved as recommended and conditioned in Attachment 1 for Record Number: PLN-12083-SP.

Adopted after review and consideration of all the evidence on June 4, 2020.

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

John H. Ford
Zoning Administrator
Planning and Building Department

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Record Number: PLN-12915-ZCC
Assessor's Parcel Number: 211-283-007**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Black Bear Farms, LLC Zoning Clearance Certificate request.

WHEREAS, Black Bear Farms, LLC submitted an application and evidence in support of approving the Zoning Clearance Certificate to permit 20,000 square feet of relocated outdoor cannabis cultivation to APN 211-283-007 through the Retirement, Remediation and Relocation program; and

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

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zoning Clearance Certificate (Record Number: PLN-12915-ZCC); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on June 4, 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 Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Zoning Administrator makes the findings in Attachment 2 of the Zoning Administrator staff report for approval of Record Number: PLN-12915-ZCC based on the submitted substantial evidence; and
3. Zoning Clearance Certificate Record Number: PLN-12915-ZCC is approved as recommended and conditioned in Attachment 1 for Record Number: PLN-12915-ZCC.

Adopted after review and consideration of all the evidence on June 4, 2020.

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

John H. Ford
Zoning Administrator
Planning and Building Department

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Record Number: PLN-12080-ZCC
Assessor's Parcel Number: 211-283-007**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Black Bear Farms, LLC Zoning Clearance Certificate request.

WHEREAS, Black Bear Farms, LLC submitted an application and evidence in support of approving the Zoning Clearance Certificate to permit 20,000 square feet of relocated outdoor cannabis cultivation to APN 211-283-007 through the Retirement, Remediation and Relocation program; and

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

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zoning Clearance Certificate (Record Number: PLN-12080-ZCC); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on June 4, 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 Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Zoning Administrator makes the findings in Attachment 2 of the Zoning Administrator staff report for approval of Record Number: PLN-12080-ZCC based on the submitted substantial evidence; and
3. Zoning Clearance Certificate Record Number: PLN-12080-ZCC is approved as recommended and conditioned in Attachment 1 for Record Number: PLN-12080-ZCC.

Adopted after review and consideration of all the evidence on June 4, 2020.

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

John H. Ford
Zoning Administrator
Planning and Building Department

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Record Number: PLN-12742-ZCC
Assessor's Parcel Number: 211-283-007**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Black Bear Farms, LLC Zoning Clearance Certificate request.

WHEREAS, Black Bear Farms, LLC submitted an application and evidence in support of approving the Zoning Clearance Certificate to permit 20,000 square feet of relocated outdoor cannabis cultivation to APN 211-283-007 through the Retirement, Remediation and Relocation program; and

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

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zoning Clearance Certificate (Record Number: PLN-12742-ZCC); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on June 4, 2020.

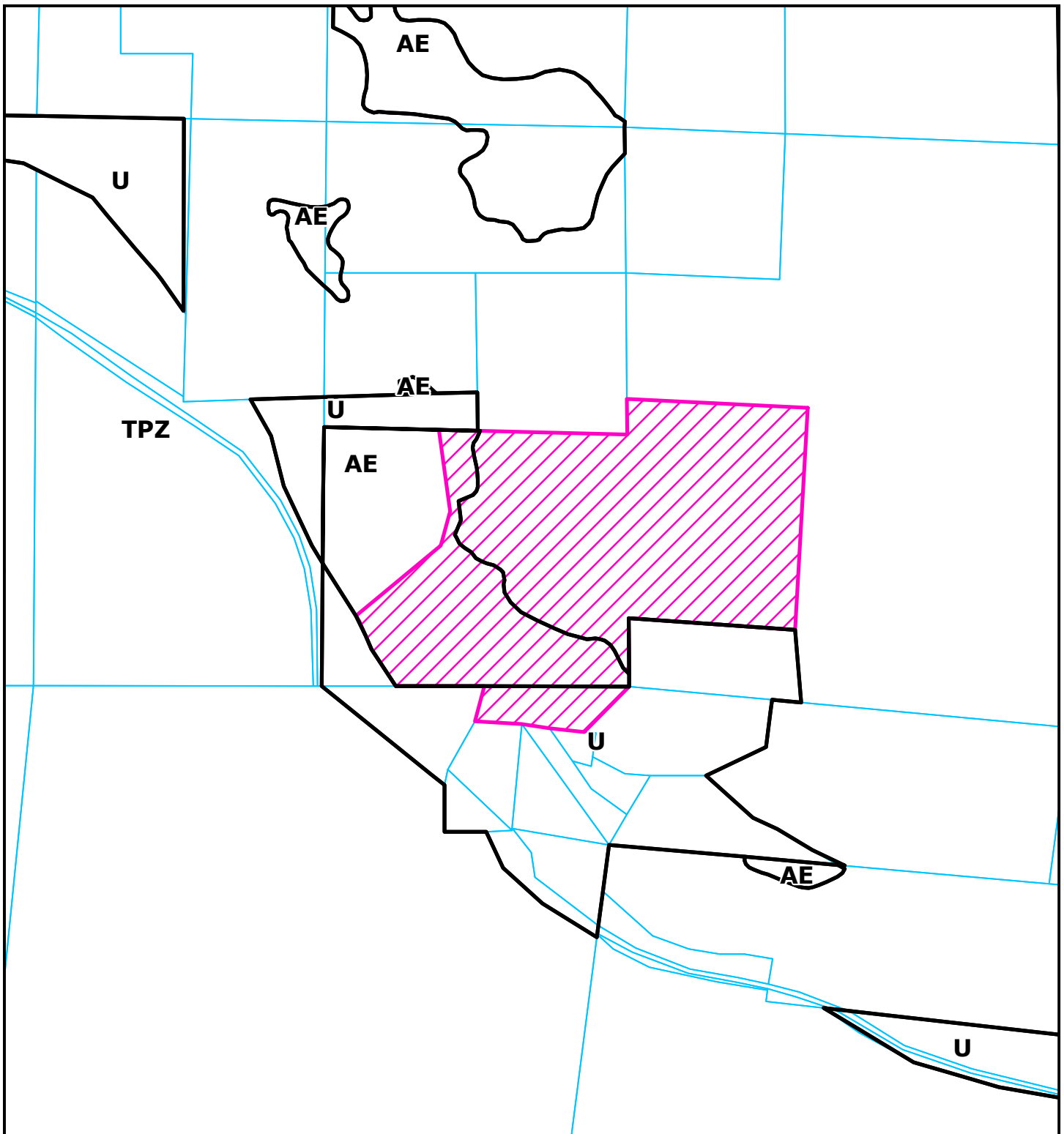
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that the following findings be and are hereby made:

1. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Zoning Administrator makes the findings in Attachment 2 of the Zoning Administrator staff report for approval of Record Number: PLN-12742-ZCC based on the submitted substantial evidence; and
3. Zoning Clearance Certificate Record Number: PLN-12742-ZCC is approved as recommended and conditioned in Attachment 1 for Record Number: PLN-12742-ZCC.

Adopted after review and consideration of all the evidence on June 4, 2020.

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

John H. Ford
Zoning Administrator
Planning and Building Department



ZONING MAP

**PROPOSED BLACK BEAR FARMS LLC
MCCANN AREA
APN: 211-283-007
T1S R3E S33,34 & T2S R3E S04 HB&M
(Myers Flat)**

Project Area = 

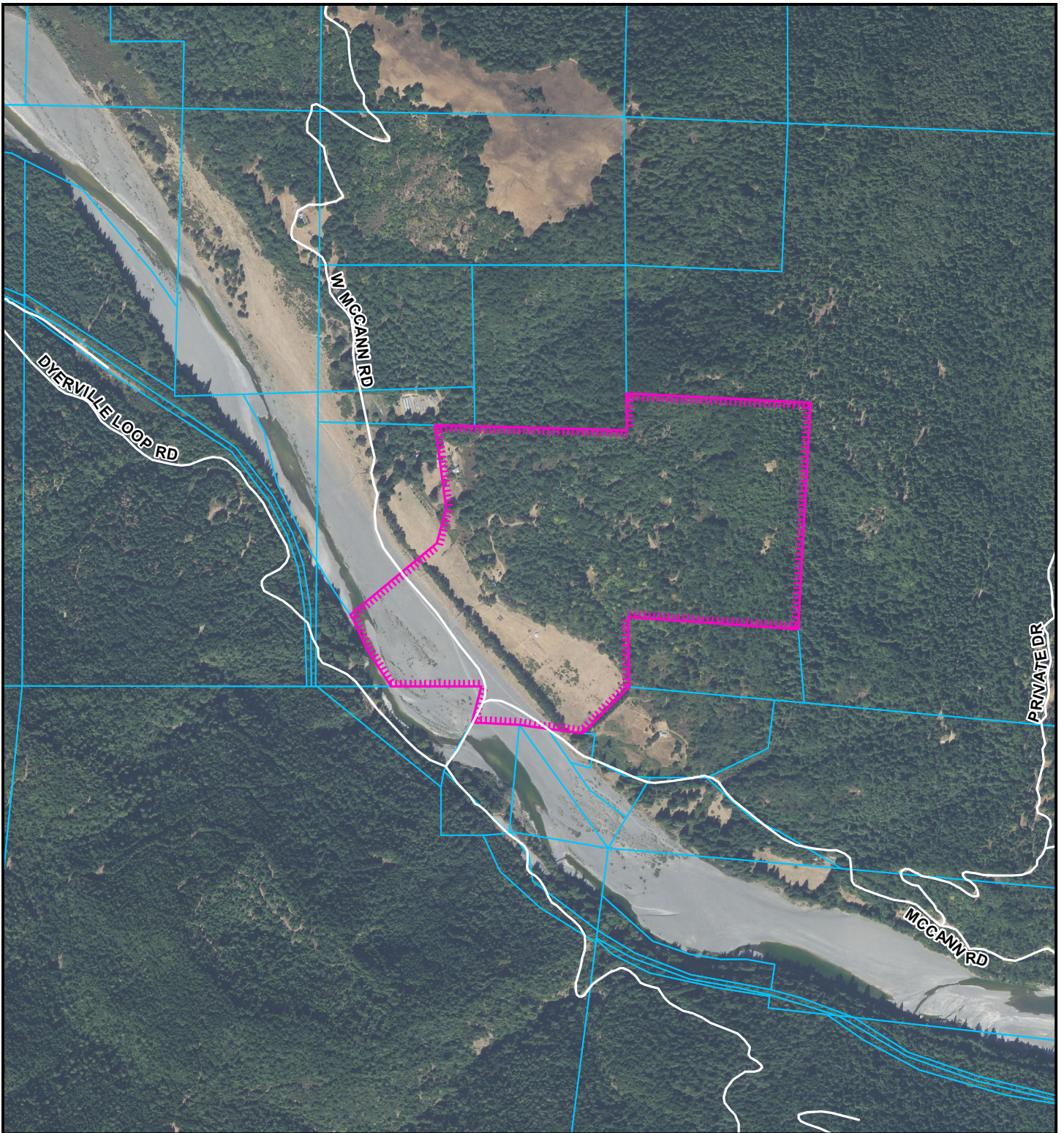
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 0.25 Miles



A horizontal scale bar with a black segment followed by a white segment, representing a distance of 0.25 miles.



AERIAL MAP

**PROPOSED BLACK BEAR FARMS LLC
MCCANN AREA**

APN: 211-283-007

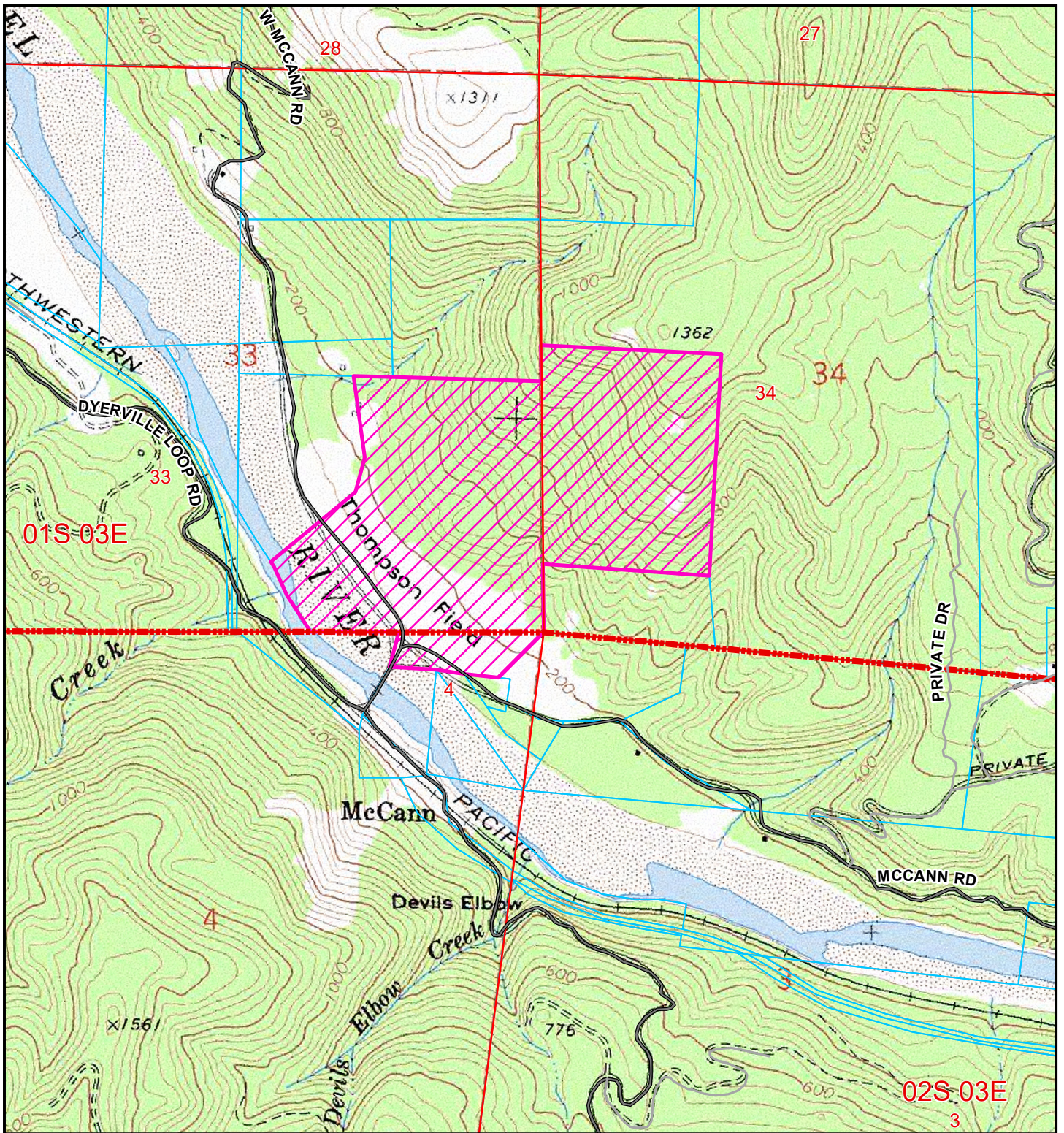
**T1S R3E S33,34 & T2S R3E S04 HB&M
(Myers Flat)**

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.



0 0.25
Miles



TOPO MAP

**PROPOSED BLACK BEAR FARMS LLC
MCCANN AREA**

APN: 211-283-007

**T1S R3E S33,34 & T2S R3E S04 HB&M
(Myers Flat)**

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.



0 0.25
Miles



- SOUTHBOUND ON US-101
(APPROX. 41.6 MILES)
- TAKE EXIT 663 FOR CA-254 TOWARD SOUTH FORK/HONEYDEW
- FOLLOW DYERVILLE LOOP RD TO W MCCAN RD/WITLOW RD
(APPROX. 7.0 MILES)
- TURN LEFT ONTO BULL CREEK FLATS RD
(APPROX. 125 FT)
- TURN RIGHT ONTO CA-254 S
- TURN LEFT AT THE 1ST CROSS STREET ONTO DYERVILLE LOOP RD
- CONTINUE ON DYERVILLE LOOP RD
(APPROX. 6.3 MILES)
- KEEP LEFT TO STAY ON DYERVILLE LOOP RD
- TURN LEFT ONTO MCCAN ROAD/WITLOW RD
- KEEP LEFT TO CONTINUE ON W MCCANN RD/WITLOW RD
- TURN LEFT ONTO UNNAMED ROAD
- CONTINUE ON UNNAMED ROAD
(APPROX. 600 FT)
- DESTINATION WILL BE ON THE RIGHT

APN: 211-283-007

BLACK BEAR FARMS, LLC IS PROPOSING TO PERMIT COMMERCIAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL CANNABIS LAND USE ORDINANCE (CCLUO), AKA "ORDINANCE 2.0" ON APN 216-081-013 IN MCCANN, CALIFORNIA. THE PROPERTY IS PROPOSING TO RECEIVE EIGHT (8) RETIREMENT, REMEDIATION, AND RELOCATION (RRR) SITES FOR A TOTAL OF 183,560 SQUARE FEET OF OUTDOOR COMMERCIAL CANNABIS CULTIVATION. OF THE 183,560 SQ. FT., 163,560 SQ. FT. IS PROPOSED TO BE CULTIVATED USING FULL-SUN OUTDOOR TECHNIQUES AND 20,000 SQ. FT. IS PROPOSED TO BE CULTIVATED USING LIGHT DEPRIVATION TECHNIQUES IN TEMPORARY HOOP HOUSES. 10,000 SQ. FT. OF OUTDOOR CULTIVATION IN TEMPORARY HOOP HOUSES CURRENTLY EXISTS ONSITE UNDER APPS #10676, WHICH WAS APPROVED THROUGH THE COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO), ORDINANCE NO. 2544, AKA "ORDINANCE 1.0".

