



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: June 18, 2020

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Van De Pharmz, LLC, Conditional Use Permit**
Application Number 13101
Record Number PLN-13101-CUP
Assessor's Parcel Number (APN): 214-211-003
North half of Section 24, Township 03 South, Range 03 East, Miranda area

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

AGENDA ITEM TRANSMITTAL

Hearing Date June 18, 2020	Subject Conditional Use Permit	Contact Christopher Alberts
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Project Description: A Conditional Use Permit for the continued operation of an existing cannabis cultivation site consisting of 18,000 square feet of outdoor cannabis cultivation and 3,000 square feet of mixed light cannabis cultivation, totaling 21,000 square feet of commercial cannabis cultivation. Water for irrigation is sourced from an onsite groundwater well located on the subject parcel. Water is stored in hard tanks with a total of 13,500 gallons of available water storage serving this project. The applicant anticipates two cultivation cycles per year. Annual water usage is estimated at 362,304 gallons. A maximum of six employees will be required during peak operations. Processing such as trimming is proposed to occur offsite by a third-party contractor. Drying and curing occurs on-site in an existing 3,600 square foot shed. Electricity is sourced from a solar alternative energy system.

Project Location: The project is located in Humboldt County, in the Redway area, on the west side of HWY 101, approximately 3 miles south from the intersection of HWY101 and UNN 17, on the property known as North half of Section 24, Township 03 South, Range 03 East, Miranda area.

Present Plan Land Use Designations: Timberland (T), 2017 General Plan, Density 40-160 acres per unit, Slope Stability: Moderate Instability (2)

Present Zoning: Timber Production (TPZ)

Record Number: PLN-13101-CUP

Assessor Parcel Number: 214-211-003

Applicant

Van De Pharmz, LLC
Kisha Skillern
9033 Opus Drive
Las Vegas, NV 89117

Owner

Kisha Skillern
9033 Opus Drive
Las Vegas, NV 89117

Agent

Vanessa Valare
1165 Kings Peak Road
Whitethorn, CA 95589

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

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

Major Issue: None.

Van De Pharmz, LLC, Conditional Use Permit
Record Number: PLN-13101-CUP
Assessor's Parcel Number (APN): 214-211-003

Recommended Commission 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 Planning Commission has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the proposed Van De Pharmz, LLC Conditional Use Permit subject to the recommended conditions.

Executive Summary

The proposed Conditional Use Permit would allow the continued operation of an existing 21,000-square-foot commercial cannabis cultivation operation on a 120-acre parcel (assessed lot size) in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The subject parcel is Assessor's Parcel Number (APN) 214-211-003. The project site contains existing cultivation operations in rural Humboldt County. Review of historic imagery on Terra Server© indicates that on 11/04/2015, there was 21,000 square feet of cannabis cultivation on the site (3,000 square feet of mixed light and 18,000 square feet of outdoor cannabis cultivation).

The property assessed is a 120-acre parcel located on French Road. There are there are two Class III watercourses on the property that are tributary to the South Fork Eel River. Development on the site is concentrated on the southwest portion of the parcel. There are two cultivation sites, site 1 consists of one (1) 3,000 square foot light deprivation greenhouses, one (1) 3,000 square foot mixed light and a 3,600 square foot drying shed; site 2 consist of five (5) 3,000 square foot light deprivation greenhouses. According to TerraServer and Google Earth Pro, the subject project is located on two graded flats that were converted from timberlands between the years 2014-2015. The total amount of timberlands that was converted is approximately 2.45 acres. The property was issued a less than 3 acre conversion exemption in 2015.

There will be two light deprivation harvests that will occur annually and one mixed light cycle. The mixed light cycle will be harvested in July. The light deprivation cycles will be harvested in September/October. In compliance with International Dark Sky Standards, all greenhouses are covered at sunset with blackout plastic. Processing such as drying, and curing will occur onsite in a 3,600 square foot shed. Trimming is proposed offsite at a licensed processing facility. The applicant mayprocess on the adjacent parcel (214-211-004) which is a permitted cannabis farm (SP-16-772). The applicant anticipates hiring a maximum of six employees during peak operations. There is one permitted septic tank (17/18-0631) located on the property.

Existing structures used for cannabis-related activities include seven (7) 3,000 square foot greenhouses, one (1) 2,000 square foot greenhouse used for propagation, and one (1) 3,6000 square foot drying shed. The applicant has completed the Notice of Acknowledgement Regarding Agricultural Activities in Humboldt County and will secure Ag-exempt letters or building permits from the Building Division for the existing greenhouses and the existing drying barn.

Water for irrigation is sourced from a permitted groundwater well (17/18-0630). The water is pumped from the well into six storage tanks: two (1) 5,000 gallon, one (1) 2,500 gallon, and four (4) 1,500-gallon hard tanks totaling 13,500 gallons of available water storage. The applicant estimates that they will use 362,304 gallons annually. The gardens are fed by the tanks using gravity. There are no surface water diversions involved in this cannabis project. Water is conveyed to the cannabis plants via gravity from the tanks. Hay is spread on top of the soil to help with evaporation and runoff. All water sources will be metered as a condition of approval.

Electricity is sourced from a solar alternative energy system. There is a 125-kw generator located on the property that is limited to power outage events only. To ensure noise attenuation, the applicant has constructed a generator shed for secondary containment. Noise will be kept at 50 decibels or less at 100-feet away from the generator and at the edge of habitat. Due to the size of the subject parcel, the requirement to keep noise below 60 decibels at the property line, and the fact that the subject parcel is densely forested, Staff does not believe that it is likely that noise will propagate outside of the parcel lines resulting in a cumulative impact.

The subject parcel is accessed via French Road from U.S. Highway 101. Per the Road Evaluation prepared by the applicant, the first half mile of French Road is maintained by the County. After that it is privately maintained. Both segments are developed to the functional equivalent of a category 4 standard. Public Works request the applicant to pave the surface at the location of the access road for minimum width of 20 feet and a length of 50 feet as a condition of approval.