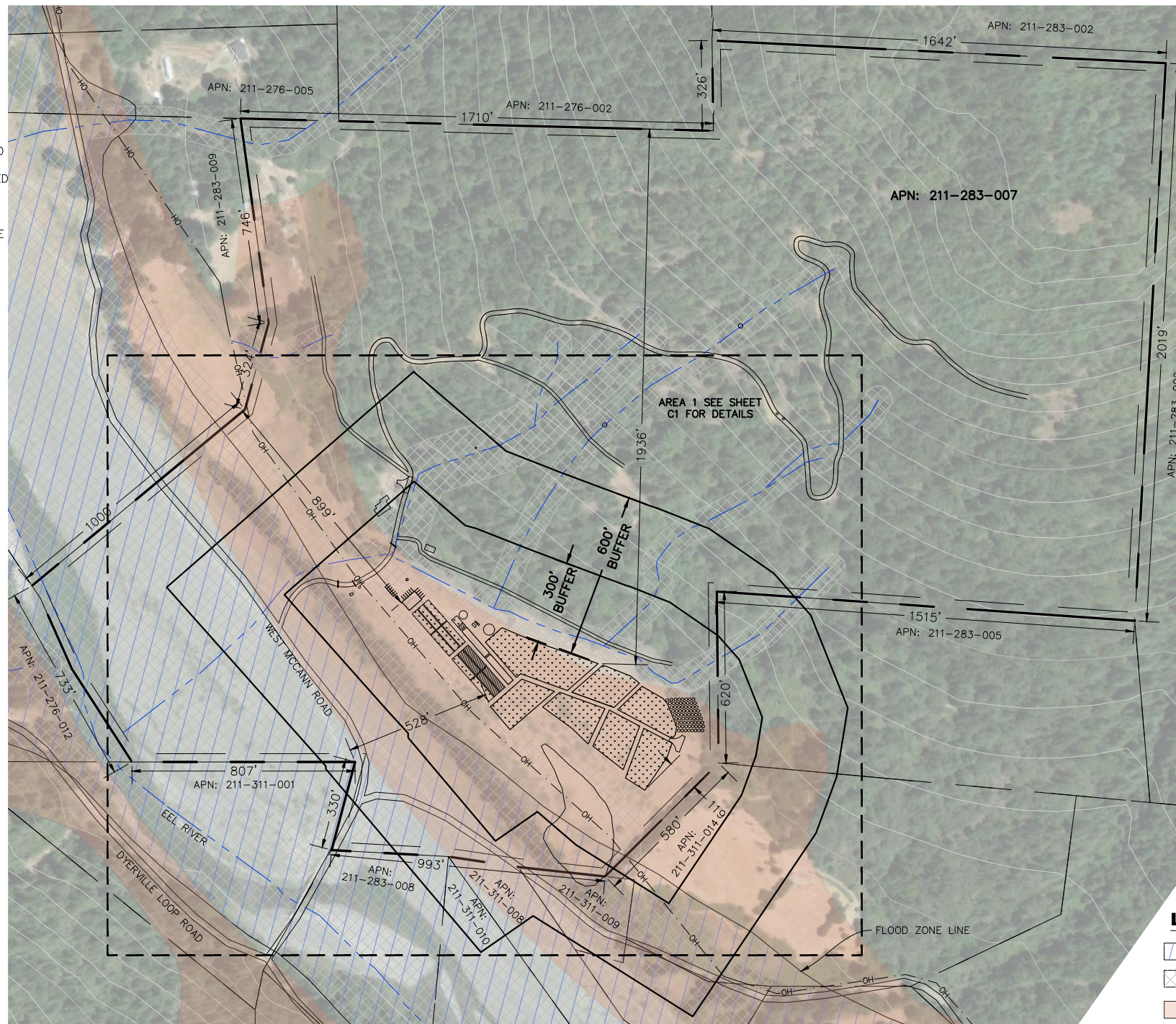
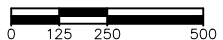
1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE EXISTING CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. ALL AREAS OUTSIDE OF THE CANNABIS ACTIVITIES ARE USED IN ACCORDANCE TO THE HUMBOLDT COUNTY LAND USE DESIGNATION.
6. NO EXISTING EASEMENTS

WATER FOR DOMESTIC USE IS PROVIDED BY TWO SPRINGS.
WATER FOR IRRIGATION USE WILL SUPPLIED FROM RAINWATER
COLLECTION AND GROUNDWATER.

THE SUBJECT PARCEL HAS BEEN ENROLLED IN THE SWRCB
GENERAL ORDER AS A TIER 1, LOW RISK DISCHARGER
REFLECTING CURRENT SITE CONDITIONS. A SITE MANAGMENT
PLAN HAS BEEN PREPARED. WDID NUMBER TBD

A STREAMBED ALTERATION AGREEMENT HAS BEEN OBTAINED FROM CDFW COVERING THE POINTS OF DIVERSION ONSITE (AGREEMENT #1600-2016-0279).

22x34 SHEET: 1"=250'
11x17 SHEET: 1"=500'



APPLICANT:
BLACK BEAR FARMS, LLC
337 W MCCANN RD
MCCANN, CA 95569

APPLICANTS AGENT:
NORTHPOINT CONSULTING GROUP, INC
1117 SAMOA BLVD.
ARCATA, CA 95521
(707) 798-6438

SITE ADDRESS:

APN: 211-283-007
337 W MCCANN RD
MCCANN, CA 95569

TREES TO BE REMOVED = NONE

PRIME AGRICULTURAL AREA = 1,652,223 SQ.FT.
20% OF PRIME AGRICULTURAL AREA = 330,445 SQ.FT.

EARTHWORK QUANTITIES = NONE

WATER	= PRIVATE
SEWER	= PRIVATE

PROPERTY SIZE = ±185 ACRES

ZONING = AE; TPZ

GENERAL PLAN DESIGNATION = RA20-160,T

BUILDING SETBACKS:

	TPZ	AE	SRA
FRONT	20'	30'	30'
SIDE	30'	20'	30'
REAR	30'	10'	30'

SRA AREA: = YES
IN COASTAL ZONE: = NO
IN 100 YR FLOOD ZONE: = YES

 FEMA 100-YEAR FLOOD ZONE
 STREAMSIDE MANAGEMENT AREA/RIPARIAN BUFFER
 PRIME AGRICULTURAL AREA
 DELINEATED WETLAND
 OVERHEAD ELECTRICAL LINE

APN: 211-283-007

[illegible]

PROJ. MGR.: LN
DRAWN BY: CJG
DATE: 05/05/20
SCALE: AS SHOWN

SHEET
C1

19-014

ATTACHMENT 1
Recommended Conditions of Approval

APPROVAL OF THE SPECIAL PERMIT AND ZONING CLEARANCE CERTIFICATES IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE REALEASE OF THE BUILDING PERMITS OR INITIATION OF OPERATION.

Section 1: Development Restrictions

1. The applicant shall secure permits for all 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 related to cannabis cultivation are permitted will satisfy this condition.
2. No cultivation or propagation activities will be allowed while the McCann Bridge is inaccessible. This includes the prohibition of maintenance of mother plants during the period while the bridge is inaccessible.
3. Water meters shall be installed at the groundwater well and at all storage tanks. The applicant shall maintain monthly records of water usage and provide these to the Department on a monthly basis.
4. Cultivation area shall be reduced as necessary *during the cultivation season* based on water demands. If the existing water storage and groundwater well are not providing the irrigation needs for plants that are already in the ground, the applicant shall remove and destroy plants as determined by the Planning Director.
5. The applicant shall contact the local fire service provider [Fruitland Ridge Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services.. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
6. The applicant shall submit a comprehensive Light Pollution Prevention Plan for the project including all measures necessary to adhere to International Dark Sky Association standards as set forth in the CCLUO, demonstrating that the proposed project would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, affecting fish and/or wildlife directly or from a distance. The plan shall include information about any outdoor lighting utilized and measures to down-shield this lighting. The plan shall be submitted to the satisfaction of the Planning Division within six months of the effective date of this permit, or prior to use of lighting, whichever occurs first.
7. 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.

8. Prior to initiating commercial cannabis cultivation or associated activities the applicant shall obtain a Business License from the Humboldt County Tax Collector.
9. 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
10. If grading is required for any future development on the site, the applicant is required to obtain a permit from the Building Inspection Division and the North Coast Air Quality Management District (NCAQMD). Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.
11. 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.

Section 2: 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 30 feet from any property line, and 600 feet from any School, School Bus Stop,

Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.6.4.4. 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 State Water Resources Control Board (SWRCB) General Order NO WQ 2019-0001-DWQ, 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.
12. The applicant must adhere to and implement the Management Recommendations detailed within the Biological Assessment Report prepared by Natural Resources Management Corp., January 2020.
13. The applicant must adhere to and implement the to the recommendations in the Noise Source Assessment and Mitigation Plan and annual noise measurement reporting to the Planning Department must be provided.
14. The applicant shall provide annual proof of participation in the RE Power+ Plan that is to supply 100% renewable energy to the project through the Redwood Coast Energy Authority.
15. 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.
16. 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.

17. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
18. 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.
19. The burning of excess plant material associated with the cultivation and processing of commercial cannabis is prohibited.
20. 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.
21. Any outdoor construction activity and use of heavy equipment outdoors shall take place between 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday and Sunday.
22. The applicant shall not turn to the north (left) on McCann Road in locations that might damage the County's road access.
23. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
25. Participate in and bear costs for permittee's participation in the State sanctioned tracking program (Metrac).

Performance Standards for Cultivation and Processing Operations

26. 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."
27. 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).
28. 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.

29. 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:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
30. 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.
31. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Cultivation Special 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.

32. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #31, 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.
33. 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.
34. 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.
 35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 55.4.6.5.7 of the CCLUO, if upon inspection for the initial application, violations and areas of non-compliance subject to a compliance agreement shall be related to land conversion, on-site grading, electricity usage, water usage, agricultural discharges, and similar matters and limited to those improvements, facilities, buildings, and sites that are used for the Commercial Cannabis Activity and shall not extend to personal residences or other structures that are not used for Commercial Cannabis Activities. Applicants shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. All violations and areas of non-compliance shall be cured or abated at the earliest feasible date, but in no event no more than two (2) years after the date of issuance of a provisional clearance or permit, unless otherwise stipulated under the terms of the individual agreement. The terms of the compliance agreement may be appealed to the Planning Commission, who shall then act as Hearing Officer.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #25 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A 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) shall be paid within 12 months of the effective date of the permit, whichever occurs first. Payment shall be made to the Humboldt County Planning Division,

3015 "H" Street, Eureka.

6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

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;
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. General Plan Consistency. The following table documents the evidence that the proposed action is in conformance with all applicable policies and standards in the Humboldt County General Plan 2017, Open Space Plan, Open Space Action Program.

Plan Section	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 (RA): Large lot residential uses that typically use on-site water and wastewater systems. Applied density reflects land capabilities or compatibility issues. Five to 20-acre density for lands with slopes less than 30% and good road access. Higher densities are applied to more remote, steep and high hazard areas or to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range is 5-160 acres/unit</p> <p>Timberland (T): Lands primarily suitable for the growing, harvesting and production of timber. Allowable uses include timber production, general agriculture, timber/agricultural products processing, natural resources uses, other uses</p> <p>Density range is 40 -160 acres/unit</p>	<p>The proposed project includes approximately 10,000 square feet of existing outdoor cannabis cultivation and proposes 183,560 square feet of outdoor cultivation to be relocated to the site through the RRR program within the portion of the parcel designated as RA. General agriculture is allowable use type for this designation.</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-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The subject parcel is accessed off McCann Road. McCann Road is impassible during certain times of year due to the low-water bridge, which gets covered by the heightened Eel River during the rainy season. The exact closing date of the bridge varies from year to year depending on weather conditions, but typically, the bridge becomes inaccessible anywhere from late October to December and reopens in March or April. The start of the season for this project will be dictated by the opening of McCann Road. As discussed above, fourteen full-time employees will help operate the site and an additional nine part-time workers may be required for peak seasonal events. To reduce the impact of employee traffic on the McCann Bridge and the Eel River bar, the applicant proposes that employees will carpool to and from the site each day, leaving their cars in the public parking lot located near Exit 663 off the 101 or another suitable location. Prioritizing carpooling amongst employees will help reduce the number of vehicle trips to and from the site daily from approximately 14-23 to 3-5 (with carpooling). Additionally, as described above, two of the fourteen full-time employees will work year-round to ensure the site is maintained and properly winterized. If the site is inaccessible via vehicle, they will utilize the County-maintained McCann Ferry. As the residence on the property has been historically occupied, two daily ferry trips would not be considered an addition to normal use. A Road System Assessment was prepared by NorthPoint Consulting Group, Inc. The assessment concludes that the property is accessed off McCann Road, which is County maintained and meets Category 4 Road standards. The assessment also identifies that the Site Management Plan prepared for the subject property contains details regarding stream crossings, road drainage conditions, and proposed corrective actions for the entire parcel road network.</p> <p>The Department of Public Works (PW) was notified of the project and responded by stating that project appears to access the property from the river bar after the low-level</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		summer bridge and that the County maintained road after the low-level summer bridge is due east and the southerly. PW also stated that It does not make sense to have the applicant gravel the river bar and therefore no road improvements are required. Lastly, PW stated that the applicant shall not turn to the north (left) in locations that might damage the County's road access for McCann Road and that it should be noted that the Department cannot guarantee year-round access to the subject parcel.
Housing Chapter 8	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. Related policies: H-P3, Development of Parcels in the Residential Land Inventory	The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
Conservation and Open Space Chapter 10 Open Space Section 10.2	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) 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.	The proposed project is located within an Open Space Action Program because the project site is zoned Agriculture Exclusive. General agriculture is a use type principally permitted in the Agriculture Exclusive zoning district. The proposed cannabis cultivation, an agricultural product, is within land 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.

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>A Biological Assessment Report was prepared by Natural Resources Management Corp. for the proposed project. Habitat for listed or sensitive wildlife species was identified in the vicinity of the project for northern spotted owl (<i>Strix occidentalis caurina</i>), Cooper's hawk (<i>Accipiter cooperii</i>), sharpshinned hawk (<i>Accipiter striatus</i>), fisher (<i>Pekania pennanti</i>), Sonoma tree vole (<i>Arborimus pomo</i>), Western pond turtle (<i>Actinemys marmorata</i>) and foothill yellow-legged frog (<i>Rana boylei</i>). It was determined that the project and operations will have less than significant impacts if Management Recommendations are adhered to.</p> <p>No special status plant species or sensitive natural communities were found within the project area. The report determined that there will be no impacts to special status plant species or sensitive natural communities. A wetland delineation of the project area was conducted by Mad River Properties, and all resulting wetland boundaries will be buffered from development under the setbacks outlined in the California State Water Resources Control Board (SWRCB) General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (SWRCB 2017).</p> <p>The Management Recommendations of the Biological Assessment are outlined below. Adherence to these recommendations is a condition of project approval.</p> <ul style="list-style-type: none"> • The project could have some impacts on nesting northern spotted owls if project construction uses heavy equipment and it occurs during the breeding season (March-August). As per the NSO protocol (2012), if heavy equipment for construction and planting will be used during the breeding season (March- August), then the project should do one year of "disturbance only" surveys to ensure no NSO are nesting within 0.25 miles of the project area. Alternatively,
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>the project construction could not use any heavy equipment, or construction could take place outside of the breeding season.</p> <ul style="list-style-type: none"> • If construction of the infrastructure and initial planting takes place during the nesting season, preconstruction surveys western pond turtle nests will be conducted within the project footprint. If nests are found, they will be buffered and undisturbed until turtles have hatched and left the nest. As is standard practice CDFW will be consulted to help with buffer sizing. Often CDFW takes into account specific local factors when making buffer size decisions. • If construction and initial planting takes place during the migratory bird breeding season (Feb 15- August 31), preconstruction surveys for migratory birds should be conducted. A three-pass survey of the entire footprint of the project plus a 300-foot buffer should be done no more than 7 days prior to the start of construction/ planting. • Strict adherence to Riparian Setback Requirements for Humboldt County and State Water Board are required to maintain quality habitat for amphibians and anadromous fish. • Propagation (nursery) hoop houses utilizing early-season, low impact lighting will require tarps to block all potential light pollution from at least one hour prior to sunset through at least one hour past sunrise. • No use of plastic support netting. This plastic netting is a hazard to all forms of wildlife and is not to be used. CDFW recommends using netting of natural materials such as jute or hemp, with no welded seams. • No rodenticides shall be used.
<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</p>	<p>The project was referred to NWIC who indicated that they have no record of a cultural resource study for the project area. The project was referred to the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. The Bear River Band requested that a cultural resources investigation be conducted. Arsenault & Associates conducted a cultural resources investigation and a subsequent</p>

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	<p>Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1, Identification and Protection; and CU-P2, Native American Tribal Consultation.</p>	<p>addendum for the proposed project. The investigation did not identify any archaeological or cultural resources within the project area and concluded that the project is therefore not anticipated to have an adverse effect on significant cultural or archaeological resources.</p> <p>The Bear River Band THPO recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project involves outdoor cultivation. The CMMLUO requires that mixed light 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). The project does not include mixed-light but would use artificial light for propagation. The project is required to follow International Dark Sky Association Standards that 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. The project site is not located near any designated scenic highway.</p>

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<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>Black Bear Farms, LLC has enrolled with the State Water Resources Control Board (SWRCB) for coverage under the General Order. A Site Management Plan for existing site conditions has been developed by NorthPoint Consulting Group, Inc. The Site Management Plan details erosion control and sediment capture mechanisms, as well as road maintenance and runoff activities. The proposed cultivation activities will take place on an approximately five-acre historic agricultural field. The field is mostly flat, with slopes less than 15% and contains prime agricultural soils with a high drainage capacity. The full-sun outdoor cultivation is proposed to be planted in ground and is not expected to impact the drainage characteristics of site soils. The outdoor cultivation in greenhouses, which will also be planted in ground, are not expected to increase stormwater runoff because greenhouse skins will be removed prior to the rainy season. Stormwater Management for the remainder of the property, including recommendations to maintain the road network, are addressed in the Site Management Plan. Existing and proposed structures will be located over 150 feet from the Mainstem of the Eel River, providing a sufficient buffer to prevent potential sediment or nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of drip irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone. The Site Management Plan prepared for this site includes erosion and sediment control BPTCs designed to prevent, contain, and reduce sources of sediment. The Site Management Plan includes corrective actions to reduce sediment delivery from the timber roads on the property, including rocking roads, replacing culverts, installing rolling dips and water bars, and unplugging ditch relief culverts.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The proposed drying facility will include one ADA-compliant restroom, including a working flush toilet and a sink with hot and cold running water. The existing single-family residence includes one restroom, which employees can access while working until the proposed drying facility is constructed. Employees will work at a distance typically no greater than 900 feet from the restroom facility.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; and N-P4, Protection from Excessive Noise.</p>	<p>There was a Noise Source Assessment and Mitigation Plan prepared for the proposed project (see Attachment 4). The applicant aims to meet the noise levels and mitigations set forth in this report. The proposed noise sources from the project are not expected to increase onsite ambient noise levels by greater than 3 dBs at any of the property lines. Proposed noise sources are not expected to exceed 50 dBs at any tree line or habitat line, or 60 dBs at any property line. In order to ensure that cultivation activities comply with the Performance Standards, future noise measurements will be taken at the same locations to ensure no harm is occurring to habitat and no disturbance is occurring to neighbors. Therefore, noise levels from the proposed cultivation activities are anticipated to be in compliance with the Performance Standards set in the CCLUO. Adherence to the recommendations in the Noise Source Assessment and Mitigation Plan and annual noise measurement reporting to the Planning Department are conditions of project approval.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability; and S-P7, Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The site is seismically classified as low and moderate instability. The cultivation area is located on slopes of less than 15%. The project also does not 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-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The project site is outside any mapped flood hazard areas but within a mapped dam inundation area. The proposed project does not propose any new residential or civic uses and will not result in any hazardous industrial uses within the existing inundation area. The project site is approximately 21 miles northeast of the coast, and approximately 190 feet above mean sea level, thus, is outside the areas subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area designated with moderate to high fire hazard severity. The project site is located outside the Fruitland Ridge Fire Protection District, and within the State Fire Responsibility Area (SRA) where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CALFIRE did not comment on the recommended compliance with the requirements of the County's Fire Safe, Resource Management, and Cannabis Regulations. Nonetheless, the applicant will comply with these requirements. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. Conditions of approval for the project require the applicant to designate water storage for fire prevention and demonstrate that the driveway and emergency vehicle turn arounds conform with Humboldt County Code Section 3112-12, the Fire Safe Regulations.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The project is located outside the Fruitland Ridge Fire Protection District boundary per the 2016 County Fire Plan per the 2016 County Fire Plan. To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Fruitland Ridge Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	<p>If grading is required for any future development on the site, the applicant will be required to obtain a permit from the Building Inspection Division and the North Coast Air Quality Management District (NCAQMD) as a condition of project approval. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

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 Required 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 where the activity is to be located is a legal lot created in compliance with all applicable state and local subdivision requirements. The subject parcel, Parcel 1, was created by Parcel Map #1149 recorded in Book 10 of Parcel Maps Page 54 on September 16th, 1977.
§314-7.1 Agricultural Exclusive (AE) §314-7.4 Timber Production (TPZ)	<p>Agricultural Exclusive (AE): Intended to be applied in fertile areas in which agriculture is and should be the desirable predominate use and in which protection of this use from encroachment from incompatible uses is essential for the general welfare.</p> <p>Timber Production (TPZ): Intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.</p>	The proposed project is located in the AE portion of the subject parcel and the project proposal will not be analyzed for TPZ. All general agricultural uses are enumerated as a principally permitted use in the AE zoning district. The project is for the cultivation of commercial cannabis employing outdoor production. Commercial cannabis cultivation is recognized under State law as an agricultural product. Although State law specifies it is agricultural use and general agricultural uses are principally permitted in AE, pursuant to Humboldt County Code Section 314-55.4.3.7, the commercial cultivation of cannabis is a regulated specialty crop and the cultivation of that specialty crop is not a principal permitted use under the General Agriculture use type classification in the Humboldt County Zoning Regulations. The applicant has applied for the requisite permit. Based on the referenced principally permitted use and the above, a finding of consistency with the AE zoning district can be made for the project.
Minimum Lot Area:	20 acres	182 acres
Minimum Lot Width:	100 feet	3,340 feet
Max. Lot	35 %	< 35 %

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
Coverage:		
Min. Yard Setbacks	Front: 30 feet Rear: 20 feet Side: Ten percent (10%) of the lot width on each side but not more than twenty feet (20') shall be required.	Front: > 30 feet Rear: > 20 feet Sides: > 20 feet
Farm Buildings	Farm outbuildings shall not be less than twenty feet (20') from any dwelling on the premises.	> 20 feet
SRA requirements:	30 feet	> 30 feet
Max. Building Height:	None specified	N/A
§314-61.1 Streamside Management Area (SMA)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p>	All existing and proposed cultivation activities will be set back at least 150 feet from the Eel River (Class I), 100 feet from the Class II stream, and at least 50 feet from any Class III drainages on site. All proposed cultivation will also be set back at least 100 feet from the onsite delineated wetland. These setbacks should provide a suitable buffer between the cultivation operation and habitat. Adherence to the Site Management Plan will ensure that erosion control and sediment capture BPTC measures are in place to prohibit water quality degradation of the nearby river.
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	14 parking spaces.
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Commercial Cannabis Inland Land Use Regulation (CCLUO)		

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§314-55.4.5.4 Permit Limits and Permit Counting	No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).	According to records maintained by the Planning Department, Black Bear Farms, LLC has one existing permit for 10,000 square feet and is receiving 183,560 square feet of RRR entitlements, for a total of 193,560 square feet (4.44 acres) of cultivation and is entitled to eight acres.
§314-55.4.6.0 Conversion of Timberland	Cultivation sites may only be located within an Non-Forested area that was in existence prior to January 1, 2016.	A review of aerial imagery on the Humboldt County WebGIS shows the parcel has a naturally open area where domestic and agricultural 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 are proposed to be removed as part of the project.
§314-55.4.6.4.4 Standard Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.	The applicant's site plan shows that the cultivation area conforms exceeds 30 feet from any property line, 300 feet from any residence on an adjacent parcel and 270 feet from any undeveloped adjacent parcel. The applicant's site plan also shows that the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. The Cultural Resources Study performed by Arsenault and Associates indicates that there are not any nearby Tribal Cultural Resources or Tribal Ceremonial Sites.
§314-55.4.11 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.12 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities.	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.

<p>§314-55.4.12.1.8 Performance Standards–</p> <p>Road Systems</p>	<p>Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.</p>	<p>The subject parcel is accessed off McCann Road. McCann Road is impassible during certain times of year due to the low-water bridge, which gets covered by the heightened Eel River during the rainy season. The exact closing date of the bridge varies from year to year depending on weather conditions, but typically, the bridge becomes inaccessible anywhere from late October to December and reopens in March or April. The start and end of the season for this project will be dictated by the opening of McCann Road. No cultivation activities shall be allowed while the bridge is inaccessible. As discussed above, fourteen full-time employees will help operate the site and an additional nine part-time workers may be required for peak seasonal events. To reduce the impact of employee traffic on the McCann Bridge and the Eel River bar, the applicant proposes that employees will carpool to and from the site each day, leaving their cars in the public parking lot located near Exit 663 off the 101 or another suitable location. Prioritizing carpooling amongst employees will help reduce the number of vehicle trips to and from the site daily from approximately 14-23 to 3-5 (with carpooling). Additionally, as described above, two of the fourteen full-time employees will work year-round as necessary to ensure the site is maintained and properly winterized. If the site is inaccessible via vehicle, they will utilize the County-maintained McCann Ferry. As the residence on the property has been historically occupied, two daily ferry trips would not be considered an addition to normal use. A Road System Assessment was prepared by NorthPoint Consulting Group, Inc. The assessment concludes that the property is accessed off McCann Road, which is County maintained and meets Category 4 Road standards. The assessment also identifies that the Site Management Plan prepared for the subject property contains details regarding stream crossings, road drainage conditions, and</p>
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Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
		<p>proposed corrective actions for the entire parcel road network.</p> <p>The Department of Public Works (PW) was notified of the project and responded by stating that project appears to access the property from the river bar after the low-level summer bridge and that the County maintained road after the low-level summer bridge is due east and the southerly. PW also stated that It does not make sense to have the applicant gravel the river bar and therefore no road improvements are required. Lastly, PW stated that the applicant shall not turn to the north (left) in locations that might damage the County's road access for McCann Road and that it should be noted that the Department cannot guarantee year-round access to the subject parcel.</p>

<p>§314-55.4.12.1.10 Performance Standards–</p> <p>Biological Resource Protection</p>	<p>Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1i, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.</p>	<p>A Biological Assessment Report was prepared by Natural Resources Management Corp. for the proposed project. Habitat for listed or sensitive wildlife species was identified in the vicinity of the project for northern spotted owl (<i>Strix occidentalis caurina</i>), Cooper's hawk (<i>Accipiter cooperii</i>), sharpshinned hawk (<i>Accipiter striatus</i>), fisher (<i>Pekania pennanti</i>), Sonoma tree vole (<i>Arborimus pomo</i>), Western pond turtle (<i>Actinemys marmorata</i>) and foothill yellow-legged frog (<i>Rana boylei</i>). It was determined that the project and operations will have less than significant impacts if Management Recommendations are adhered to.</p> <p>No special status plant species or sensitive natural communities were found within the project area. We have determined that there will be no impacts to special status plant species or sensitive natural communities. A wetland delineation of the project area was conducted by Mad River Properties, and all resulting wetland boundaries will be buffered from development under the setbacks outlined in the California State Water Resources Control Board (SWRCB) General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (SWRCB 2017).</p> <p>The Management Recommendations of the Biological Assessment are outlined below. Adherence to these recommendations is a condition of project approval.</p> <ul style="list-style-type: none"> • The project could have some impacts on nesting northern spotted owls if project construction uses heavy equipment and it occurs during the breeding season (March- August). As per the NSO protocol (2012), if heavy equipment for construction and planting will be used during the breeding season (March- August), then the project should
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Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
		<p>do one year of "disturbance only" surveys to ensure no NSO are nesting within 0.25 miles of the project area. Alternatively, the project construction could not use any heavy equipment, or construction could take place outside of the breeding season.</p> <ul style="list-style-type: none"> • If construction of the infrastructure and initial planting takes place during the nesting season, preconstruction surveys western pond turtle nests will be conducted within the project footprint. If nests are found, they will be buffered and undisturbed until turtles have hatched and left the nest. As is standard practice CDFW will be consulted to help with buffer sizing. Often CDFW takes into account specific local factors when making buffer size decisions. • If construction and initial planting takes place during the migratory bird breeding season (Feb 15- August 31), preconstruction surveys for migratory birds should be conducted. A three-pass survey of the entire footprint of the project plus a 300-foot buffer should be done no more than 7 days prior to the start of construction/ planting. • Strict adherence to Riparian Setback Requirements for Humboldt County and State Water Board are required to maintain quality habitat for amphibians and anadromous fish. • Propagation (nursery) hoop houses utilizing early-season, low impact lighting will require tarps to block all potential light pollution from at least one hour prior to sunset through at least one hour past sunrise. • No use of plastic support netting. This plastic netting is a hazard to all forms of wildlife and is not to be used. CDFW recommends using netting of natural materials such as jute or hemp, with no welded seams. • No rodenticides shall be used.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
<p>§314-55.4.12.2 Performance Standards–</p> <p>Commercial Cannabis Cultivation</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities.</p>	<p>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>
<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 directly focusing on any surrounding uses.</p>	<p>The proposed project is for 20,000 square feet of new outdoor light-derivation cannabis cultivation and 163,560 square feet of new outdoor full-sun cannabis cultivation. The applicant proposes to propagate juvenile plants on site from seeds and mother plants within two 24' x 125' greenhouses. The total immature plant area is proposed to be 6,000 square feet. In addition to onsite propagation of nursery plants, clones will likely also need to be purchased from offsite. Mother plants will remain in the vegetative stage solely for propagation. Parcels surrounding the subject parcel are zoned TPZ or U, which are considered Resource Production areas. The project does not include mixed-light but would use artificial light for propagation. The project is required to follow International Dark Sky Association Standards that 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. Conditions of approval also require that the Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.</p>

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
<p>§314-55.4.12.5 Performance Standards–</p> <p>Energy Use</p>	<p>All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards:</p> <ul style="list-style-type: none"> • 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>	<p>The subject parcel is powered by Pacific Gas & Electric Company. To meet the County's Renewable Energy Performance Standard as outlined in Section 55.4.12.5 in the CCLUO, the applicant will upgrade to the RE Power+ Plan through PG&E. The RE Power+ Plan supplies 100% renewable energy through the Redwood Coast Energy Authority. A generator is kept onsite for use during an emergency, but generators are not proposed in the final build-out of the project.</p>
<p>§314-55.4.12.6 Performance Standards–</p> <p>Noise</p>	<p>Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.</p>	<p>There was a Noise Source Assessment and Mitigation Plan prepared for the proposed project (see Attachment 4). The applicant aims to meet the noise levels and mitigations set forth in this report. The proposed noise sources from the project are not expected to increase onsite ambient noise levels by greater than 3 dBS at any of the property lines. Proposed noise sources are not expected to exceed 50 dBS at any tree line or habitat line, or 60 dBS at any property line. In order to ensure that cultivation activities comply with the Performance Standards, future noise measurements will be taken at the same locations to ensure no harm is occurring to habitat and no disturbance is occurring to neighbors. Therefore, noise levels from the proposed cultivation activities are anticipated to be in compliance with the Performance Standards set in the CCLUO. Adherence to the recommendations in the Noise Source Assessment and Mitigation Plan and annual noise measurement reporting to the Planning Department are conditions of project approval.</p>

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§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. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.	Water for the 183,560 sf of proposed cultivation will be sourced primarily from rainwater and supplemented by the groundwater. A groundwater well exists onsite. The applicant may also pursue drilling a second groundwater well, which, if deemed hydrologically disconnected from surface waters, may be used to offset proposed storage. No diversionary water sources are proposed as irrigation sources for the proposed project.
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 is proposing to plant all cultivation in the prime agricultural soils located onsite. Native soils will be the majority of soils used to cultivate cannabis, although some additional soil or amendments may need to be integrated into the growing medium to ensure cultivation. The applicant will account for and keep records of annual and seasonal volumes of soil imported and exported on and off site. Any purchased soils will be reamended for use the following year. During the wet season, any soil piles will be located in a flat area outside of riparian setbacks and winterized, likely with a tarp underneath the pile and straw wattles located around the pile to prevent leachate from entering surface waters. Potential spent soils will be properly disposed of off-site at an appropriate facility.
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.	Reconfiguration is not proposed.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
314-55.4.12.13 Performance Standards – Remediation Activities	All remediation activities shall be conducted in accordance with the requirements for Mitigation and Monitoring Plans described within 314-61.1 of the Humboldt County Code, including the standards for documentation, reporting, and adaptive management.	Reconfiguration is not required or proposed.
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.	Once proposed cultivation activities commence, the cultivation area will be monitored for invasive species. If invasive species are located, mechanical will be implemented. Hand tools, such as shovels, weed wrenches, trowels, or hand saws, may be used to remove invasive species. The exact rate and method of invasive species will be determined by the species identified, which may include Scotch broom (<i>Cytisus scoparius</i>) and yellow starthistle (<i>Centaurea solstitialis</i>). The areas of disturbance shall be surveyed and maintained bi-annually, at a minimum, as part of the invasive species control plan.

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

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

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The parcel was not included in the 2014 Housing Inventory.

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

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is for the approval of new cultivation, ancillary propagation, a proposed 2,400 sf drying building and 770,000 gallons of rainwater catchment tanks. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3
CEQA Addendum

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

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

APN 211-283-007, 337 McCann Road McCann, CA County of Humboldt

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

May 2020

Background

Modified Project Description and Project History –

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

The modified project involves a Special Permit and seven Zoning Clearance Certificates for a total of 183,560 square feet (sf) of outdoor commercial cannabis cultivation to be relocated to the site through the Retirement, Remediation and Relocation (RRR) program. There is 10,000 sf of existing permitted outdoor cannabis cultivation on site. Irrigation water for cultivation is supplied by rainwater catchment and a groundwater well. There is a total of 770,000 gallons of rainwater catchment storage proposed at full build-out. The applicant proposes to propagate plant starts on site. Cannabis will be processed off site at a licensed processing facility. There will be 14 full-time operators. Power will be provided by Pacific Gas and Electric (PG&E). A generator is kept onsite for use during an emergency, but generators are not proposed in the final build-out of the project.

The project site contains riparian habitat associated with the Eel River, a Class II stream, Several Class III streams and a wetland; however, all related proposed project elements are outside of the required setbacks. A biological report has been prepared which documents that there will be no impacts to sensitive biological resources from the project with adherence to the Management Recommendations within the report. The site has been analyzed for cultural resources and determined to not have sensitive cultural or archaeological resources that could be impacted from the project.

The project will also comply with provision of the CCLUO intended to eliminate impacts to sensitive species from noise and from light. Additionally, the project includes relocation to an environmentally superior location and habitat restoration, both of which are consistent with the original project and the EIR's mitigation measures. Compliance with these and other measures of the CCLUO ensure consistency with the EIR.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead

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

1. Substantial changes are proposed in the project which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effect previously examined will be substantially more severe than shown in the Final EIR; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

A review of Appendix G impacts:

Aesthetics: The project is for full sun outdoor cannabis cultivation in an existing agricultural field, along with approximately 20,000 sf to be cultivated in temporary hoop houses. The project will not significantly impact scenic vistas or public views as the vast majority will be full sun outdoor cultivation. The site is close to the Eel River, however McCann Road is located in between the river and the site and there is a row of vegetation along the road frontage that will block most public viewed of the cultivation site. The project is consistent with the agricultural visual character of the area. The project will not create a source of light or glare. No impact.

Agriculture and Forestry Resources: The project will utilize agricultural land for agricultural purposes. The prime agricultural is utilized for cannabis cultivation. No impact.

Air Quality and Greenhouse Gas Emissions: Minimal construction activities are associated with the project. All construction activities are associated with the development of the small propagation greenhouses 2,400 square foot drying building, 20,000 square feet of temporary hoop houses and rainwater catchment tanks all of which will require minimal grading for placement. The project will not expose sensitive receptors to pollutants or create objectionable odors affecting a substantial number of people. The project would not result in significant sources of greenhouse gas emissions. The site uses Pacific Gas and Electric grid electricity and is required to show the purchase of 100% renewable power. Less than significant impact.

Biological Resources: The project is in the McCann area adjacent to the Eel River. The land to the north, east and south is private timberland. Most of the site is forested and hilly. The middle main stem of the Eel River runs northwesterly through the site and there are several class II and III drainages that run southwesterly and drain into the Eel River. The proposed project will occur in fields that have been in active agricultural operation. A Biological Survey Report was prepared for the site by Natural Resources Management Corporation in January 2020. The biologist evaluated the site for the presence of sensitive plant and wildlife species. No sensitive plant species were located in the project area. Habitat for listed or sensitive wildlife species was identified in the vicinity of the project for northern spotted owl (*Strix occidentalis caurina*), Cooper's hawk (*Accipiter cooperii*), sharpshinned hawk (*Accipiter striatus*), fisher (*Pekania pennanti*), Sonoma tree vole (*Arborimus pomo*), Western pond turtle (*Actinemys marmorata*) and foothill yellow-legged frog (*Rana boylei*). It was determined that the project and operations will have less than significant impacts if Management Recommendations are adhered to. The findings and conclusions of the Biological Report are consistent with the findings and conclusions of the EIR for the CCLUO. Less than significant impact.

Cultural Resources: A Cultural Resource Survey was completed for the project area by Archaeological Research and Supply Company in January 2018. No archaeological or historic resources were identified. No impact.

Energy: The project is for outdoor cannabis cultivation with on-site drying and off-site processing until such time as category 4 road access to the site is provided year round. As an ongoing operational condition, the project is required annually to furnish proof of the purchase of 100% renewable electricity through a program such as the Redwood Coast Energy Authority RePower+ program. Less than significant impact.

Geology and Soils: No new structures are proposed that would expose people to risk of life from earthquakes. The project occurs on flat land that has historically been used for agriculture. No significant grading will occur, and topsoil is preserved through the use of annual rotation and cover cropping.

Hazards and Hazardous Materials: The project will store fertilizers, herbicides and fuel for use in farm equipment existing storage structures. All hazardous materials are stored in a locked area with secondary containment in accordance with applicable regulations. The project does not expose the public to hazards. The project is in a rural area rated as a high fire risk area, however no significant wood framed structures will be constructed as part of this project. The project would not impair emergency response or create a significant risk from wildfire. While the project site is accessible year round, it is only accessible from a category 4 road during the low flow season of the Eel River. All cultivation and processing operations will occur only during the period where the bridge and category 4 road access is in place. Less than significant impact.

Hydrology and Water Quality: The project is for a total of 183,560 square feet of cannabis cultivation in an agricultural field. The project will not degrade any water sources or contribute to sedimentation. All but 20,000 square feet and two smaller propagation facilities will be planted in the ground utilizing full sun cultivation methods. The project will be phased to utilize dry-farming methods until such time as sufficient rainwater capacity is developed.

Land Use and Planning: The project proposes an agricultural activity on a parcel zoned for Agriculture. No impact.

Mineral Resources: No impact.

Noise: The project is located in actively managed agricultural land. The area has been in agricultural production for more than 10 years. Noise sources from the operation will include typical farm equipment such as tractors. The construction and dismantling of temporary hoop houses would create minimal noise. The applicant is proposing to dry on-site in an existing shed/garage structure while a new 2,400 square foot drying building is developed. Drying would involve the use of dehumidifiers. The temporary noise impacts from these activities would not create a substantial increase in noise levels. The operation will be planting directly in the ground without the use of fans. There is no reason to believe the noise source will be increased substantially onsite.

Population and Housing: The project is for outdoor cannabis cultivation. No housing is proposed.

Public Services: The project is for 183,560 square feet of cannabis cultivation on a site where agriculture is the historical dominant use. The project will not increase the need for fire or law enforcement services.

Recreation: No impact.

Transportation: Fourteen full time workers and up to 9 seasonal workers will be on-site. The parcel is accessed from McCann Road, which is a category 4 road but which is impassible during periods of the year where the McCann Bridge is closed. Typically the bridge becomes inaccessible between late October and March or April. The start and end of the season will align with the bridge closure to ensure that sufficient access is provided to the cultivation site. A Road Evaluation Report was prepared by NorthPoint Consulting Group which concluded that the access was sufficient for the commercial traffic. Less than significant impact.