A review of the California Natural Diversity Database (CNNDDB) using Humboldt County WebGIS indicates that the project could have an impact on sensitive plant or animal species, including the Northern Spotted Owl (NSO). An NSO sighting was mapped on the neighboring parcel APN 214-233-006 in 1996. The project is within 1.06 miles of a known Northern Spotted Owl Activity Center. The proposal to continue operation of an existing cannabis cultivation site is not expected to cause additional disturbance to this specie for the following reasons: No additional ground disturbance is proposed, and the potential impacts of the existing facilities are mitigated through generator containment, shielding of artificial light between sunrise and sunset, and the requirement that noise be kept at 50 decibels or less at 100 feet away from the generator, property lines, and the edge of wildlife habitat. In addition, the applicant shall not use any synthetic netting on the project site, the applicant shall leave any wildlife that they encounter unharmed, and the applicant shall always contain all refuse in wildlife proof storage containers.

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

The subject parcel is one legal parcel per DS-03-011 (parcel 4) as described in the Certificate of Subdivision Compliance 2004-28198 recorded August 20, 2004.

Staff determined the existing cultivation and appurtenant infrastructure of the project can be considered as consistent with the Mitigated Negative Declaration prepared for consideration pursuant to Section 15164 of the CEQA Guidelines.

Based on the on-site inspection, a review of Planning Division reference sources, and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all the required findings for approving the Conditional Use Permit. Staff recommends that the Planning Commission 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 request discussion, make all required findings based on the evidence in the record and approve the application subject to the recommended conditions.

Alternatives: The Planning Commission could elect not to approve the project, require the applicant to submit further evidence, or modify the project. These alternatives could be implemented if the Commission is unable to make all required findings. Planning Division staff believes that the required findings in support of the proposal can be made. Consequently, Planning Commission staff does not recommend further consideration of the alternatives.

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

Resolution Number 20-

**Record Number: PLN-13101-CUP
Assessor's Parcel Number: 214-211-003**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approve Van De Pharmz, LLC, Conditional Use Permit request.

WHEREAS, Van De Pharmz, LLC, submitted an application and evidence in support of approving the Conditional Use Permit to permit an existing twenty-one thousand (21,000)-square-foot outdoor commercial cannabis cultivation site; 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 Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous mitigated negative declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Record Number PLN-13101-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on June 18, 2020.

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

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes the findings for approval in Attachment 2 of the Planning Division staff report for Record Number PLN-13101-CUP based on the submitted substantial evidence; and
3. Conditional Use Permit Record Number PLN-13101-CUP is approved as recommended and conditioned in Attachment 1.

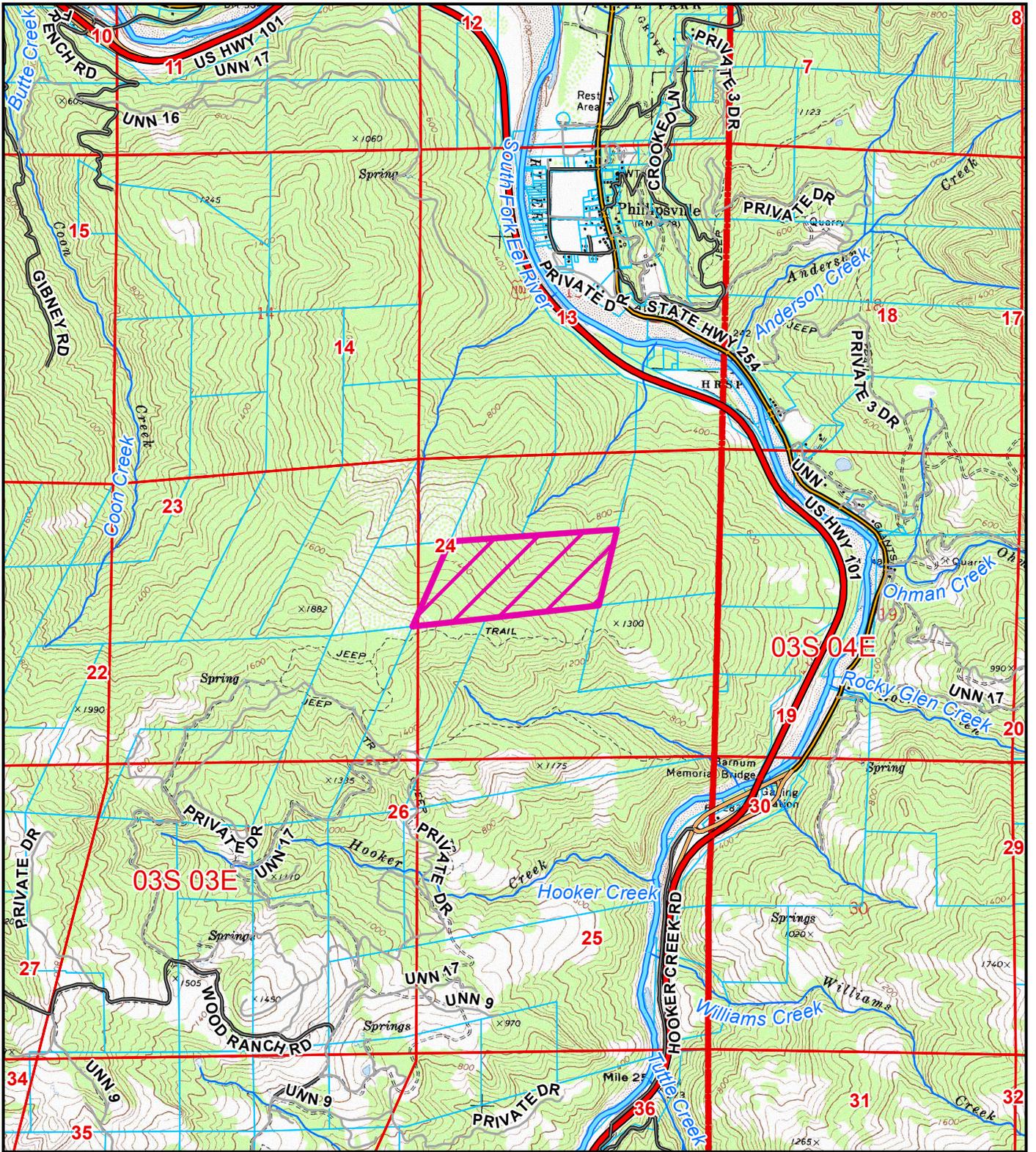
Adopted after review and consideration of all the evidence on June 18, 2020.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
DECISION:

I, John H. Ford, Secretary to the Planning Commission 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 Commission at a meeting held on the date noted above.