Tribal Cultural Resources: No cultural resources were identified on the site according to a Cultural Resource Investigation completed by Arsenault & Associates in May 2020. The project will adhere to the Inadvertent Discovery Protocol. Less than significant impact.

Utilities and Service Systems: Solid waste is taken to the Eel River Transfer Station in an amount the service station is capable of handling. The project will provide portable toilets and handwashing stations for cultivation staff while permanent ADA accessible facilities are developed. Water for propagation and cultivation is sourced from an onsite groundwater well and proposed rainwater catchment tanks. And will be phased to rely primarily on dry-farming until rainwater catchment is developed. Less than significant impact.

Wildfire: The project will not interfere with any evacuation plan. There will be no significant new structures that will increase the risk of wildfire other than the 2,400 square foot drying shed which will comply with all building and fire codes. Less than significant impact.

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize the project to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Biological Assessment Report prepared by Natural Resources Management Corp., January 2020.

- Cultural Resources Investigation Report and subsequent addendum prepared by Arsenault & Associates March 2017 and May 2020.
- Site Management Plan prepared by NorthPoint Consulting Group, Inc., August 2019.
- Noise Source Assessment and Mitigation Plan prepared by NorthPoint Consulting Group, Inc., November 2019.
- Wetland and Watercourse Delineation Report prepared by Mad River Properties, Inc., June 2019.
- Road System Assessment prepared by NorthPoint Consulting Group, Inc., 2019.
- Site Operations Plan for Black Bear Farms, LLC.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

Project impact analysis of conformance to the Final Environmental Impact Report Mitigation Monitoring and Reporting Program

Mitigation Measure 3.3-4: Prohibit burning of cannabis and other vegetative material.

- Condition of project approval.

Mitigation Measure 3.4-1a: Pre-approval biological reconnaissance surveys.

- Biological Assessment Report prepared by Natural Resources Management Corp. January 2020, included in attachment 4. Adherence to and implementations of the Management Recommendations detailed in the Report is a condition of project approval.

Mitigation Measure 3.4-1b: Special-status amphibian preconstruction surveys.

- Habitat for foothill yellow-legged frog was identified in the vicinity of the project, however according to the site plan for the proposed project, no construction is proposed within riparian areas. Furthermore, the Management Recommendations detailed in the Biological Assessment Report call for strict adherence to Riparian Setback Requirements for Humboldt County and State Water Board and the requirement to maintain quality habitat for amphibians.

Mitigation Measure 3.4-1c: Western pond turtle preconstruction surveys and relocation.

- The western pond turtle occurs within the Eel River, using adjacent upland habitats for reproduction. Due to the historic agricultural use of project area flat and the current impact by cows, it is assumed turtles avoid this area for nesting. However, if construction on the flat occurs during nesting season (typically April to June), per Management

Recommendations detailed in the Biological Assessment Report, preconstruction surveys for western pond turtle nests will be conducted within the project footprint. If nests are found, they will be buffered and undisturbed until turtles have hatched and left the nest. As is standard practice CDFW will be consulted to help with buffer sizing.

Mitigation Measure 3.4-1d: Nesting raptor preconstruction survey and establishment of protective buffers.

- Habitat for Cooper's hawk and sharp shinned hawk was identified in the vicinity of the project, however the Biological Assessment Report determined that there would be no impact and offered the following comment. Both species may use project area flat for foraging, but suitable woodland habitat for nesting is greater than 500 feet away. Other nesting habitat is located in riparian habitat associated with watercourses to north at parcel boundary approximately 1,400 feet, to the south approximately 2,500 feet; and potentially to the west across the Eel River in McCann Creek approximately 1,500 away.

Mitigation Measure 3.4-1e: Northern spotted owl preconstruction habitat suitability surveys and determination of presence or absence.

- Habitat for northern spotted owl was identified in the vicinity of the project. No tree removal is proposed as part of the project. In addition, the project is conditioned to limit noise generated from the project to 50db at 100' or at the nearest tree line, whichever is closer. Also, the Management Recommendations detailed in the Biological Assessment Report require that if project construction uses heavy equipment and it occurs during the breeding season (March-b August). If heavy equipment for construction and planting will be used during the breeding season (March- August), then the project should do one year of "disturbance only" surveys to ensure no NSO are nesting within 0.25 miles of the project area. Alternatively, the project construction could not use any heavy equipment, or construction could take place outside of the breeding season. Lastly, propagation hoop houses utilizing early-season, low impact lighting will require tarps to block all potential light pollution from at least one hour prior to sunset through at least one hour past sunrise.

Mitigation Measure 3.4-1f: Special-status nesting bird surveys and establishment of protective buffers.

- No presence or habitat was identified in the vicinity of the proposed project per the Biological Assessment Report.

Mitigation Measure 3.4-1g: Marbled murrelet preconstruction habitat suitability surveys and establishment of protective buffers.

- No presence or habitat was identified in the vicinity of the proposed project per the Biological Assessment Report. The closest optimal habitat exists downstream (west) of the parcel in the vicinity of Humboldt Redwoods SP, approximately 5 miles away.

Mitigation Measure 3.4-1h: Generator noise reduction.

- Pacific Gas and Electric supplies power the site. There is one generator on site for emergency use only that is not proposed to be used as part of the project.

Mitigation Measure 3.4-1i: American badger preconstruction survey and establishment of protective buffers.

- No presence or habitat was identified in the vicinity of the proposed project per the Biological Assessment Report.

Mitigation Measure 3.4-1j: Fisher and Humboldt marten preconstruction survey and preservation of active den sites.

- Habitat for fisher was identified in the vicinity of the project. No tree removal is proposed as part of the project. The Biological Assessment Report determined that the project would

have a less than significant impact stating that the project area is in proximity to potential, but less than optimal, upland foraging habitat and that denning habitat is likely in vicinity of NSO Activity Centers, the nearest approximately 1-mile northwest. Light and noise impacts from this project are non-existent to minimal and will not impact possible denning habitat.

Mitigation Measure 3.4-1k: Preconstruction bat survey and exclusion

- No presence or habitat was identified in the vicinity of the proposed project per the Biological Assessment Report.

Mitigation Measure 3.4-1l: Preconstruction vole survey and relocation.

- Habitat for Sonoma tree vole was identified in the vicinity of the project. The Biological Assessment Report determined that the project would have no impact stating that the project site's greater than 500 feet from dense Douglas fir habitat (preferred food) and the nearest CNDDDB record's from Humboldt Redwoods SP. Light and noise impacts from this project are non-existent to minimal and will not impact possible habitat.

Mitigation Measure 3.4-3a: Special-status plants.

- No special status plant species or sensitive natural communities were found within the project area. It has been determined that there will be no impacts to special status plant species or sensitive natural communities.

Mitigation Measure 3.4-3b: Invasive plant species.

- The Operations Manual (Attachment 4) for the project includes an Invasive Species Control Plan that satisfies the requirements of this mitigation measure.

Mitigation Measure 3.4-4: Sensitive natural communities, riparian habitat, and wetland vegetation.

- No special sensitive natural communities were found within the project area. There was a Wetland and Watercourse Delineation Report prepared by Mad River Properties, Inc. for the project area. The subject parcel includes one wetland, one Class I watercourse, one Class II watercourse, and multiple Class III watercourses. The site plan developed for project exhibits appropriate buffers for the wetland and all the watercourses. There is no development proposed within the streamside buffers or wetland buffers and no impacts to sensitive natural communities, riparian habitat or wetland vegetation are anticipated.

Mitigation Measure 3.4-5: Waters of the United States.

- There was a Wetland and Watercourse Delineation Report prepared by Mad River Properties, Inc. for the project area. The site plan developed for project exhibits appropriate buffers for the wetland and all the watercourses. There is no development proposed within the wetland buffers and no impacts to wetlands are anticipated.

Mitigation Measure 3.4-6a: Implement Mitigation Measure 3.4-5: Waters of the United States.

- See Mitigation Measure 3.4-5 above.

Mitigation 3.4-6b: Retention of fisher and Humboldt marten habitat features.

- See Mitigation Measure 3.4-1j above.

Mitigation Measure 3.5-1: Protection of historic resources.

- The existing residence on the property is assumed to have been constructed in 1942, per phone discussion with the Humboldt County Assessor, April 28, 2020. This is the only structure on the property that is assumed to be over 45-years of age. As there is no proposal to remove or modify the residence, no impact is anticipated.

Mitigation Measure 3.5-2: Avoid potential effects on unique archaeological resources.

- Arsenault & Associates conducted a cultural resources investigation and a subsequent addendum for the project site. The investigation did not identify any archaeological or cultural resources within the project area and concluded that the project is therefore not anticipated to have an adverse effect on significant cultural or archaeological resources. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural and archaeological resources.

Mitigation Measure 3.6-5 Protection of discovered paleontological resources.

- See Mitigation Measure 3.5-2 above.

Mitigation Measure 3.7-2a: Prepare Environmental Site Assessments.

- Project does not propose development of commercial cannabis facilities on existing commercial, business park, or industrial sites.

Mitigation Measure 3.7-2b: Prepare a Hazardous Materials Contingency Plan for Construction Activities.

- See Mitigation Measure 3.7-2a above.

Mitigation Measure 3.8-2: Minimum Size of Commercial Cultivation Activities.

The subject parcel exceeds the minimum parcel size for the proposed project at full buildout per Section 55.4.6.5.9(d) of the CCLUO.

Mitigation Measure 3.8-3: Annual groundwater monitoring and adaptive management.

- The subject parcel exceeds 10 acres in size and is not subject to the requirements of Section 55.4.12.9 of the CCLUO regarding well drawdown testing.

Mitigation Measure 3.8-4: Provision of drainage facilities to attenuate increases in drainage flows.

- A Site Management Plan was prepared by NorthPoint Consulting Group, Inc., August 2019 for the proposed project. The Site Management Plan details erosion control and sediment capture mechanisms, as well as road maintenance and runoff activities. The proposed cultivation activities will take place on an approximately five-acre historic agricultural field. The field is mostly flat, with slopes less than 15% and contains prime agricultural soils with a high drainage capacity. The full-sun outdoor cultivation is proposed to be planted in ground and is not expected to impact the drainage characteristics of site soils. The outdoor cultivation in greenhouses, which will also be planted in ground, are not expected to increase stormwater runoff because greenhouse skins will be removed prior to the rainy season. Stormwater Management for the remainder of the property, including recommendations to maintain the road network, are addressed in the Site Management Plan. Existing and proposed structures will be located over 150 feet from the Mainstem of the Eel River, providing a sufficient buffer to prevent potential sediment or nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of drip irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone. The Site Management Plan prepared for this site includes erosion and sediment control BPTCs designed to prevent, contain, and reduce sources of sediment. The Site Management Plan includes corrective actions to reduce sediment delivery from the timber roads on the property, including rocking roads, replacing culverts, installing rolling dips and water bars, and unplugging ditch relief culverts. Maintaining enrollment with the State Water Resources Control Board (SWRCB) General Order NO WQ 2019-0001-DWQ is a condition of project approval.

Mitigation Measure 3.8-5: Implement water diversion restrictions and monitoring and reporting requirements.

- No water diversion will be utilized for the proposed project. Water will be supplied by rainwater catchment and supplemented by a groundwater well.

Mitigation Measure 3.10-1: Implement construction-noise reduction measures.

- Condition of project approval.

Mitigation Measure 3.12-2: Proper design of highway access points.

- Project is accessed off a County Road.

Mitigation Measure 3.13-1a: Prepare a treatment program for all new indoor cultivation and non-cultivation activities.

- The proposed project is not for new commercial indoor cultivation or a non-cultivation cannabis operation.

Mitigation Measure 3.13-1b: Verification of adequate wastewater service and necessary improvements for public wastewater systems.

- The property is not serviced by a public wastewater system.

Mitigation Measure 3.13-2: Verification of adequate water supply and service for municipal water service.

- The property is not serviced by a municipal water service.

Based upon this review, the following findings are supported:

FINDINGS

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

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached Separate - See Attachment 4.A)
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. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the State Water Board demonstrating enrollment in Tier 1, 2 or 3, of the State Water Resources Control Board (SWRCB) General Order NO WQ 2019-0001-DWQ, 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. (On file)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not Applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not Applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Biological Assessment Report prepared by Natural Resources Management Corp., January 2020. (On -file and attached separate - see Attachment 4.B)
16. Site Management Plan prepared by NorthPoint Consulting Group, Inc., August 2019. (On -file and attached separate - see Attachment 4.C)
17. Noise Source Assessment and Mitigation Plan prepared by NorthPoint Consulting Group, Inc., November 2019. (Attached)
18. Wetland and Watercourse Delineation Report prepared by Mad River Properties, Inc., June 2019. (On -file and attached separate - see Attachment 4.D)
19. Road System Assessment prepared by NorthPoint Consulting Group, Inc., 2019. (Attached)



Black Bear Farms, LLC

Noise Source Assessment and Mitigation Plan

APN: 211-283-007

Humboldt County, CA

November 2019

Noise Source Assessment and Mitigation Plan

The purpose of this Noise Source Assessment and Mitigation Plan is to evaluate the potential impacts on noise levels from the proposed project, by the investigation of onsite ambient noise levels. The ‘ambient noise level’ is defined as the noise level measured in the field prior to any activities associated with the proposed project. The ambient noise levels include all-natural occurring sounds and may also include outside noise disturbance from human activities. Outside noise disturbance from human activities include, but are not limited to, operation of cars/trucks, dogs barking, noise from adjacent neighboring residence, etc.

1. Project Overview and Site Description

Black Bear Farms, LLC is proposing to permit commercial cannabis cultivation activities in accordance with the County of Humboldt’s (County) *Commercial Cannabis Land Use Ordinance* (CCLUO), aka “Ordinance 2.0” on APN 211-283-007 in McCann, California. The property is proposing to receive eight (8) Retirement, Remediation, and Relocation (RRR) sites for a total of 183,560 square feet of outdoor commercial cannabis cultivation. Of the 183,560 sq. ft., 163,560 sq. ft. is proposed to be cultivated using full-sun outdoor techniques and 20,000 sq. ft. is proposed to be cultivated using light deprivation techniques in temporary hoop houses. 10,000 sq. ft. of outdoor cultivation in temporary hoop houses currently exists onsite under Zoning Clearance Certificate Apps #10676, which was approved through the County’s *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO), Ordinance No. 2544, aka “Ordinance 1.0”.

The subject parcel (APN 211-283-007) is located in McCann, California in the Cameron Creek – Eel River watershed (HUC-12 #180101050502). The middle main stem of the Eel River runs northwesterly through the parcel, and several Class II and III drainages run southwesterly to drain into the Eel River. Most of the parcel is hilly and forested with redwood and Douglas’ fir trees, with slopes ranging from upwards of 35% to 15%. Elevation on the parcel ranges from approximately 1,700 feet in the northeastern corner of the property to approximately 150 feet above sea level at the Eel River in the southwestern area of the property. Existing onsite infrastructure includes a residence, 10,000 sq. ft. of existing cultivation in hoop houses, an 8’ x 15’ storage shed, a 36’ x 20’ drying facility/garage, two (2) 12’ x 48’ storage structures, a 60,000-gallon water tank, numerous smaller hard plastic storage tanks, and water diversion infrastructure. The property is powered by Pacific Gas & Electric (PG&E). There is a generator on site for use in emergency situations only.

There are a few neighboring residences surrounding the project site. The closest neighboring residence is located approximately 500 feet from the project’s easternmost property line, and 530 feet away from proposed cultivation activities. The surrounding neighboring residences are shown on the attached site map.

2. Analysis of Existing Average Noise Levels

This section summarizes the data collection procedures that were taken in order to analyze the existing ambient noise levels within the project site. The *existing ambient noise level* is defined as the baseline of sound pressure experienced in an area prior to the proposed cannabis cultivation activities.

A total of four (4) monitoring locations were identified throughout the site that could potentially be impacted by noise from the proposed activities. The monitoring locations were chosen based on

proximity to habitat and adjacency to property lines. Table 1 below describes the monitoring locations in more detail, and the locations can be seen on the site map attached in Appendix A.

Table 1: Monitoring Location Details

Location	Lat., Long.	Description & Notes	Impact Potential
#1	40.3296°, -123.8372°	Norther edge of proposed cultivation activities.	Riparian habitat and treeline
#2	40.3289°, -123.8345°	North-Eastern edge of proposed cultivation activities.	Riparian habitat and treeline
#3	40.3274°, -123.8340°	Eastern edge of property line.	Neighboring residences
#4	40.3303°, -123.8398°	Western edge of property line.	Neighboring residences and Eel River

The sound pressure level was measured in decibels using a type 2 digital sound meter which utilizes an A-weighted filter network (dBA). The digital sound meter was mounded to a tripod, allowing it to be positioned approximately 4 feet above the ground to minimize ground noise and maximizing unobstructed sound readings. Measurements were taken on a warm, calm day with a slight intermittent breeze (November 12, 2019).

Measurement readings of approximately 15 minutes were taken at monitoring locations #1 - #4. During the measurements the noise level were observed, and notes were taken whenever the noise level increased from outside activity. Outside activity includes but is not limited to a dog barking, a car driving by, or noise from any outside human activity. During the measurements, extreme care was taken to minimize noise disturbance from the operator. Recordings of noise levels began once all rustling from the operator was not interfering the meter.

After the measurements were taken, a log was created detailing what outside activity was associated with the increased noise level. The data was then analyzed to determine the existing average noise levels. The results from this analysis are presented in Table 2. The table displays the monitoring location, the measurement time duration, the average decibel reading throughout the measurement, the maximum decibel reading, and the outside noise associated with the maximum decibel reading.

Table 2: Onsite ambient noise analysis results

Location	Measurement Duration (min.)	Average Decibel Reading (dBA)	Max Noise Level Measured (dBA)	Max Noise Level Association Description
#1	15	34.3	52.6	Timber activity from across the Eel River.
#2	15	32.9	49.8	A combination of timber activities from across the Eel River and a truck driving down the river bar.
#3	15	35.1	47.0	A combination of timber activities from across the Eel River and a truck driving down Dyerville Loop Rd.
#4	15	29.4	39.1	Truck driving down Dyerville Loop Rd.

*notes were not taken during noise measurements at location #1

In general, the existing ambient noise levels range from approximately 30 dBA to 50 dBA. Cars driving by on the adjacent driveways and passing cars were determined to be the loudest outside noise source.

3. Proposed Project Activities and Associated Noise Sources

The project is proposing a total of 183,560 square feet of outdoor commercial cannabis cultivation and 6,000 ft² of nursey space. Of the 183,560 ft², 163,560 ft² is proposed to be cultivated using full-sun outdoor techniques and 20,000 ft² is proposed to be cultivated using light deprivation techniques in temporary hoop houses. The site currently has 10,000 ft² of approved outdoor cultivation. The outdoor cultivation is located in temporary hoop houses.

The 163,560 ft² of full-sun outdoor cultivation will be planted directly into the native soil and will not have associated noise sources.

The remaining 20,000 ft² of outdoor cultivation will be located in temporary hoop house structures and cultivated utilizing light-deprivation techniques. Each of the hoop house structures will be equipped with four (4) ventilation fans to allow for proper air flow. The proposed ventilation fans are 28" in diameter and are manufactured by Snap-Fan. The fans have five blades and are constructed of polypropylene and aluminum. The location of each proposed fan can be seen on the site on Sheet A. The manufactures specification sheets of the proposed fans are attached to this memo in Appendix B. The fans will be powered by an AC circuit and will be equipped with variable speed controllers to allow for adjustment of fan speed. The fan speed is directly related to the noise of the fan. All ventilation fans will have direct electric power supplied by PG&E. PG&E over-head electrical lines are available on site and are shown on the site map. Generators are not proposed in the final build-out of this project.

The ventilation fans are predicted to be the primary source of increased noise levels from the proposed project. Other potential noise sources associated with the project include construction, vehicle traffic, employee conversation, and communication between employees.

4. Anticipated Noise Levels

The following section describes how the anticipated noise levels from proposed project activities were determined. The fan's operating noise levels were used to estimate the anticipated noise levels at each of the (4) locations. Noise data was obtained from the suppliers, Snap-Fan. Using the Inverse Square law, the noise level from the proposed fans was calculated based on the distance between the monitoring locations and the locations of each proposed ventilation fan. The calculated noise levels from the proposed fans were then added to the average noise levels measured in the field.

The location of each proposed ventilation fan and their distance to the closest relative measuring location can be seen on the site map. The anticipated noise levels were calculated using the decibel reading from the fans operating at full speed. The anticipated noise levels are presented in Table 3 below. Full calculations of Anticipated Noise levels, along with the noise data that was obtained by Snap-Fan are provided in Appendix C.

Table 3: Anticipated noise levels from proposed project activities.

Location	Closest Proposed Ventilation Fan to Location (ft.)	Anticipated Noise Level at Location	Max Noise Level Measured (dBA)
#1	50.0	35.9	52.6

#2	460.0	32.9	49.8
#3	720.0	35.1	47.0
#4	825.0	29.4	39.1

5. Proposed Noise Attenuation Measures

Each of the ventilation fans will be equipped with a variable speed controller, allowing for precise adjustment of the fan speed. Measuring of noise levels will continue on a regular basis following the proposed activities. If the noise levels are measured to be higher than the anticipated levels, the fans will be adjusted, reducing the noise output from the fan and reducing the noise impact at the subject monitoring location. Additional existing attenuation measures for onsite noise include the topography of the site and the distance from the proposed project area to the property lines and nearest sensitive receptors.

Other potential noise sources are not expected to significantly increase onsite noise levels. Noise from construction activities will be temporary and will only occur during daylight hours. Black Bear Farms, LLC has proposed a carpooling plan to reduce the number of daily vehicle trips to and from the site and cars will not be left to idle.

6. Conclusion

Black Bear Farms, LLC aims to meet the noise levels and mitigations set forth in this report. The proposed noise sources from the project are not expected to increase onsite ambient noise levels by greater than 3 dBs at any of the property lines. Proposed noise sources are not expected to exceed 50 dBs at any treeline or habitat line or 60 dBs at any property line. In order to ensure that cultivation activities comply with the Performance Standards, future noise measurements will be taken at the same locations to ensure no harm is occurring to habitat and no disturbance is occurring to neighbors. Therefore, noise levels from the proposed cultivation activities are anticipated to be in compliance with the Performance Standards set in Ordinance 2.0.

Appendix A: Site Map

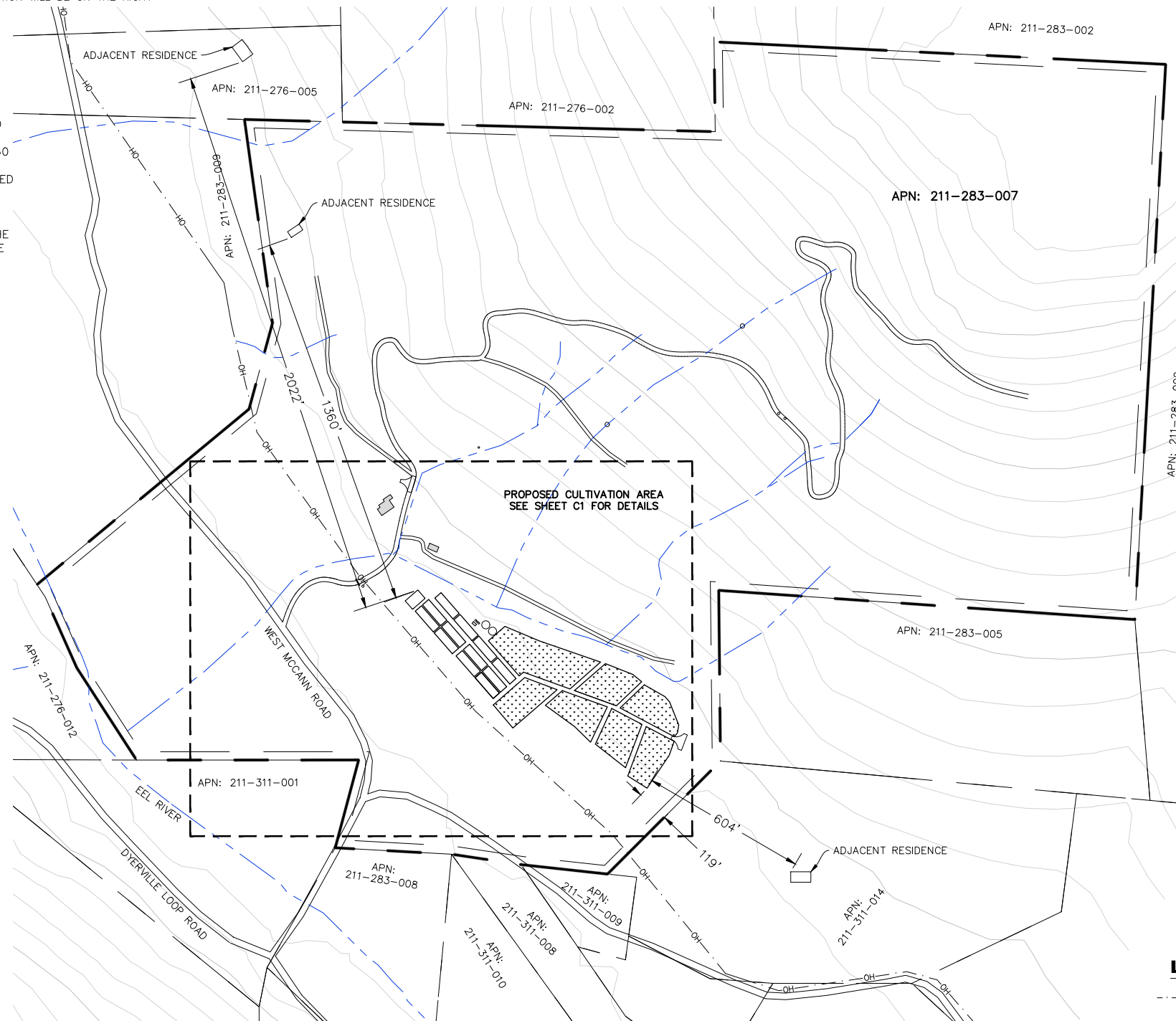


- SOUTHBOUND ON US-101
- (APPROX. 41.6 MILES)
- TAKE EXIT 663 FOR CA-254 TOWARD SOUTH FORK/HONEYDEW
- FOLLOW DYERVILLE LOOP RD TO W MCCANN RD/WITLOW RD
- (APPROX. 7.0 MILES)
- TURN LEFT ONTO BULL CREEK FLATS RD
- (APPROX. 125 FT)
- TURN RIGHT ONTO CA-254 S
- TURN LEFT AT THE 1ST CROSS STREET ONTO DYERVILLE LOOP RD
- CONTINUE ON DYERVILLE LOOP RD
- (APPROX. 6.3 MILES)
- KEEP LEFT TO STAY ON DYERVILLE LOOP RD
- TURN LEFT ONTO MCCANN ROAD/WITLOW RD
- KEEP LEFT TO CONTINUE ON W MCCANN RD/WITLOW RD
- TURN LEFT ONTO UNNAMED ROAD
- CONTINUE ON UNNAMED ROAD
- (APPROX. 600 FT)
- DESTINATION WILL BE ON THE RIGHT

APN: 211-283-007

BLACK BEAR FARMS, LLC IS PROPOSING TO PERMIT COMMERCIAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL CANNABIS LAND USE ORDINANCE (CCLUO), AKA "ORDINANCE 2.0" ON APN 216-081-013 IN MCCANN, CALIFORNIA. THE PROPERTY IS PROPOSING TO RECEIVE EIGHT (8) RETIREMENT, REMEDIATION, AND RELOCATION (RRR) SITES FOR A TOTAL OF 183,560 SQUARE FEET OF OUTDOOR COMMERCIAL CANNABIS CULTIVATION. OF THE 183,560 SQ. FT., 163,560 SQ. FT. IS PROPOSED TO BE CULTIVATED USING FULL-SUN OUTDOOR TECHNIQUES AND 20,000 SQ. FT. IS PROPOSED TO BE CULTIVATED USING LIGHT DEPRIVATION TECHNIQUES IN TEMPORARY HOOP HOUSES. 10,000 SQ. FT. OF OUTDOOR CULTIVATION IN TEMPORARY HOOP HOUSES CURRENTLY EXISTS ONSITE UNDER APPS #10676, WHICH WAS APPROVED THROUGH THE COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMLLUO), ORDINANCE NO. 2544, AKA "ORDINANCE 1.0".

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE EXISTING CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. ALL AREAS OUTSIDE OF THE CANNABIS ACTIVITIES ARE USED IN ACCORDANCE TO THE HUMBOLDT COUNTY LAND USE DESIGNATION.
6. NO EXISTING EASEMENTS



SRA AREA: = YES
IN COASTAL ZONE: = NO
IN 100 YR FLOOD ZONE: = YES

— · —OH— · — OVERHEAD ELECTRICAL LINE

[illegible]

NORTHPOINT
CONSULTING GROUP, INC.
1117 Samoa Blvd., Arcata, CA 95521

BLACK BEAR FARMS, LLC
337 W MCCANN RD. MCCANN, CA 95569
NOISE ASSESSMENT AND MITIGATION PLAN

PROJ. MGR.: LN
DRAWN BY: DDR
DATE: 11/15/19
SCALE: AS SHOWN

SHEET
C0

19-014

Appendix B: Fan Specifications

HIGH EFFICIENCY

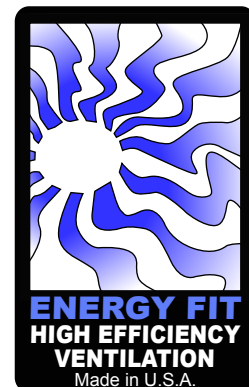
AC POWERED VENTURI FANS



SNAP-FAN®

WWW.SNAP-FAN.COM

ENERGY FIT 6024 CFM 28" AC EC BRUSHLESS FAN



- 30-70% more efficient than competing fans.
- High efficiency industrial grade Brushless Servo Motor. 120 VAC and 208/230 VAC.
- Motor made in USA. Water resistant, O-ring seals, IP54.
- Includes liquid tight conduit 5ft lead wires.
- Programmable motor can be set to run at a discrete speed from 350-1800 RPM and/or 0-10v controlled variable speed.
- Soft start, thermal roll back and locked rotor protection are standard features.
- Custom configuration options to fit your application.
- Patented low vibration aerodynamic motor mounting system reduces noise and improves efficiency.
- Glass reinforced polypropylene airfoil blade offers high efficiency and durability.
- Rugged corrosion resistant frame molded to maximize airflow.
- All parts serviceable and/or replaceable.
- Warranty of 2 years against parts and labor.

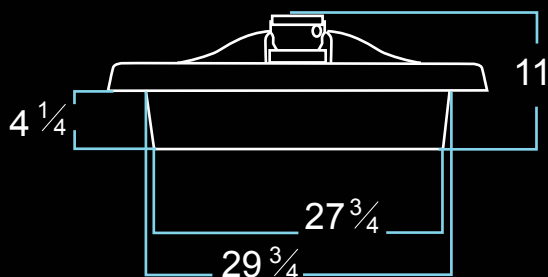
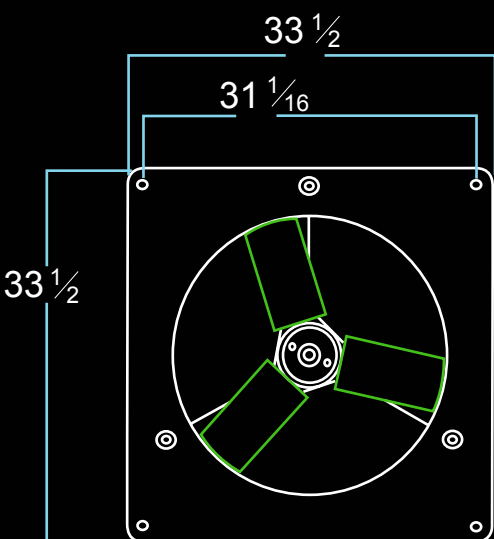


SNAP-FAN 12" / 16" / 20" / 24" / 28"

EFFICIENCY IN VENTILATION



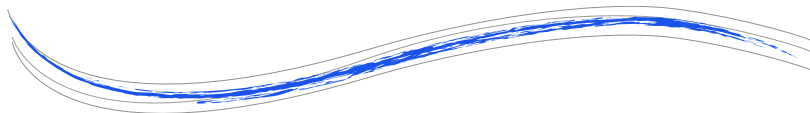
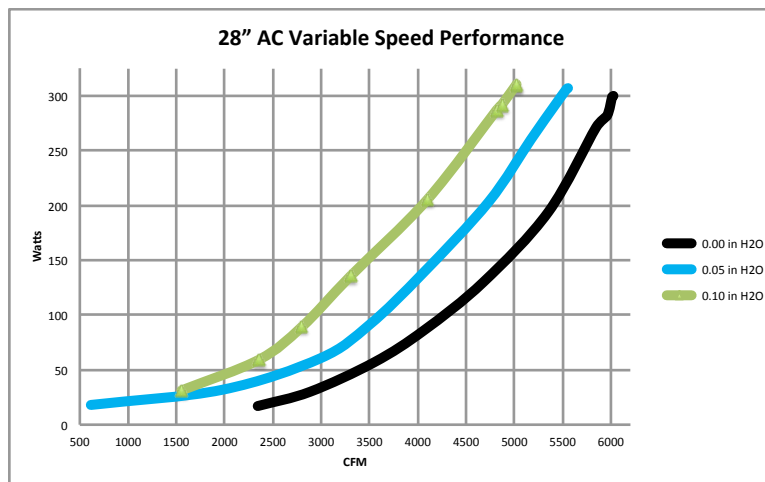
28" AC EC BRUSHLESS FAN



ELECTRICAL EQUIPMENT. CHECK WITH LOCAL BUILDING CODES AND YOUR LICENSED CONTRACTOR BEFORE INSTALLING.

HAND ASSEMBLED IN U.S.A.
BY SOLAR NATIONAL AIR PROPULSION, LLC
PATENTED DESIGN

	STATIC PRESSURE (IN H ₂ O)	AIRFLOW (CFM)	RPM	AMPS	WATTS	CFM/WATT
Factory Default	0.00	6024	940	4.04	300	20.08
	0.05	5554	931	4.14	307	18.07
	0.10	5026	928	4.18	311	16.18



AC EC Brushless Motor Features

- Patented design
- Uses 40% - 60% less energy than PSC motors
- Cooler operating temperatures
- Longer motor life
- Reduced warranty returns
- Locked rotor, overload, and thermal roll back protection
- Integrated control with sealed construction
- Durable ball bearing construction for long commercial life
- UL & CSA recognized
- Designed and assembled in the USA

Appendix C:

Calculations

The increase or decrease of sound pressure can be expressed with the Inverse Square Law¹. The Inverse Square Law expresses the physical principal of which sound pressure levels decrease by 6 decibels each time the distance from the noise source is doubled.

Inverse Square Law:

$$\begin{aligned} dL &= L_{p2} - L_{p1} \\ &= 10\log \left(\frac{R_2}{R_1} \right)^2 \\ &= 20\log \left(\frac{R_2}{R_1} \right) \end{aligned}$$

Where:

dL = difference in sound pressure level (dBA)

L_{p1} = sound pressure level at location 1 (dBA)

L_{p2} = sound pressure level at location 2 (dBA)

R_1 = distance from source to location 1 (ft,m)

R_2 = distance from source to location 2 (ft,m)

Using this formula, the noise levels from the fans (L_{p2}) can be calculated at each location. First, the difference in sound pressure (dL) is calculated using data obtained from the manufacture. The manufacture provided noise data from in-house bench testing. Table 1 below contains the parameters that were obtained from Snap-Fan.

Table 4: Snap-Fan Noise data from the manufacture.

Fan Type	Fan Speed (%)	Fan Speed (RPM)	Distance From Fan (R_1) (m)	Measured Sound Pressure (L_{p1})(dBA)
Snap-Fan - 28" AC Variable Speed	100%	940	6	39

¹ Technical Noise Supplement to the Traffic Noise Analysis Protocol September 2013 – CalTrans Engineering ToolBox, (2005). Inverse Square Law. Available at: https://www.engineeringtoolbox.com/inverse-square-law-d_890.html

The anticipated noise level can then be determined by adding the noise levels from the fans (L_{p2}) to the average noise levels measured at each location (L_{AVG}).

The equation describing the addition of two noise levels is as follows:

$$ANL = 10\log(10^{L_{AVG}/10} + 10^{L_{p2}/10})$$

Where:

ANL = Anticipated Noise Level (dBA)

L_{AVG} = Average Sound Pressure Level Measure at Location (dBA)

L_{p2} = Calculated Sound Pressure Level from Proposed Fans (dBA)

Table 5: Parameters used for calculations and Results of Anticipated Noise Levels.

Location	Average Decibel Reading at Location L_{AVG} (dBA)	Closest Proposed Fan to Location (R_2) (ft)	R_2 (m)	Calculated Difference in Sound Pressure (dL) (dBA)	Anticipated Noise Level from Fan (L_{p2}) (dBA)	Anticipated Noise Levels ($L_{AVG} + L_{p2}$) (dBA)
#1	34.3	50	15.2	8.1	30.9	35.9
#2	32.9	460	140.2	27.4	11.6	32.9
#3	35.1	720	219.5	31.3	7.7	35.1
#4	29.4	825	251.5	32.4	6.6	29.4



Road System Assessment

Black Bear Farms, LLC
APN 216-081-013

1 Project Description

Black Bear Farms, LLC is proposing to permit commercial cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Cannabis Land Use Ordinance* (CCLUO), aka "Ordinance 2.0" on APN 216-081-013 in McCann, California. The property is proposing to receive eight (8) Retirement, Remediation, and Relocation (RRR) sites for a total of 183,560 square feet of outdoor commercial cannabis cultivation. Of the 183,560 sq. ft., 163,560 sq. ft. is proposed to be cultivated using full-sun outdoor techniques and 20,000 sq. ft. is proposed to be cultivated using light deprivation techniques in temporary greenhouses. Mixed light is not proposed as a part of this project. 10,000 sq. ft. of outdoor cultivation in temporary hoop houses currently exists onsite under Zoning Clearance Certificate Apps #10676, which was approved through the County's *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO), Ordinance No. 2544, aka "Ordinance 1.0".

To get to the site from Eureka, California, take US-101 South to Exit 663 toward South Fork/Honeydew and make a left onto Bull Creek Flats Road. Turn left at the first cross street onto Dyerville Loop Road and continue for 7 miles. Take a left onto the McCann Road Bridge and cross the Eel River onto the Riverbar. Turn left at the fork and continue 0.1 miles. The driveway will be on your right. See Appendix B for directions.

The McCann Bridge is closed in the winter months when the Eel River breaches the low water bridge, which is operated by the County of Humboldt. If the bridge is closed, the County operates the McCann ferry service to transport people across the river. Typical operating hours are between 8 and 4 but check the County website for McCann Ferry accurate service times.