John H. Ford
Director, Planning and Building Department

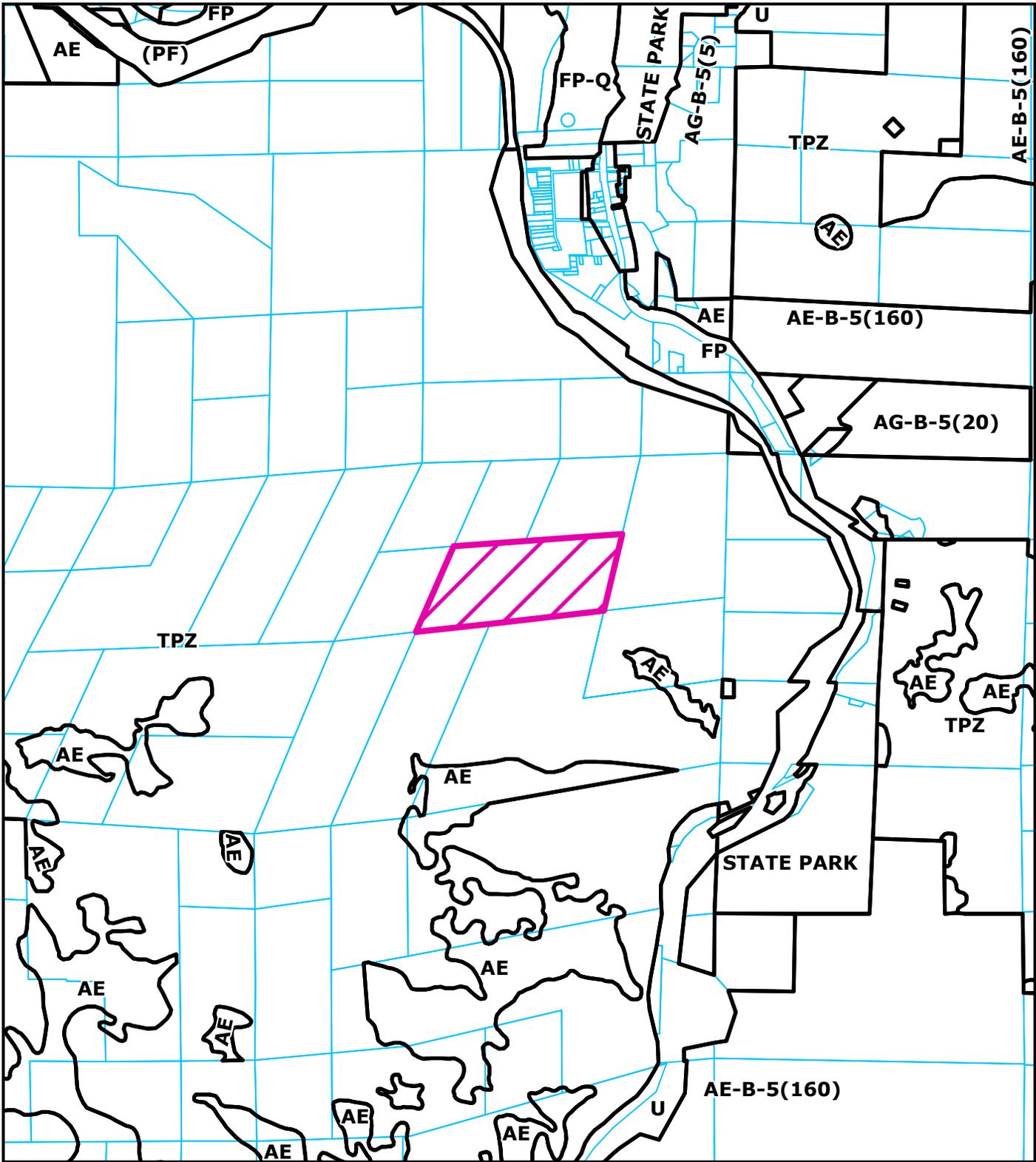


TOPO MAP
PROPOSED ANTWAN SKILLERN
REDWAY AREA
CUP-16-983
APN: 214-211-003-000
T03S R03E S24; S23 HB&M (MIRANDA)

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.