2 Road Assessment Purpose

The purpose of this report is to address Standards 1- 3 of the Road System Assessment as described in the CCLUO ordinance.

2.1 Standard 1 – Dead End Road Length

Section 55.4.12.1.18a of the CCLUO Ordinance states that "projects shall not be located more than 2 miles driving distance from the nearest intersection with a Category 4 road or secondary access for emergency vehicles and personnel, including wildland fire equipment."

The subject property is accessed directly off of McCann Road (sometimes referred to as Whitlow Road) in McCann, California, which is a county-maintained road (See Section 2.2, below). The driveway to the site is accessed directly off of McCann Road. The driveway to the existing cultivation area is less than

700 feet in length, and the roadway to the end of the proposed cultivation is 0.30 miles. Therefore, the proposed project is located less than 2 miles from the nearest intersection with a Category 4 Road. See Appendix C for details.

2.2 Standard 2 – Functional Capacity

Section 55.4.12.1.18b of the CCLUO Ordinance states that “roads providing access to the parcel(s) or premises must meet or exceed the Category 4 road standard (or same practical effect).” The ordinance specifies four ways in which this requirement may be met.

The driveway is accessed directly off of McCann Road, approximately 0.28 miles from the Intersection with Dyerville Loop Road and McCann Road (Appendix D). According to the County’s list of roads that meet or are equivalent to, Category 4 road standards, McCann Road *is* equivalent to Category 4 Road Standards from the Dyerville Loop Road intersection to P.M. 1.0 (Appendix E). Since the driveway to the project site is located 0.28 miles (well within the first mile) from the intersection with Dyerville Loop Road and McCann Road, the section of McCann leading up to the driveway is considered by the County to meet Category 4 standards. On the parcel, the existing and proposed access roads to the cultivation are to be located on the agricultural flat (see photos in Appendix A). The flat is less than 6% slope and provides excellent visibility to allow drivers to see oncoming vehicles.

2.3 Standard 3 – Private Road Systems – Protections for Water Quality and Biological Resources

Section 55.4.12.1.18c of the CCLUO Ordinance states that private road systems will be maintained in accordance with the document titled “A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds” and evaluating the design, condition, and performance of all private road segments within the defined Roadshed. This document, also known as the Five Counties Salmonid Conservation Roads Maintenance Manual, or simply “Roads Maintenance Manual”, provides measures to protect water quality to ensure habitat is not impacted from the use of privately maintained road systems.

2.3.1 Road Conditions

Since the driveway is located adjacent to the Mainstem Eel River, it is crucial to properly maintain this road according to the Roads Maintenance Manual in order to prevent sedimentation and erosion of the road and protect this important habitat. The onsite road network leading to the existing and proposed cultivation areas is currently in excellent condition. A site inspection did not locate any road erosion or locations where sediment could be entering the nearby stream. The road leading to cultivation has been receiving 1-4 vehicle trips per day for decades to maintain historical agricultural operations and has not required additional maintenance other than occasional rocking. The access road is constructed on a very mild gradient (slopes from 1-6%) and the road surface consists of bare soil.

The Site Management Plan prepared for the subject property contains details regarding stream crossings, road drainage conditions, and proposed corrective actions for the entire parcel road network.

Appendix A: Road Photos



Intersection of Dyerville Loop Road and McCann Road (McCann Road at left)



Photo of the County-Operated McCann Bridge (Project Site in the Background)



Image of McCann Road on Riverbar (driveway to right)



Driveway off of McCann Road (facing Eel River)



Locked Access Gate (facing Eel River)



Existing Road on Agricultural Flat (3% slope)

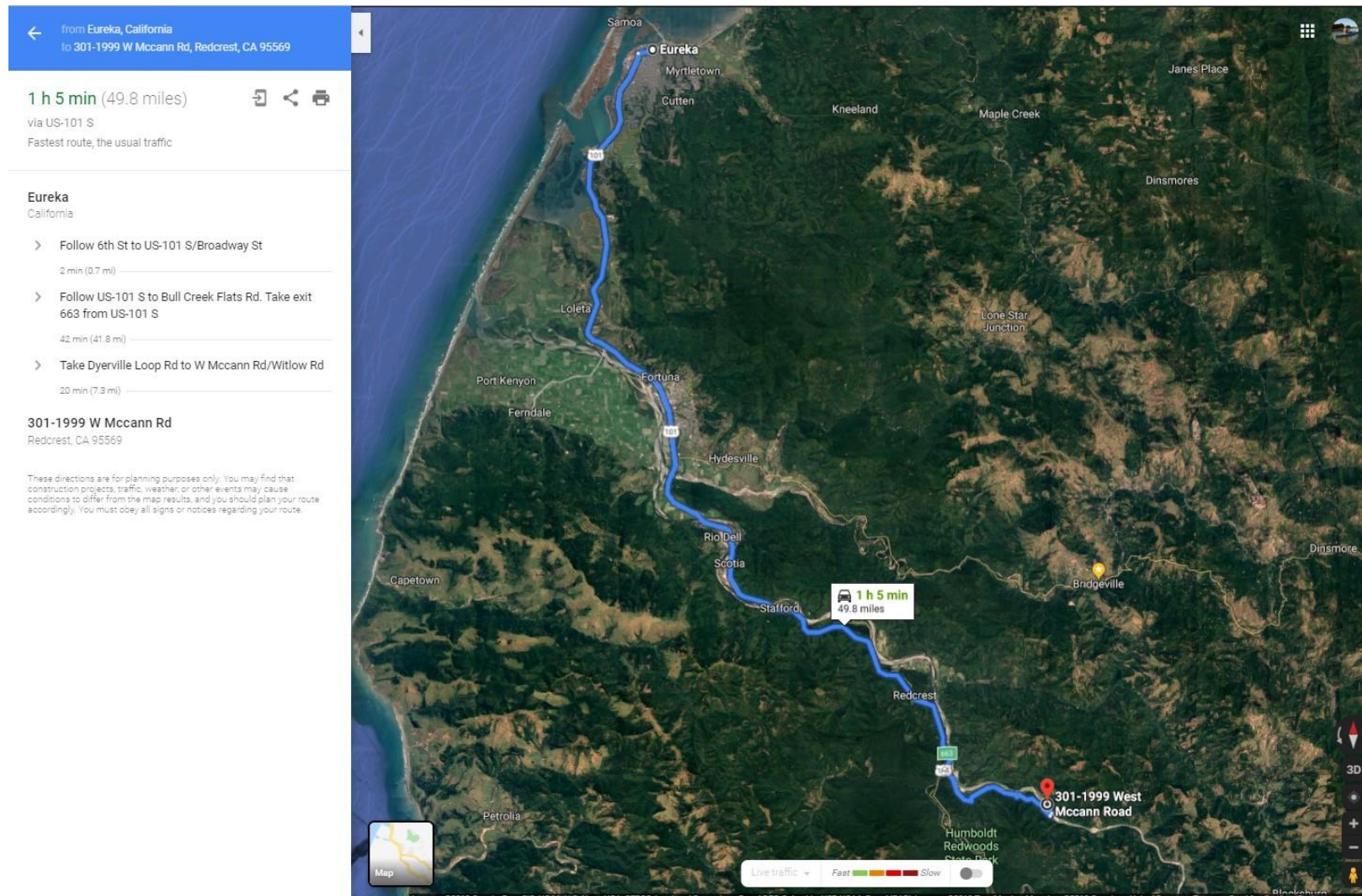


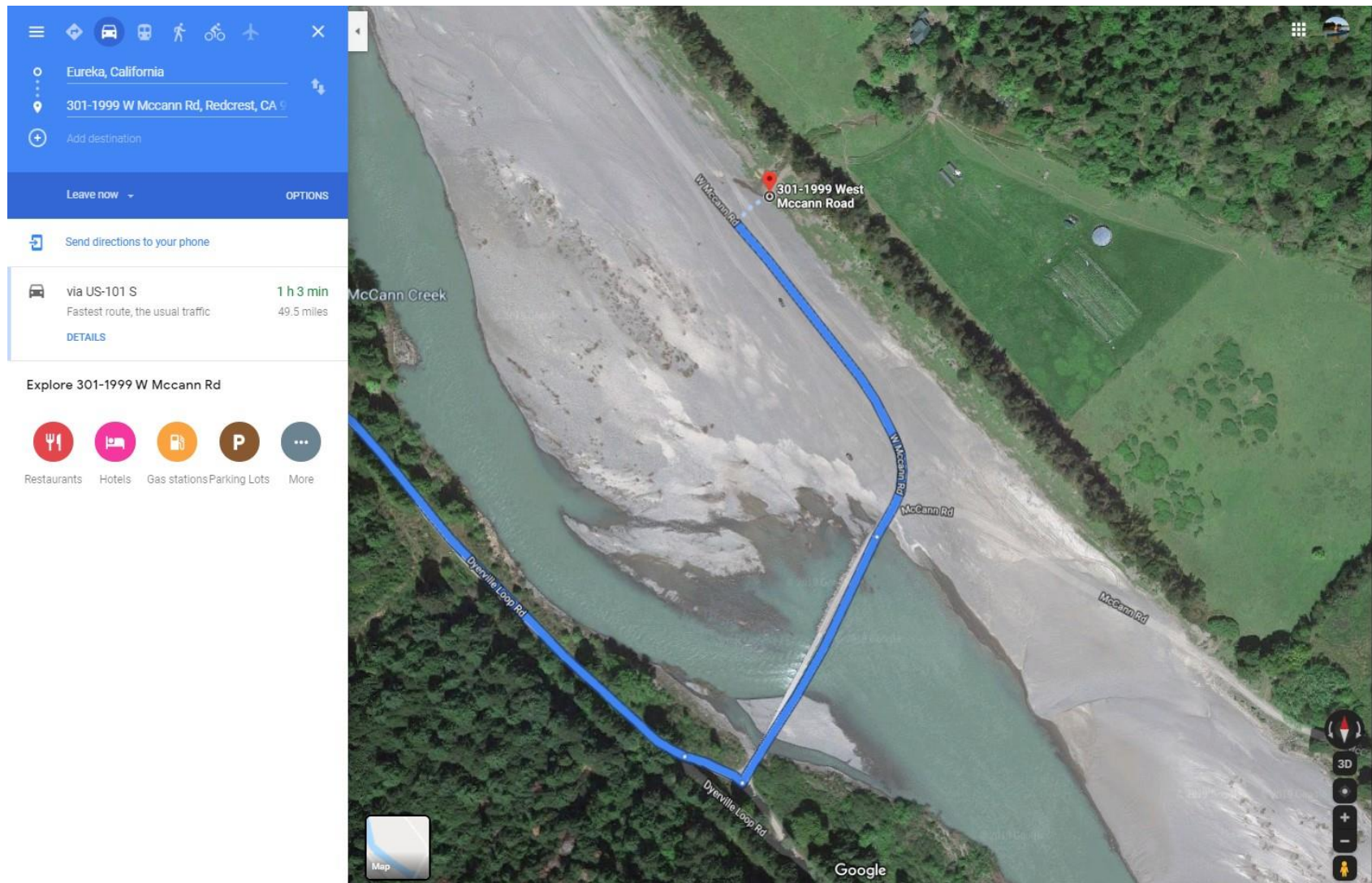
Historic Ranch/Cattle/Agricultural Road and Gate in the center of field (3% slope)



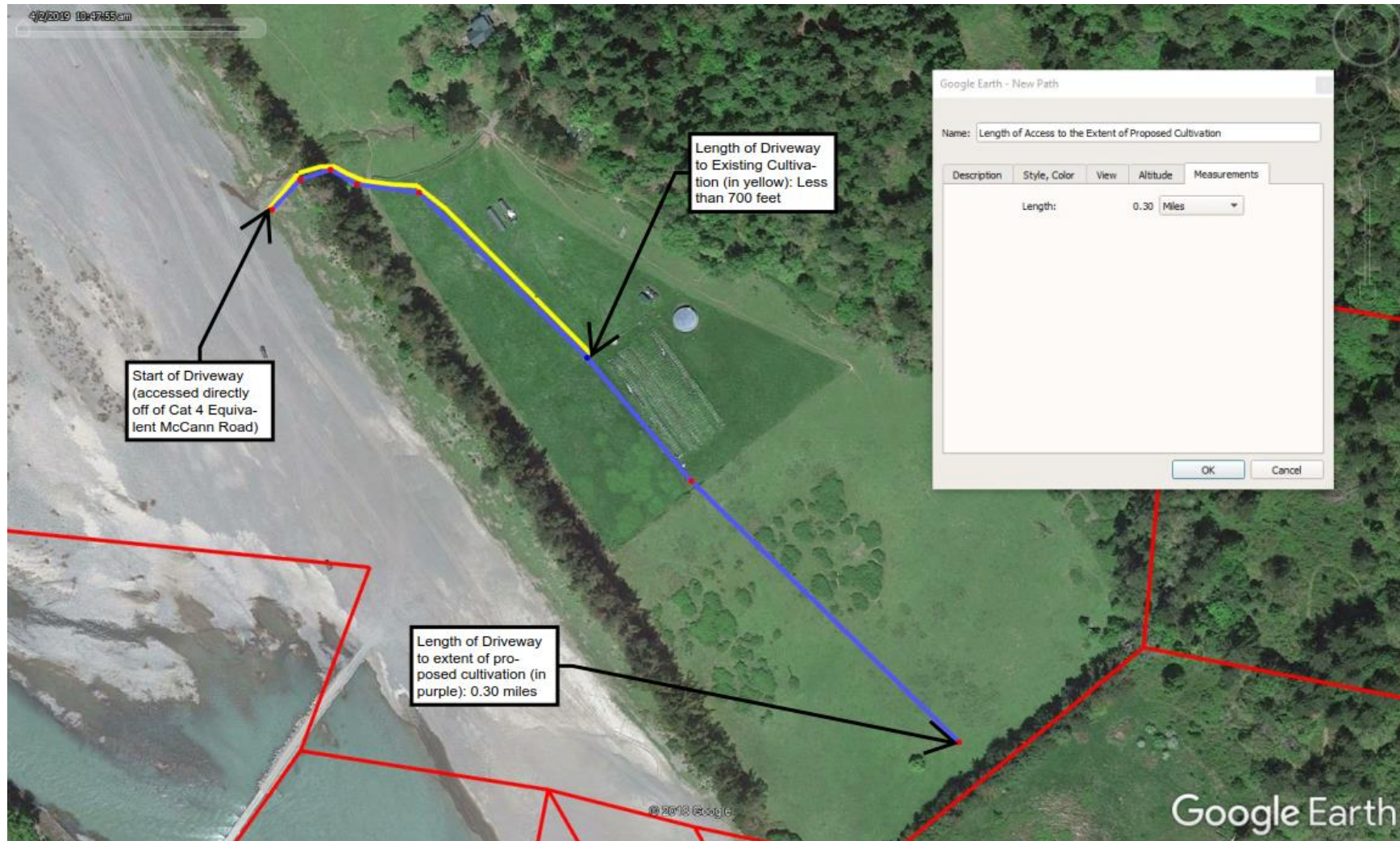
Location of Proposed Cultivation

Appendix B: Directions to Site





Appendix C: Distances of Existing Proposed Driveways



Length of driveways to existing and proposed cultivation areas. The existing length, shown in yellow, is less than 700 feet. The proposed length, shown in purple, is approximately 0.30 miles, well under the County's "Dead End Road Length" requirement of less than 2.0 miles.

Appendix D: Distance to Parcel from Dyerville Loop Road



The County classifies the first mile of McCann Road (as measured from the intersection with Dyerville Loop Road) as equivalent to Category 4 road standards. The parcel is located 0.28 miles from the intersection of McCann and Dyerville Loop Road, as shown above.

Appendix E: Humboldt County Category 4 Equivalent Roads

"APPROVED LIST" List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All

McCann Road is listed as county-maintained and equivalent to Category 4 road standards from the intersection with Dyerville Loop Road to P.M. 1.0.



Black Bear Farms, LLC

Noise Source Assessment and Mitigation Plan

APN: 211-283-007

Humboldt County, CA

November 2019

Noise Source Assessment and Mitigation Plan

The purpose of this Noise Source Assessment and Mitigation Plan is to evaluate the potential impacts on noise levels from the proposed project, by the investigation of onsite ambient noise levels. The ‘ambient noise level’ is defined as the noise level measured in the field prior to any activities associated with the proposed project. The ambient noise levels include all-natural occurring sounds and may also include outside noise disturbance from human activities. Outside noise disturbance from human activities include, but are not limited to, operation of cars/trucks, dogs barking, noise from adjacent neighboring residence, etc.

1. Project Overview and Site Description

Black Bear Farms, LLC is proposing to permit commercial cannabis cultivation activities in accordance with the County of Humboldt’s (County) *Commercial Cannabis Land Use Ordinance* (CCLUO), aka “Ordinance 2.0” on APN 211-283-007 in McCann, California. The property is proposing to receive eight (8) Retirement, Remediation, and Relocation (RRR) sites for a total of 183,560 square feet of outdoor commercial cannabis cultivation. Of the 183,560 sq. ft., 163,560 sq. ft. is proposed to be cultivated using full-sun outdoor techniques and 20,000 sq. ft. is proposed to be cultivated using light deprivation techniques in temporary hoop houses. 10,000 sq. ft. of outdoor cultivation in temporary hoop houses currently exists onsite under Zoning Clearance Certificate Apps #10676, which was approved through the County’s *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO), Ordinance No. 2544, aka “Ordinance 1.0”.

The subject parcel (APN 211-283-007) is located in McCann, California in the Cameron Creek – Eel River watershed (HUC-12 #180101050502). The middle main stem of the Eel River runs northwesterly through the parcel, and several Class II and III drainages run southwesterly to drain into the Eel River. Most of the parcel is hilly and forested with redwood and Douglas’ fir trees, with slopes ranging from upwards of 35% to 15%. Elevation on the parcel ranges from approximately 1,700 feet in the northeastern corner of the property to approximately 150 feet above sea level at the Eel River in the southwestern area of the property. Existing onsite infrastructure includes a residence, 10,000 sq. ft. of existing cultivation in hoop houses, an 8’ x 15’ storage shed, a 36’ x 20’ drying facility/garage, two (2) 12’ x 48’ storage structures, a 60,000-gallon water tank, numerous smaller hard plastic storage tanks, and water diversion infrastructure. The property is powered by Pacific Gas & Electric (PG&E). There is a generator on site for use in emergency situations only.

There are a few neighboring residences surrounding the project site. The closest neighboring residence is located approximately 500 feet from the project’s easternmost property line, and 530 feet away from proposed cultivation activities. The surrounding neighboring residences are shown on the attached site map.

2. Analysis of Existing Average Noise Levels

This section summarizes the data collection procedures that were taken in order to analyze the existing ambient noise levels within the project site. The *existing ambient noise level* is defined as the baseline of sound pressure experienced in an area prior to the proposed cannabis cultivation activities.

A total of four (4) monitoring locations were identified throughout the site that could potentially be impacted by noise from the proposed activities. The monitoring locations were chosen based on

proximity to habitat and adjacency to property lines. Table 1 below describes the monitoring locations in more detail, and the locations can be seen on the site map attached in Appendix A.

Table 1: Monitoring Location Details

Location	Lat., Long.	Description & Notes	Impact Potential
#1	40.3296°, -123.8372°	Norther edge of proposed cultivation activities.	Riparian habitat and treeline
#2	40.3289°, -123.8345°	North-Eastern edge of proposed cultivation activities.	Riparian habitat and treeline
#3	40.3274°, -123.8340°	Eastern edge of property line.	Neighboring residences
#4	40.3303°, -123.8398°	Western edge of property line.	Neighboring residences and Eel River

The sound pressure level was measured in decibels using a type 2 digital sound meter which utilizes an A-weighted filter network (dBA). The digital sound meter was mounded to a tripod, allowing it to be positioned approximately 4 feet above the ground to minimize ground noise and maximizing unobstructed sound readings. Measurements were taken on a warm, calm day with a slight intermittent breeze (November 12, 2019).

Measurement readings of approximately 15 minutes were taken at monitoring locations #1 - #4. During the measurements the noise level were observed, and notes were taken whenever the noise level increased from outside activity. Outside activity includes but is not limited to a dog barking, a car driving by, or noise from any outside human activity. During the measurements, extreme care was taken to minimize noise disturbance from the operator. Recordings of noise levels began once all rustling from the operator was not interfering the meter.

After the measurements were taken, a log was created detailing what outside activity was associated with the increased noise level. The data was then analyzed to determine the existing average noise levels. The results from this analysis are presented in Table 2. The table displays the monitoring location, the measurement time duration, the average decibel reading throughout the measurement, the maximum decibel reading, and the outside noise associated with the maximum decibel reading.

Table 2: Onsite ambient noise analysis results

Location	Measurement Duration (min.)	Average Decibel Reading (dBA)	Max Noise Level Measured (dBA)	Max Noise Level Association Description
#1	15	34.3	52.6	Timber activity from across the Eel River.
#2	15	32.9	49.8	A combination of timber activities from across the Eel River and a truck driving down the river bar.
#3	15	35.1	47.0	A combination of timber activities from across the Eel River and a truck driving down Dyerville Loop Rd.
#4	15	29.4	39.1	Truck driving down Dyerville Loop Rd.

*notes were not taken during noise measurements at location #1

In general, the existing ambient noise levels range from approximately 30 dBA to 50 dBA. Cars driving by on the adjacent driveways and passing cars were determined to be the loudest outside noise source.

3. Proposed Project Activities and Associated Noise Sources

The project is proposing a total of 183,560 square feet of outdoor commercial cannabis cultivation and 6,000 ft² of nursey space. Of the 183,560 ft², 163,560 ft² is proposed to be cultivated using full-sun outdoor techniques and 20,000 ft² is proposed to be cultivated using light deprivation techniques in temporary hoop houses. The site currently has 10,000 ft² of approved outdoor cultivation. The outdoor cultivation is located in temporary hoop houses.

The 163,560 ft² of full-sun outdoor cultivation will be planted directly into the native soil and will not have associated noise sources.

The remaining 20,000 ft² of outdoor cultivation will be located in temporary hoop house structures and cultivated utilizing light-deprivation techniques. Each of the hoop house structures will be equipped with four (4) ventilation fans to allow for proper air flow. The proposed ventilation fans are 28" in diameter and are manufactured by Snap-Fan. The fans have five blades and are constructed of polypropylene and aluminum. The location of each proposed fan can be seen on the site on Sheet A. The manufactures specification sheets of the proposed fans are attached to this memo in Appendix B. The fans will be powered by an AC circuit and will be equipped with variable speed controllers to allow for adjustment of fan speed. The fan speed is directly related to the noise of the fan. All ventilation fans will have direct electric power supplied by PG&E. PG&E over-head electrical lines are available on site and are shown on the site map. Generators are not proposed in the final build-out of this project.

The ventilation fans are predicted to be the primary source of increased noise levels from the proposed project. Other potential noise sources associated with the project include construction, vehicle traffic, employee conversation, and communication between employees.

4. Anticipated Noise Levels

The following section describes how the anticipated noise levels from proposed project activities were determined. The fan's operating noise levels were used to estimate the anticipated noise levels at each of the (4) locations. Noise data was obtained from the suppliers, Snap-Fan. Using the Inverse Square law, the noise level from the proposed fans was calculated based on the distance between the monitoring locations and the locations of each proposed ventilation fan. The calculated noise levels from the proposed fans were then added to the average noise levels measured in the field.

The location of each proposed ventilation fan and their distance to the closest relative measuring location can be seen on the site map. The anticipated noise levels were calculated using the decibel reading from the fans operating at full speed. The anticipated noise levels are presented in Table 3 below. Full calculations of Anticipated Noise levels, along with the noise data that was obtained by Snap-Fan are provided in Appendix C.

Table 3: Anticipated noise levels from proposed project activities.

Location	Closest Proposed Ventilation Fan to Location (ft.)	Anticipated Noise Level at Location	Max Noise Level Measured (dBA)
#1	50.0	35.9	52.6

#2	460.0	32.9	49.8
#3	720.0	35.1	47.0
#4	825.0	29.4	39.1

5. Proposed Noise Attenuation Measures

Each of the ventilation fans will be equipped with a variable speed controller, allowing for precise adjustment of the fan speed. Measuring of noise levels will continue on a regular basis following the proposed activities. If the noise levels are measured to be higher than the anticipated levels, the fans will be adjusted, reducing the noise output from the fan and reducing the noise impact at the subject monitoring location. Additional existing attenuation measures for onsite noise include the topography of the site and the distance from the proposed project area to the property lines and nearest sensitive receptors.

Other potential noise sources are not expected to significantly increase onsite noise levels. Noise from construction activities will be temporary and will only occur during daylight hours. Black Bear Farms, LLC has proposed a carpooling plan to reduce the number of daily vehicle trips to and from the site and cars will not be left to idle.

6. Conclusion

Black Bear Farms, LLC aims to meet the noise levels and mitigations set forth in this report. The proposed noise sources from the project are not expected to increase onsite ambient noise levels by greater than 3 dBs at any of the property lines. Proposed noise sources are not expected to exceed 50 dBs at any treeline or habitat line or 60 dBs at any property line. In order to ensure that cultivation activities comply with the Performance Standards, future noise measurements will be taken at the same locations to ensure no harm is occurring to habitat and no disturbance is occurring to neighbors. Therefore, noise levels from the proposed cultivation activities are anticipated to be in compliance with the Performance Standards set in Ordinance 2.0.

Appendix A: Site Map



- SOUTHBOUND ON US-101
- (APPROX. 41.6 MILES)
- TAKE EXIT 663 FOR CA-254 TOWARD SOUTH FORK/HONEYDEW
- FOLLOW DYERVILLE LOOP RD TO W MCCANN RD/WITLOW RD
- (APPROX. 7.0 MILES)
- TURN LEFT ONTO BULL CREEK FLATS RD
- (APPROX. 125 FT)
- TURN RIGHT ONTO CA-254 S
- TURN LEFT AT THE 1ST CROSS STREET ONTO DYERVILLE LOOP RD
- CONTINUE ON DYERVILLE LOOP RD
- (APPROX. 6.3 MILES)
- KEEP LEFT TO STAY ON DYERVILLE LOOP RD
- TURN LEFT ONTO MCCANN ROAD/WITLOW RD
- KEEP LEFT TO CONTINUE ON W MCCANN RD/WITLOW RD
- TURN LEFT ONTO UNNAMED ROAD
- CONTINUE ON UNNAMED ROAD
- (APPROX. 600 FT)
- DESTINATION WILL BE ON THE RIGHT

APN: 211-283-007

BLACK BEAR FARMS, LLC IS PROPOSING TO PERMIT COMMERCIAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL CANNABIS LAND USE ORDINANCE (CCLUO), AKA "ORDINANCE 2.0" ON APN 216-081-013 IN MCCANN, CALIFORNIA. THE PROPERTY IS PROPOSING TO RECEIVE EIGHT (8) RETIREMENT, REMEDIATION, AND RELOCATION (RRR) SITES FOR A TOTAL OF 183,560 SQUARE FEET OF OUTDOOR COMMERCIAL CANNABIS CULTIVATION. OF THE 183,560 SQ. FT., 163,560 SQ. FT. IS PROPOSED TO BE CULTIVATED USING FULL-SUN OUTDOOR TECHNIQUES AND 20,000 SQ. FT. IS PROPOSED TO BE CULTIVATED USING LIGHT DEPRIVATION TECHNIQUES IN TEMPORARY HOOP HOUSES. 10,000 SQ. FT. OF OUTDOOR CULTIVATION IN TEMPORARY HOOP HOUSES CURRENTLY EXISTS ONSITE UNDER APPS #10676, WHICH WAS APPROVED THROUGH THE COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMLLUO), ORDINANCE NO. 2544, AKA "ORDINANCE 1.0".

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE EXISTING CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. ALL AREAS OUTSIDE OF THE CANNABIS ACTIVITIES ARE USED IN ACCORDANCE TO THE HUMBOLDT COUNTY LAND USE DESIGNATION.
6. NO EXISTING EASEMENTS



SRA AREA: = YES
IN COASTAL ZONE: = NO
IN 100 YR FLOOD ZONE: = YES

— · —OH— · — OVERHEAD ELECTRICAL LINE

A horizontal number line with tick marks at 0, 125, 250, and 500. The segment between 125 and 250 is shaded black.



BLACK BEAR FARMS, LLC
PROPOSED SITE PLAN

APN: 211-283-007



LEGEND:

- PROPOSED ELECTRIC VENTILATION FAN
- OVERHEAD ELECTRICAL LINES

DETAIL AREA PLAN

22x34 SHEET: 1"=75'
11x17 SHEET: 1"=150'

NORTHPOINT
CONSULTING GROUP, INC.
1117 Samoa Blvd., Arcata, CA 95521

BLACK BEAR FARMS, LLC
337 W MCCANN RD. MCCANN, CA 95569
PROPOSED SITE PLAN

PROJ. MGR.: LN
DRAWN BY: CJG
DATE: 11/15/19
SCALE: AS SHOWN

SHEET
C1
19-014

January 7, 2020 - 12:26 Draw Name: P:\Black Bear Farm - McCann Project - 19-014\CAD\202007 Black Bear Farms - Notes Assessment and Mitigation Plan.dwg Updated By: Derek Reale

Appendix B: Fan Specifications

HIGH EFFICIENCY

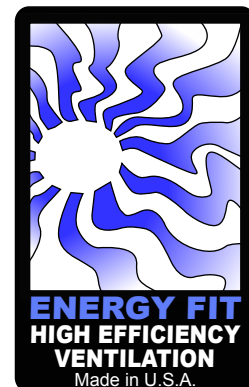
AC POWERED VENTURI FANS



SNAP-FAN[®]

WWW.SNAP-FAN.COM

ENERGY FIT 6024 CFM 28" AC EC BRUSHLESS FAN



- 30-70% more efficient than competing fans.
- High efficiency industrial grade Brushless Servo Motor. 120 VAC and 208/230 VAC.
- Motor made in USA. Water resistant, O-ring seals, IP54.
- Includes liquid tight conduit 5ft lead wires.
- Programmable motor can be set to run at a discrete speed from 350-1800 RPM and/or 0-10v controlled variable speed.
- Soft start, thermal roll back and locked rotor protection are standard features.
- Custom configuration options to fit your application.
- Patented low vibration aerodynamic motor mounting system reduces noise and improves efficiency.
- Glass reinforced polypropylene airfoil blade offers high efficiency and durability.
- Rugged corrosion resistant frame molded to maximize airflow.
- All parts serviceable and/or replaceable.
- Warranty of 2 years against parts and labor.

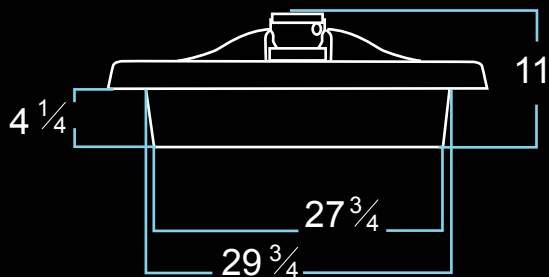
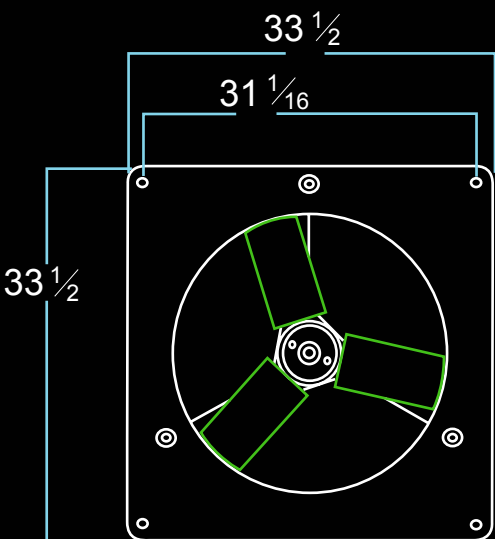


SNAP-FAN 12" / 16" / 20" / 24" / 28"

EFFICIENCY IN VENTILATION



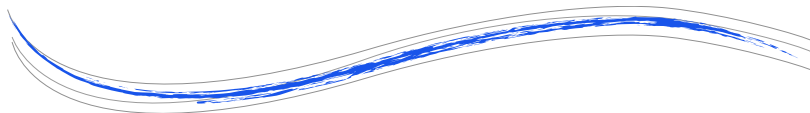
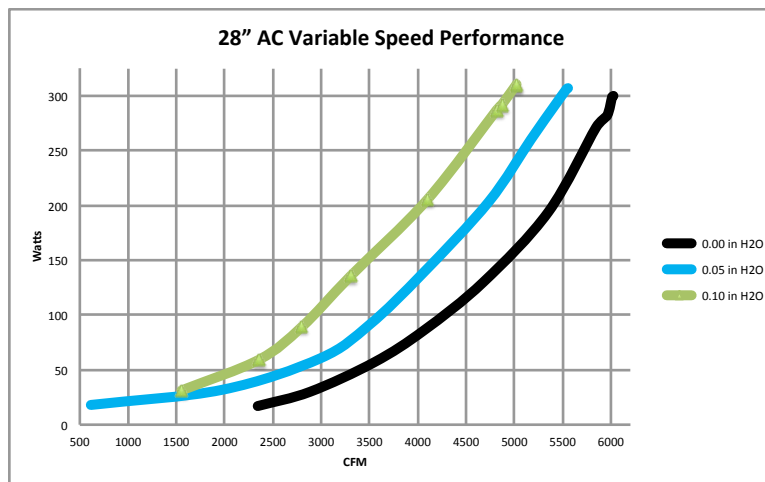
28" AC EC BRUSHLESS FAN



ELECTRICAL EQUIPMENT. CHECK WITH LOCAL BUILDING CODES AND YOUR LICENSED CONTRACTOR BEFORE INSTALLING.

HAND ASSEMBLED IN U.S.A.
BY SOLAR NATIONAL AIR PROPULSION, LLC
PATENTED DESIGN

	STATIC PRESSURE (IN H ₂ O)	AIRFLOW (CFM)	RPM	AMPS	WATTS	CFM/WATT
Factory Default	0.00	6024	940	4.04	300	20.08
	0.05	5554	931	4.14	307	18.07
	0.10	5026	928	4.18	311	16.18



AC EC Brushless Motor Features

- Patented design
- Uses 40% - 60% less energy than PSC motors
- Cooler operating temperatures
- Longer motor life
- Reduced warranty returns
- Locked rotor, overload, and thermal roll back protection
- Integrated control with sealed construction
- Durable ball bearing construction for long commercial life
- UL & CSA recognized
- Designed and assembled in the USA

Appendix C:

Calculations

The increase or decrease of sound pressure can be expressed with the Inverse Square Law¹. The Inverse Square Law expresses the physical principal of which sound pressure levels decrease by 6 decibels each time the distance from the noise source is doubled.

Inverse Square Law:

$$dL = L_{p2} - L_{p1}$$

$$= 10\log \left(\frac{R_2}{R_1} \right)^2$$

$$= 20\log \left(\frac{R_2}{R_1} \right)$$

Where:

dL = difference in sound pressure level (dBA)

L_{p1} = sound pressure level at location 1 (dBA)

L_{p2} = sound pressure level at location 2 (dBA)

R_1 = distance from source to location 1 (ft,m)

R_2 = distance from source to location 2 (ft,m)

Using this formula, the noise levels from the fans (L_{p2}) can be calculated at each location. First, the difference in sound pressure (dL) is calculated using data obtained from the manufacture. The manufacture provided noise data from in-house bench testing. Table 1 below contains the parameters that were obtained from Snap-Fan.

Table 4: Snap-Fan Noise data from the manufacture.

Fan Type	Fan Speed (%)	Fan Speed (RPM)	Distance From Fan (R_1) (m)	Measured Sound Pressure (L_{p1})(dBA)
Snap-Fan - 28" AC Variable Speed	100%	940	6	39

¹ Technical Noise Supplement to the Traffic Noise Analysis Protocol September 2013 – CalTrans Engineering ToolBox, (2005). Inverse Square Law. Available at: https://www.engineeringtoolbox.com/inverse-square-law-d_890.html

The anticipated noise level can then be determined by adding the noise levels from the fans (L_{p2}) to the average noise levels measured at each location (L_{AVG}).

The equation describing the addition of two noise levels is as follows:

$$ANL = 10\log(10^{L_{AVG}/10} + 10^{L_{p2}/10})$$

Where:

ANL = Anticipated Noise Level (dBA)

L_{AVG} = Average Sound Pressure Level Measure at Location (dBA)

L_{p2} = Calculated Sound Pressure Level from Proposed Fans (dBA)

Table 5: Parameters used for calculations and Results of Anticipated Noise Levels.

Location	Average Decibel Reading at Location L_{AVG} (dBA)	Closest Proposed Fan to Location (R_2) (ft)	R_2 (m)	Calculated Difference in Sound Pressure (dL) (dBA)	Anticipated Noise Level from Fan (L_{p2}) (dBA)	Anticipated Noise Levels ($L_{AVG} + L_{p2}$) (dBA)
#1	34.3	50	15.2	8.1	30.9	35.9
#2	32.9	460	140.2	27.4	11.6	32.9
#3	35.1	720	219.5	31.3	7.7	35.1
#4	29.4	825	251.5	32.4	6.6	29.4



Road System Assessment

Black Bear Farms, LLC
APN 216-081-013

1 Project Description

Black Bear Farms, LLC is proposing to permit commercial cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Cannabis Land Use Ordinance* (CCLUO), aka "Ordinance 2.0" on APN 216-081-013 in McCann, California. The property is proposing to receive eight (8) Retirement, Remediation, and Relocation (RRR) sites for a total of 183,560 square feet of outdoor commercial cannabis cultivation. Of the 183,560 sq. ft., 163,560 sq. ft. is proposed to be cultivated using full-sun outdoor techniques and 20,000 sq. ft. is proposed to be cultivated using light deprivation techniques in temporary greenhouses. Mixed light is not proposed as a part of this project. 10,000 sq. ft. of outdoor cultivation in temporary hoop houses currently exists onsite under Zoning Clearance Certificate Apps #10676, which was approved through the County's *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO), Ordinance No. 2544, aka "Ordinance 1.0".

To get to the site from Eureka, California, take US-101 South to Exit 663 toward South Fork/Honeydew and make a left onto Bull Creek Flats Road. Turn left at the first cross street onto Dyerville Loop Road and continue for 7 miles. Take a left onto the McCann Road Bridge and cross the Eel River onto the Riverbar. Turn left at the fork and continue 0.1 miles. The driveway will be on your right. See Appendix B for directions.

The McCann Bridge is closed in the winter months when the Eel River breaches the low water bridge, which is operated by the County of Humboldt. If the bridge is closed, the County operates the McCann ferry service to transport people across the river. Typical operating hours are between 8 and 4 but check the County website for McCann Ferry accurate service times.

2 Road Assessment Purpose

The purpose of this report is to address Standards 1- 3 of the Road System Assessment as described in the CCLUO ordinance.