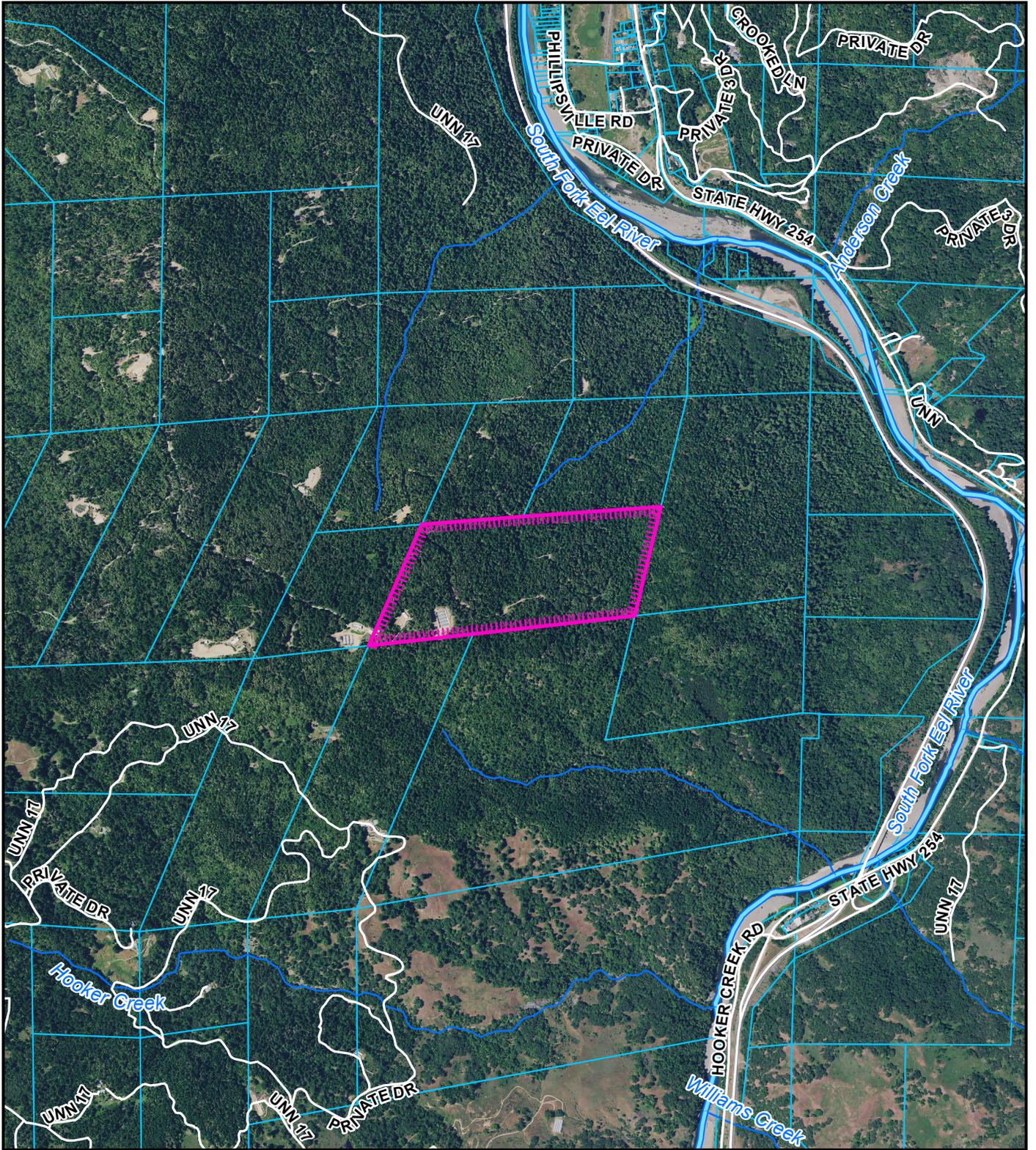


ZONING MAP
PROPOSED ANTWAN SKILLERN
REDWAY AREA
CUP-16-983
APN: 214-211-003-000
T03S R03E S24; S23 HB&M (MIRANDA)

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.



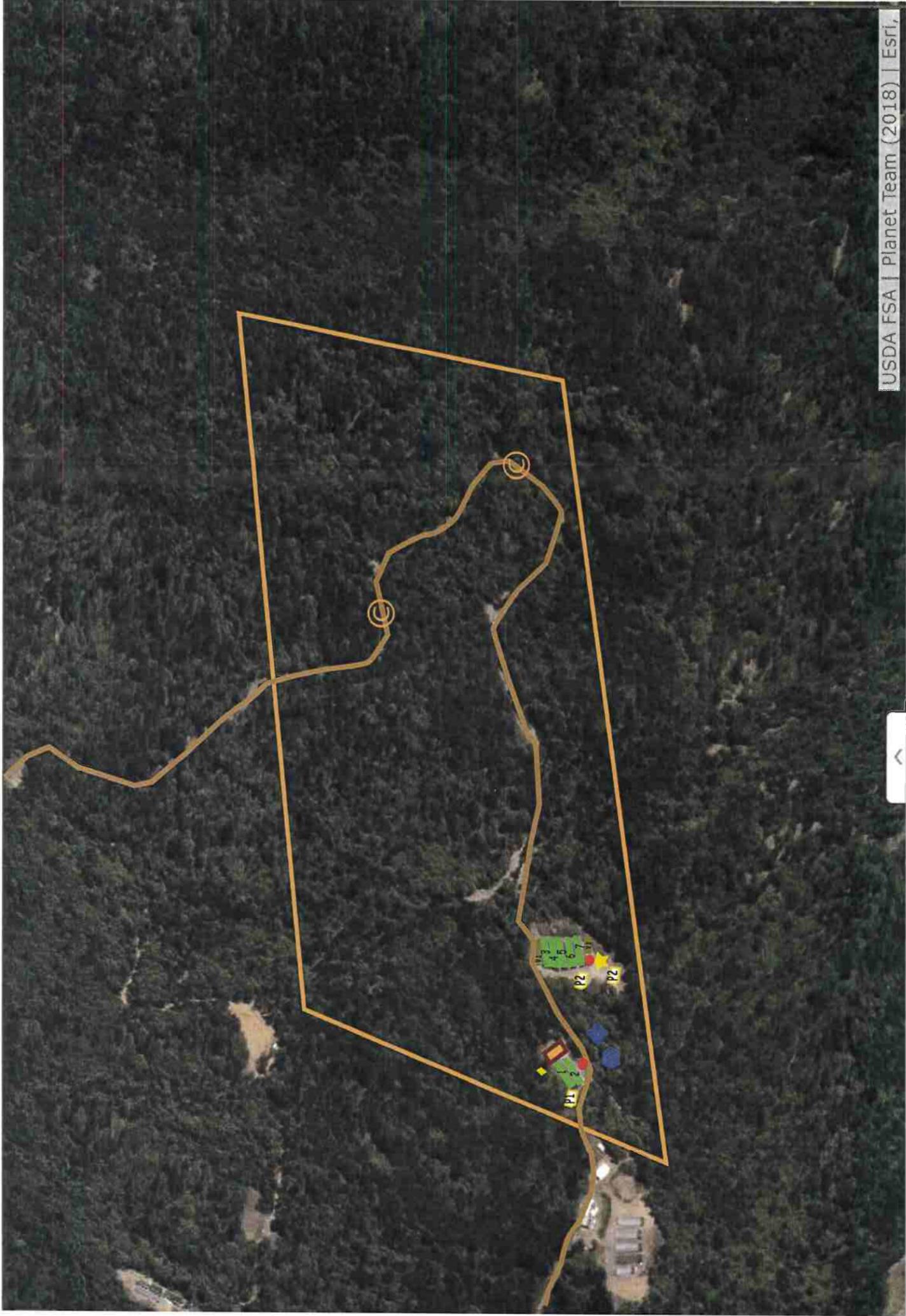
AERIAL MAP
PROPOSED ANTWAN SKILLERN
REDWAY AREA
CUP-16-983
APN: 214-211-003-000
T03S R03E S24; S23 HB&M (MIRANDA)

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.

Antwan Skillern APPS 13101 APN 214-211-003 Site Diagram 18,000 sq. ft. Outdoor Greenhouses, 3,000 sq. ft. Mixed Light



PROPOSED SOLAR PANELS

- ★ Water Tanks
- ◆ Well
- -Active Cultivation Site
- -Diesel Storage/Generator
- ▲ - Worker Housing/ Processing
- -Drying/Harvesting Area
- ◇ -Septic
- -Roads

- Ⓟ Parking Areas
- Ⓞ Culverts

Specific Measurements

- Greenhouse 1 Mixed Light- 3,000 Sq. Ft.
- Greenhouse 2 Outdoor- 3,000 Sq. Ft.
- Greenhouse 3 Outdoor- 3,000 Sq. Ft.
- Greenhouse 4 Outdoor- 3,000 Sq. Ft.
- Greenhouse 5 Outdoor- 3,000 Sq. Ft.
- Greenhouse 6 Outdoor- 3,000 Sq. Ft.
- Greenhouse 7 Outdoor- 3,000 Sq. Ft.
- V1 -VEGETATIVE GREENHOUSE 3,250 SQ FT
- V2 - VEGETATIVE GREENHOUSE 2,000 SQ FT

Drying Area 1 - 30' x 120' 3600 Sq. Ft. Built in 2015
 Parking 1-3 total combined at least 9 spaces of dedicated parking

Water Tanks 5,000g, 2,500g, 4-1,500g Total 13,500 gal

USDA FSA | Planet Team (2018) | Esri



NORTH
 MAP IS NOT TO SCALE

CULTIVATION MEETS SETBACKS FOR NEIGHBORING PARCELS. NO SCHOOLS, BUSTOPS, RECREATIONAL AREAS OR PLACES OF WORSHIP WITHIN 600 FT OF CULTIVATION

The site is located approximately 3 miles up French Rd, West of the south fork of the Eel River near Miranda. French Rd is gravel and dirt and is shared with neighbors and a locked gate. Personal driveway is shared with two (2) additional neighbors.

To access the site Via 101-

From South Hwy 101 (Eureka),

Take Exit 650 Miranda/ Phillipsville

Right on French Rd for 633 ft to the locked gate,

Follow French's Rd for approx. 2.5 miles

Take a hard left,

Driveway on right at approx. 40.1940, -123.7914

Follow driveway through five adjacent parcels

APN numbers 212-041-005, 214-123-005. 004, 214-211-005, 006

North Hwy 101 (San Francisco),

Take Exit 650 Miranda/ Phillipsville

Left on Maple Hills Rd for 310 ft,

Left onto French Rd for 850 ft to the locked gate

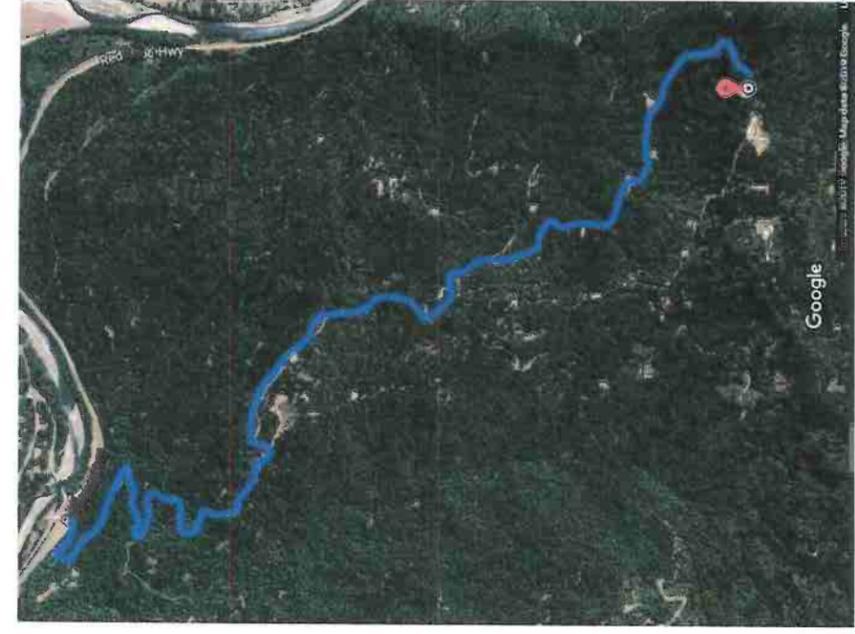
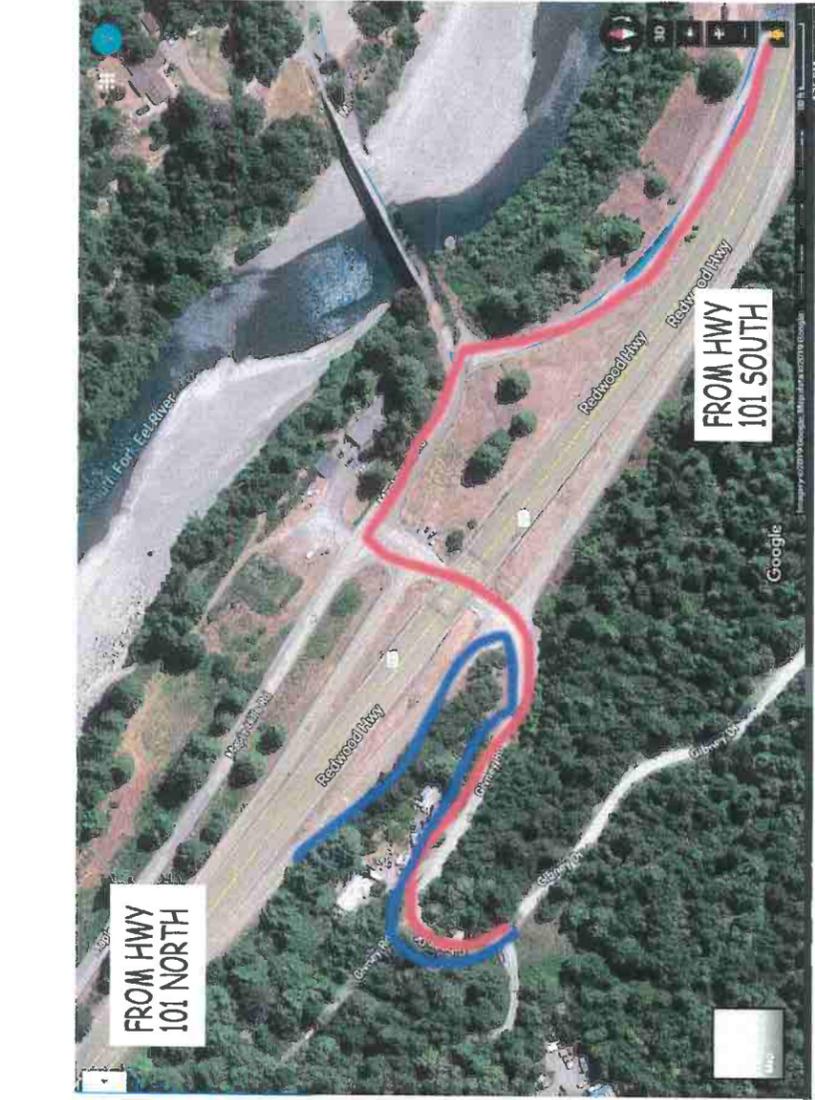
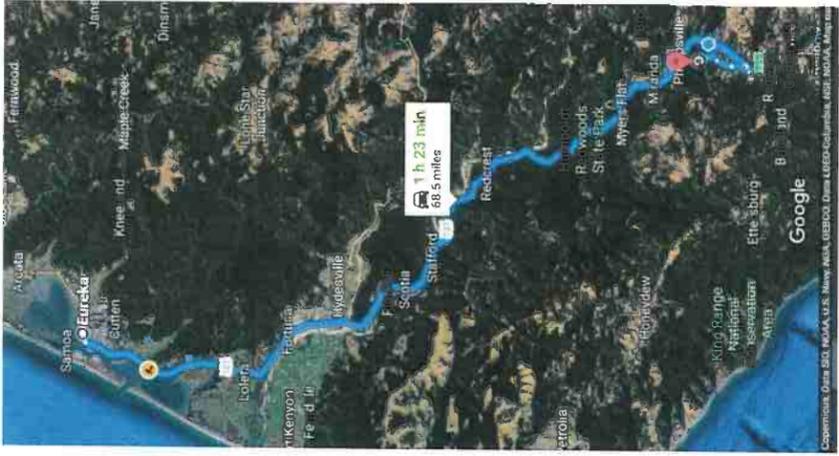
Follow French's Rd for approx. 3 miles,

Right on French Rd for 633 ft to the locked gate,

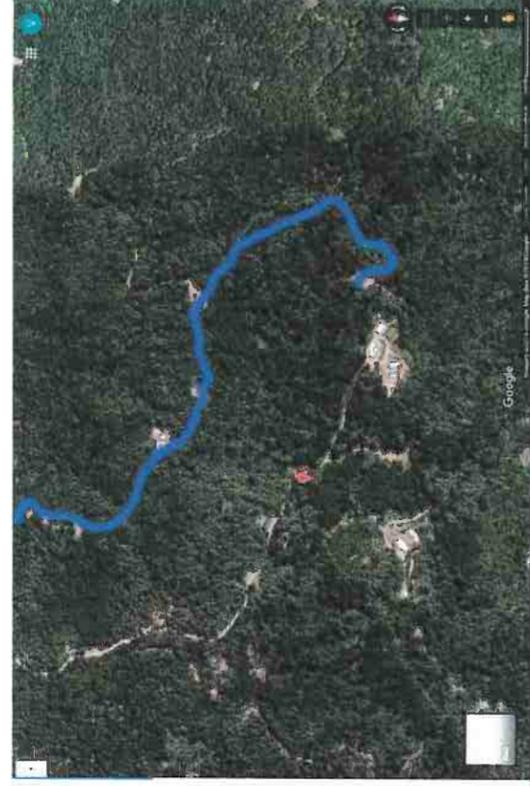
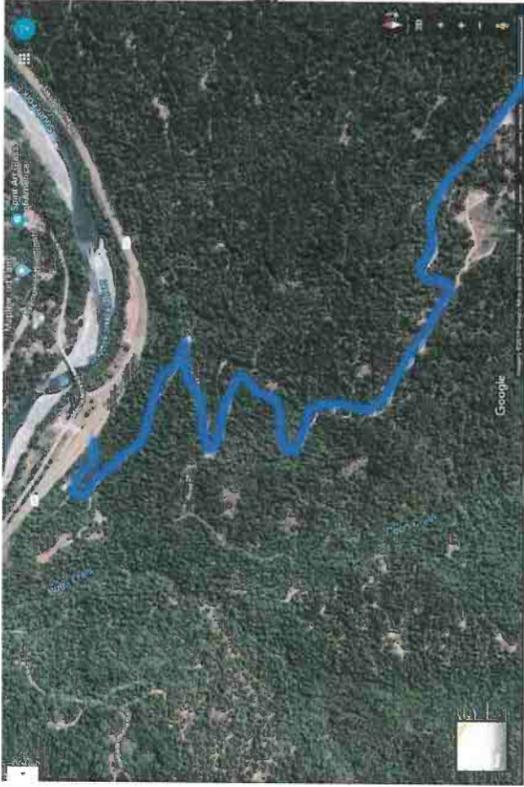
Follow French's Rd for approx. 2.5 miles

Take a hard left, Driveway on right at approx. 40.1940, -123.7914 Follow driveway through five adjacent parcels

APN numbers 212-041-005, 214-123-005. 004, 214-211-005, 006



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Planning Division



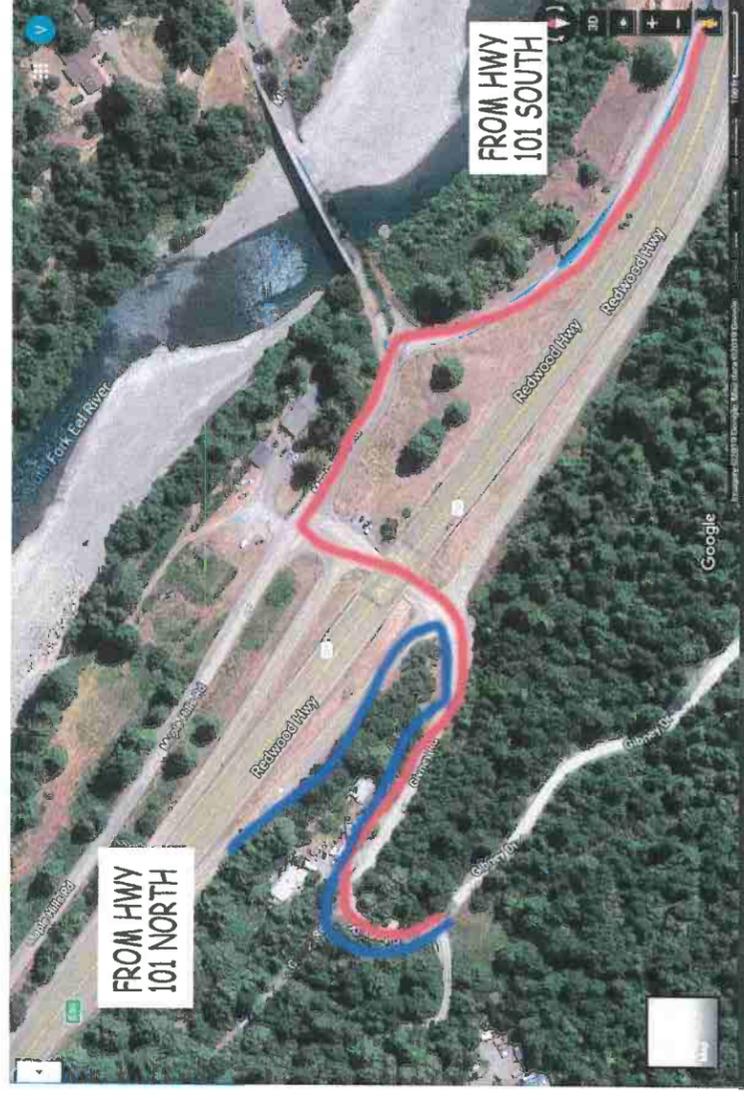
Vicinity and Overall View of Access Roads

Antwan Skillern

214-211-003

From South Hwy 101 (Eureka)
Take Exit 650 Miranda/ Phillipsville
Right on French Rd for 633 ft to the locked gate
Follow French's Rd for approx 3 miles
On left Driveway at approx
40.1950, -123.8063
Follow driveway through two parcels
Aprn 214-233-007 and 006

From North Hwy 101 (San Francisco)
Take Exit 650 Miranda/ Phillipsville
Left on Maple Hills Rd for 310 ft
Left onto French Rd for 850 ft to the locked gate
Follow French's Rd for approx 3 miles
On left Driveway at approx
40.1950, -123.8063
Follow driveway through two parcels
Aprn 214-233-007 and 006



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 APR 24 2019
 Humboldt County
 Planning Division

Vicinity and Overall View of Access Roads

Antwan Skillern

214-211-003

ATTACHMENT 1
Recommended Conditions of Approval

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

1. Within 60 days of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 14. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division, verifying that all structures related to the cannabis cultivation are permitted, will satisfy this condition.
3. The applicant shall remove all conditioning systems from the greenhouses in order for structures to be Ag Exempt OR permit the greenhouses as commercial facilities. A letter from the Building Department indicating approval has been issued will satisfy this condition.
4. All commercial structures must be ADA compliant including restrooms and parking. A letter from the Building Department indicating approval has been issued will satisfy this condition.
5. The applicant must have an Engineer/Geologist to evaluate all cut/fill slopes associated with any cannabis operations, past and current, for stability, erosion, and sediment control measures. Any cut/fill slopes steeper than 2:1 will have to be justified by the Engineer/Geologist. An Evaluation Report signed by an Engineer/Geologist will satisfy this condition.
6. The applicant shall secure the approval of the Division of Environmental Health and the Regional Water Quality Control Board for the existing on-site waste water disposal system or any proposed system showing it can accommodate the proposed use. Documented use of portable toilets with hand washing stations is required until the permitted OWTS has been installed. A letter from those agencies indicating approval has been issued will satisfy this condition.
7. The County road has a paved surface at the location of the access road. The access road shall be paved for a minimum width of 20 feet and length of 50 feet where it intersects the County road. The applicant shall also repair the entrance onto French Road at the time of surfacing the driveway road apron. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the county maintained right of way. This condition shall be completed to the satisfaction of the Department of Public Works.
8. At the request of California Department of Fish and Wildlife (CDRW), the applicant shall implement the following:

- a) Add additional water storage to the site, in event that the well does not produce in perpetuity.
 - b) Construction of noise containment structures for all generators.
9. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the RWQCB. A letter or similar communication from the RWQCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of RWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board].
10. Applicant shall submit a Well Completion Report.
11. The applicant shall submit a revised Site Plan to Humboldt County Planning for the review and approval of the Planning Director. The revised Site Plan shall show the following:
 - a) Compliance with emergency vehicle access requirements.
 - b) SRA Tank.
 - c) The revised Site Plan shall meet the minimum requirements of Humboldt County Building's Plot Plan Checklist.
12. The applicant shall execute and file the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) with the Planning Division as required by the HCC and available at the Planning Division.
13. The applicant shall contact the local fire service provider [Miranda Community Services District] and furnish written documentation from that agency of the available emergency response and fire suppression services. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
14. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

15. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$125.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.

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

1. 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.
2. All components of the 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. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
3. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
4. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
5. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
6. Comply with the terms of the applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife. The applicant shall abide by the Avoidance and Minimization Measures outlined in the signed Lake and Streambed Alteration Agreement (1600-2016-0018-R1) approved by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
7. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.

8. Any on-site lighting existing or proposed in the future shall 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, up light, or glare (BUG). On-site lighting shall be fully shielded and designed and installed to minimize off-site lighting and direct light within the property boundaries.
9. The Applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the summer months. The applicant shall install additional water storage tanks if needed. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month. The water use for cultivation is limited to the amount of water available in storage tanks and ponds.
10. 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.
11. 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, Public Park, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
12. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
13. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.
14. 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).
15. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
16. Pay all applicable application and annual inspection fees.
17. The noise produced by a generator used for cannabis drying, curing, and processing shall not be audible by humans at 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 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.

18. 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.
19. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
20. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
21. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

22. 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."
23. 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).
24. Cultivators engaged in processing shall comply with the following Processing Practices:
 - ii. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment;
 - iii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis;
 - iv. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function; and, Employees must wash hands sufficiently when handling cannabis or use gloves.
25. 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:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; andPersonal 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:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts; and
 - (c) 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.
26. 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; and
 - IX. On-site housing, if any.

27. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO 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 permittee(s) and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittee(s) or site do not comply with the conditions of approval, the inspector shall serve the CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.

28. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal 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.
29. 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.
30. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Commercial Cannabis.
31. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

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

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, ground-stone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 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 NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

3. 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.

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 Conditional Use Permit:

1. The proposed development is in conformance with the County General Plan, Open Space Plan, and Open Space Action Program.
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

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

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Timberland (T): This designation is utilized to classify land that is primarily suitable for the growing, harvesting and production of timber. Prairie and grazing lands may be intermixed.</p> <p>Density range is 40-160 acres/unit.</p>	<p>The project includes approximately 18,000 square feet of outdoor cannabis cultivation and 3,000 square feet of mixed light cannabis cultivation, totaling 21,000 square feet of commercial cannabis cultivation on a 120-acre parcel, APN 214-211-003. General agriculture is an allowable use type for this designation. The commercial agricultural operation will not preclude the ability of the parcel to be managed for timber production.</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>Access to the site is provided via Private Driveway from French Road, northwest of the proposed project. The applicant completed a Road Evaluation Report showing an aerial with the public roadway segment, 3.3 miles, and photos of the gravel and dirt roadway meeting category 4 standards. The proposed project is expected to utilize six employees during the peak season and is not anticipated to generate significant additional vehicle trips or road use. The project was reviewed by the Department of Public Works, which recommended conditional approval with the request that the applicant obtains an encroachment permit for paving of the driveway road apron to meet commercial standards and for improvements to the intersection of French Road and the private driveway. The Department of Public Works recommended conditional approval of the project. The applicant is required to obtain an encroachment permit to pave the driveway road apron to meet commercial standards and for the improvements to the intersection of French Road and Private Driveway. This has been included as a condition of approval.</p>
<p>Housing Chapter 6</p>	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for</p>	<p>The proposed project does not involve residential development and there is no plan to include farmworker housing and the subject parcel is not a part of the Housing Element Residential Land Inventory. The proposed project will not preclude any future residential</p>

	<p>the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>development and will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located within the Open Space Action Program because the subject parcel is planned Timberland (T) and is zoned Timberland Production Zone (TPZ). The proposed project can be found consistent with the Open Space Plan's Open Space Action Program because the proposed project is consistent with the permitted uses of the Land Use designations. The proposed cannabis cultivation, a permitted agricultural product, is within land planned for agricultural purposes, consistent with the type of use associated with Open Space lands for managed production of resources. There are no mapped Streamside Management Areas (SMAs) on the subject parcel (see Section 10.3 Biological Resources for additional information).</p>
<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>The California Natural Diversity Database (CNDDDB), as viewed with County WebGIS indicates that there are no mapped species on the subject parcel with cannabis cultivation areas, APN 214-211-003. A Northern Spotted Owl (<i>Strix occidentalis caurina</i>) activity center, a CDFW fully protected species, is mapped on a parcel within .96 miles of the project site and 1.06 miles away from the cultivation site on APN 214-233-006. In their referral comments, the California Department of Fish and Wildlife (CDFW) recommended conditional approval of the project, which includes habitat scoping surveys for NSO, prohibition on the use of monofilament netting and leaving wildlife unharmed. Conditions of approval also require containment for any generators used on the subject parcel. The maximum allowable generator and fan noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. The applicant shall shield light from the greenhouses between sunset and</p>

		<p>sunrise and must demonstrate that the noise can be attenuated below 50 dB sound output at 100 feet from the generator or at the edge of the nearest forest habitat, so that protected species are not harassed. The cultivation area on APN 214-211-003 is 21,000 square feet. In addition, conditions of approval have been incorporated to ensure Northern Spotted Owl in the area are not harassed by cultivation activities.</p> <p>The proposed cultivation site is on average, 1.31 miles from the South Fork Eel River and is approximately 1,262 feet greater in elevation. According to the Water Resource Protection Plan (WRPP) there are four Class III watercourses flowing on the subject parcel. All four of the watercourses are approximately 630'-700' feet away from the project site and located on the north side of the parcel. Buffers include naturally sloped undeveloped areas, heavy vegetation with native trees, and brush is sufficiently wide enough to filter any discharges from production lands. According to the site plan, no cultivation areas or appurtenant facilities are located within a Streamside Management Area buffer zone.</p> <p>The applicant estimates 362,304 gallons of water is required to meet operational needs. Water for irrigation is supplied via existing well on the site (permitted in 2017, documentation is provided). According to Google Earth Pro, the existing well is located approximately 1,460' feet north of a Class II tributary from the South Fork Eel River and is 1,586 feet in elevation. The elevation of the Class II tributary is approximately 1,202 feet. According to the well permit dated September 14, 2017, the well is approximately 200' feet in depth. There is currently 13,500 gallons of water storage in hard-sided tanks and the applicant is proposing an additional 2,500 gallons for fire suppression.</p> <p>The WRPP submitted to the Planning Department on April 24, 2019 indicates there are no stream crossings on the property.</p>
<p>Conservation and Open Space Chapter 10</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</p>	<p>The project was referred to the Bear River Band of Rohnerville Rancheria Tribal Historic Preservation Officer (THPO). No Cultural Resource Evaluation was requested. Standard Inadvertent Archaeological Discovery Protocol will be implemented during any project construction activities. Ongoing conditions of</p>

<p>Cultural Resources Section 10.6</p>	<p>economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources).</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>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 10.7</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 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 proposed project includes the use of outdoor and mixed-light cultivation in greenhouses. Cultivation activities including propagation, planting, plant-care, harvesting and processing. During some of these periods, lighting will be used to enhance plant growth. Lighting also will be used for security purposes. The proposed project would use light shields so that little or no light escapes during nighttime hours from cultivation and angle and shield security lighting to minimize light glow. The proposed light shields would ensure that light will not be visible from neighboring properties. As part of the Cultivation and Operations Plan compliance with the International Dark Sky Association standards for lighting Zone 0 and Lighting Zone 1 is included. The proposed project is not located in proximity to any scenic highway or roadway and, accordingly, light generated by the proposed project would not decrease the enjoyment of any user of a scenic highway or other scenic area within the vicinity of the proposed project. Therefore, the proposed project is consistent with this section.</p>
<p>Water Resources Chapter 11 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</p>	<p>The applicant has enrolled in the North Coast Regional Water Quality Control Board's (NCRWQCB's) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger. The site WDID is 1B161469CHUM. Conditions of Approval required the Applicant to implement all corrective measures from the Water Resource Protection Plan submitted to the County on April 24th, 2019.</p> <p>The applicant has identified one Class III watercourse approximately 900' away from the cultivation site 1 and 700' away from cultivation site 2. According to the Water Resource Protection Plan (WRPP), there one ditch relief</p>

	<p>water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, 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>culvert to be armored and