2.1 Standard 1 – Dead End Road Length

Section 55.4.12.1.18a of the CCLUO Ordinance states that "projects shall not be located more than 2 miles driving distance from the nearest intersection with a Category 4 road or secondary access for emergency vehicles and personnel, including wildland fire equipment."

The subject property is accessed directly off of McCann Road (sometimes referred to as Whitlow Road) in McCann, California, which is a county-maintained road (See Section 2.2, below). The driveway to the site is accessed directly off of McCann Road. The driveway to the existing cultivation area is less than

700 feet in length, and the roadway to the end of the proposed cultivation is 0.30 miles. Therefore, the proposed project is located less than 2 miles from the nearest intersection with a Category 4 Road. See Appendix C for details.

2.2 Standard 2 – Functional Capacity

Section 55.4.12.1.18b of the CCLUO Ordinance states that “roads providing access to the parcel(s) or premises must meet or exceed the Category 4 road standard (or same practical effect).” The ordinance specifies four ways in which this requirement may be met.

The driveway is accessed directly off of McCann Road, approximately 0.28 miles from the Intersection with Dyerville Loop Road and McCann Road (Appendix D). According to the County’s list of roads that meet or are equivalent to, Category 4 road standards, McCann Road *is* equivalent to Category 4 Road Standards from the Dyerville Loop Road intersection to P.M. 1.0 (Appendix E). Since the driveway to the project site is located 0.28 miles (well within the first mile) from the intersection with Dyerville Loop Road and McCann Road, the section of McCann leading up to the driveway is considered by the County to meet Category 4 standards. On the parcel, the existing and proposed access roads to the cultivation are to be located on the agricultural flat (see photos in Appendix A). The flat is less than 6% slope and provides excellent visibility to allow drivers to see oncoming vehicles.

2.3 Standard 3 – Private Road Systems – Protections for Water Quality and Biological Resources

Section 55.4.12.1.18c of the CCLUO Ordinance states that private road systems will be maintained in accordance with the document titled “A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds” and evaluating the design, condition, and performance of all private road segments within the defined Roadshed. This document, also known as the Five Counties Salmonid Conservation Roads Maintenance Manual, or simply “Roads Maintenance Manual”, provides measures to protect water quality to ensure habitat is not impacted from the use of privately maintained road systems.

2.3.1 Road Conditions

Since the driveway is located adjacent to the Mainstem Eel River, it is crucial to properly maintain this road according to the Roads Maintenance Manual in order to prevent sedimentation and erosion of the road and protect this important habitat. The onsite road network leading to the existing and proposed cultivation areas is currently in excellent condition. A site inspection did not locate any road erosion or locations where sediment could be entering the nearby stream. The road leading to cultivation has been receiving 1-4 vehicle trips per day for decades to maintain historical agricultural operations and has not required additional maintenance other than occasional rocking. The access road is constructed on a very mild gradient (slopes from 1-6%) and the road surface consists of bare soil.

The Site Management Plan prepared for the subject property contains details regarding stream crossings, road drainage conditions, and proposed corrective actions for the entire parcel road network.

Appendix A: Road Photos



Intersection of Dyerville Loop Road and McCann Road (McCann Road at left)



Photo of the County-Operated McCann Bridge (Project Site in the Background)



Image of McCann Road on Riverbar (driveway to right)



Driveway off of McCann Road (facing Eel River)



Locked Access Gate (facing Eel River)



Existing Road on Agricultural Flat (3% slope)

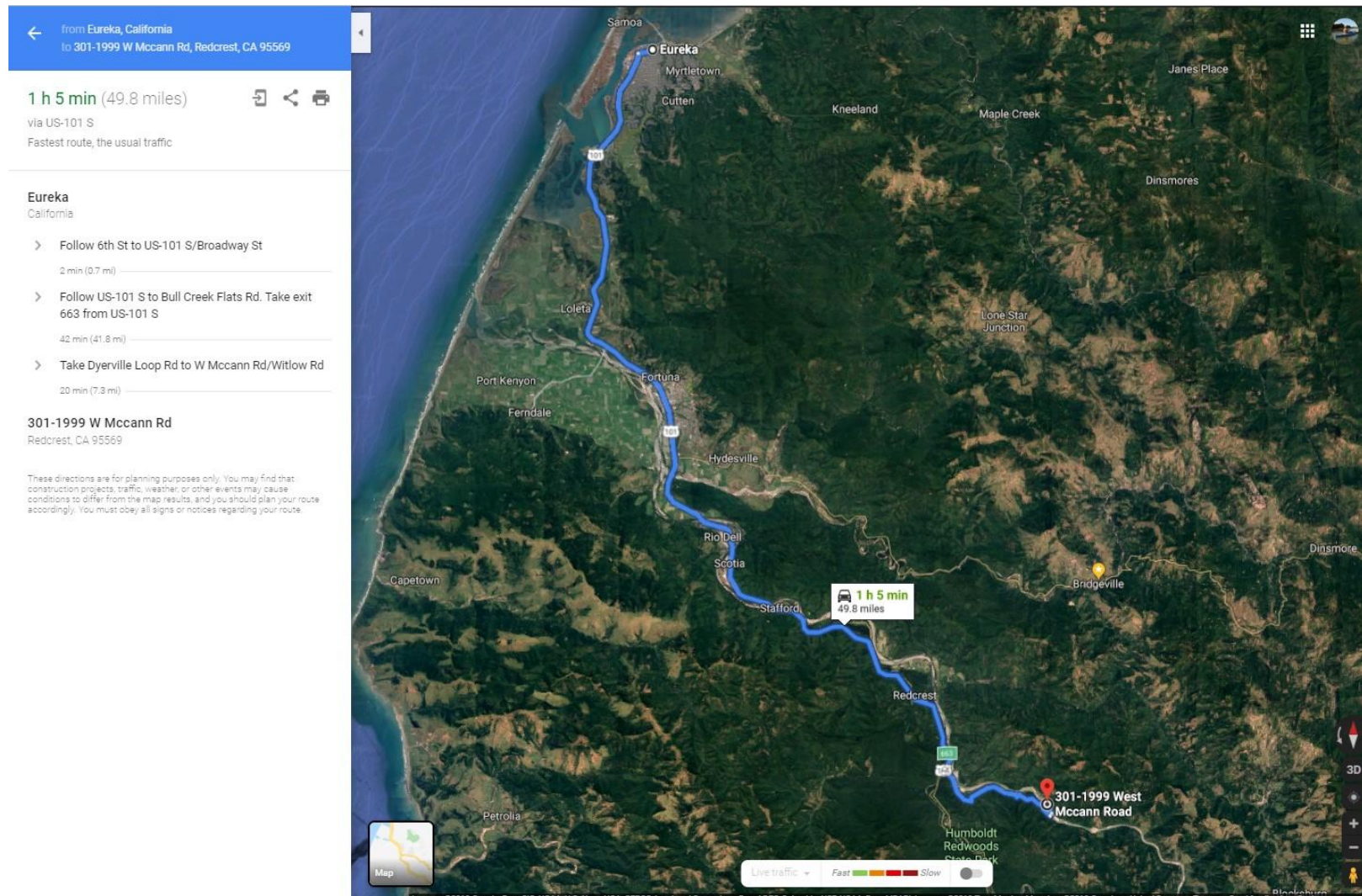


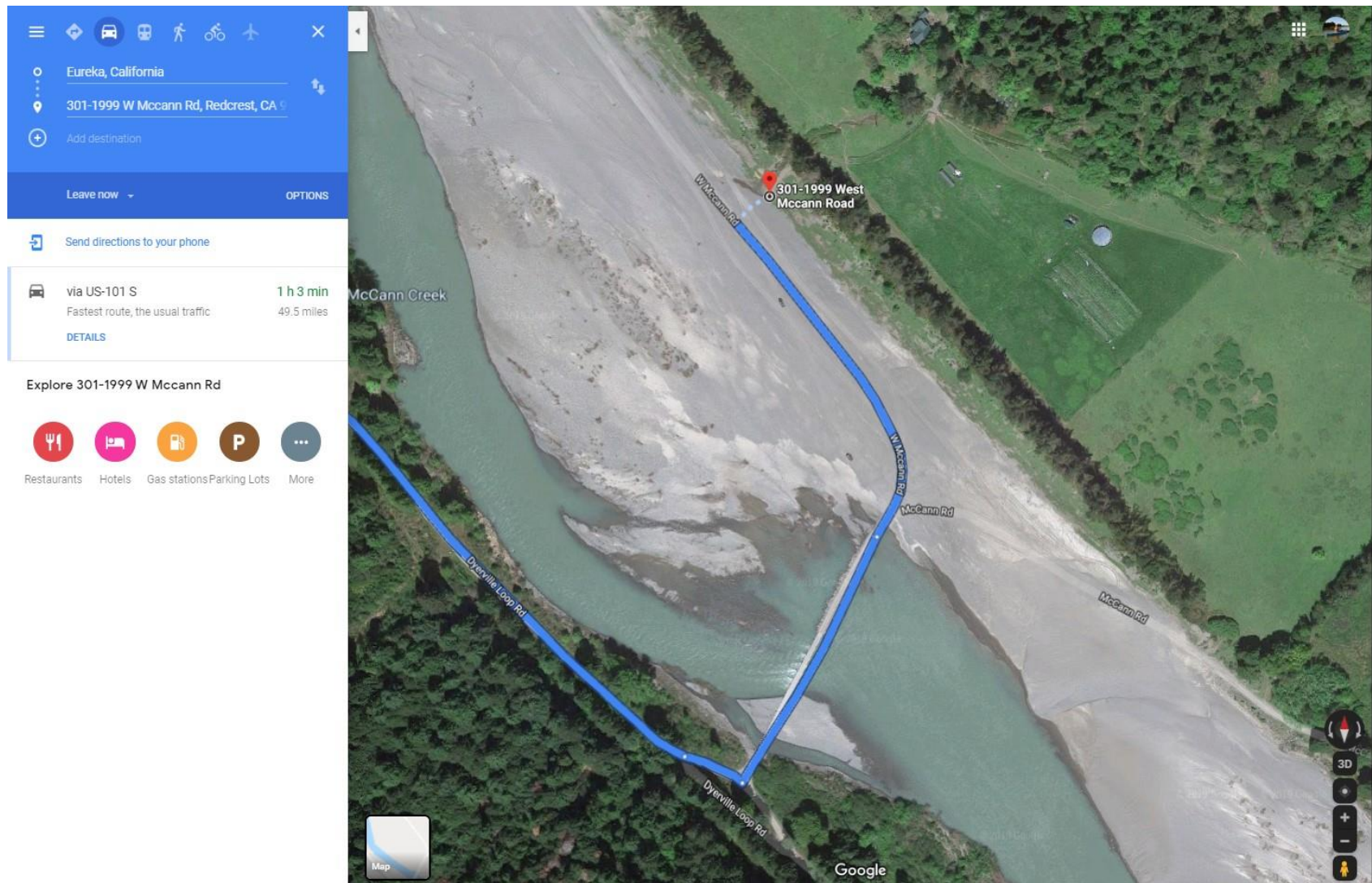
Historic Ranch/Cattle/Agricultural Road and Gate in the center of field (3% slope)



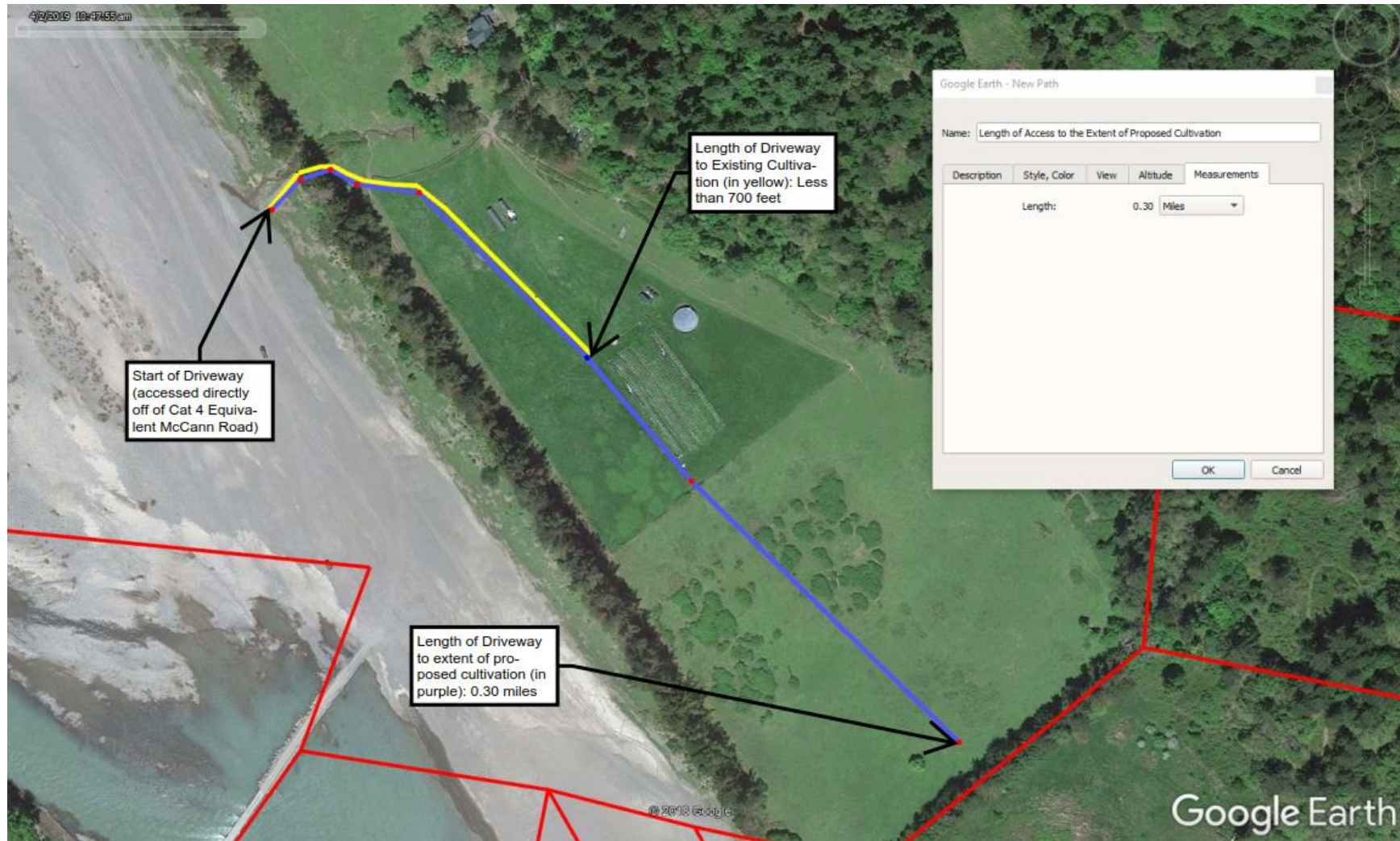
Location of Proposed Cultivation

Appendix B: Directions to Site





Appendix C: Distances of Existing Proposed Driveways



Length of driveways to existing and proposed cultivation areas. The existing length, shown in yellow, is less than 700 feet. The proposed length, shown in purple, is approximately 0.30 miles, well under the County's "Dead End Road Length" requirement of less than 2.0 miles.

Appendix D: Distance to Parcel from Dyerville Loop Road



The County classifies the first mile of McCann Road (as measured from the intersection with Dyerville Loop Road) as equivalent to Category 4 road standards. The parcel is located 0.28 miles from the intersection of McCann and Dyerville Loop Road, as shown above.

Appendix E: Humboldt County Category 4 Equivalent Roads

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All

McCann Road is listed as county-maintained and equivalent to Category 4 road standards from the intersection with Dyerville Loop Road to P.M. 1.0.

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	✓	Approved	Attached
Public Works Land Use Division	✓	Conditional approval	Attached
Health and Human Services Environmental Health Division	✓	Approved	Attached
CAL-FIRE	✓	Response not relevant to proposed project	Attached
California Department of Fish and Wildlife			
Northwest Information Center	✓	Recommend study	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Intertribal Sinkyone Wilderness Council			
Ag Commissioner			
Pacific Gas and Electric			
Humboldt County Sheriff	✓	Approval	On file with Planning
Southern Humboldt Unified School District			



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



12/1/2016

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Supervising Planner, Current Planning Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Intertribal Sinkiyone Wilderness Council

Applicant Name Good River Farm Collective **Key Parcel Number** 211-283-007-000

Application (APPS#) 10676 **Assigned Planner** Elanah Adler (707) 268-3736 **Case Number(s)** ZCC16-020

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 12/16/2016

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: 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.

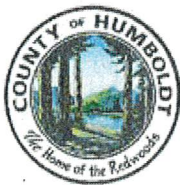
☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

DATE: 12-6-16

PRINT NAME: Patrick McTigue



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

1/29/2020

Project Referred To The Following Agencies:

AG Commissioner, Environmental Health, Sheriff, PW Land Use, RRR Planner, RWQCB, Cal Fish & Wildlife, NWIC, Yurok Tribe, PGE

Applicant Name Joseph Marino **Key Parcel Number** 531-082-003-000

Application (APPS#) PLN-2018-15294 **Assigned Planner** Rodney Yandell 707-268-3732

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: 2/13/2020

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:

THE DEPARTMENT HAS NO COMMENT REGARDING THE RETIREMENT SITE.
ALL COMMENTS AND RECOMMENDATIONS WILL BE PROVIDED FOR THE RELOCATION
SITE

DATE:

1/31/2020

PRINT NAME:

KEN FREED

RE: 15294 PW referral response request



Freed, Ken
To: Yandell, Rodney

You forwarded this message on 4/30/2020 12:00 PM.

Reply Reply All Forward

Mon 4/27/2020 3:13 PM

Rodney,

This project appears to access from the river bar after the low level summer bridge. The County maintained road after the low level summer bridge is due east and the southerly. It does not make sense to have the applicant gravel the river bar. Therefore no road improvements are required. That being said the applicant shall not turn to the north (left) in locations that might damage the County's road access for McCann Road.

Access to the subject parcel uses the McCann low level bridge during the summer. In the winter months the Department has a ferry to cross the Eel River. It should be noted that the Department cannot guarantee year road access to the subject parcel.

From: Yandell, Rodney <RYandell@co.humboldt.ca.us>

Sent: Monday, April 27, 2020 2:11 PM

To: Freed, Ken <KFreed@co.humboldt.ca.us>

Subject: 15294 PW referral response request

Ken,

Could you please respond to the referral request for the 15294 receiving site, APN 211-283-007?

Thank you,



Rodney Yandell

Senior Planner

Cannabis Services Division

Planning and Building Department

707.268.3732

PLN-2018-15294 

Marino - ZCC RRR

The Applicant is seeking a Zoning Clearanc...

STATUS

> In Referrals

01/29/2020 by John Moredo

LI

>

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (6)

Payment

Workflow History (19)

Comments (0)

Cancel

Help

Task	Due Date	Assigned Date
Environmental Health	03/06/2020	01/30/2020
Assigned to Department	Assigned to	Status
Environmental Health	Ben Dolf	Approved
Action by Department	Action By	Status Date
Environmental Health	Ben Dolf	02/25/2020
Start Time	End Time	Hours Spent
		0.0
Billable	Overtime	Comments
No	No	
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA
No		<input checked="" type="checkbox"/> All ACA Users
		<input checked="" type="checkbox"/> Record Creator
		<input checked="" type="checkbox"/> Licensed Professional
		<input checked="" type="checkbox"/> Contact
		<input checked="" type="checkbox"/> Owner
Estimated Hours	Action	Workflow Calendar
0.0	Updated	

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

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary: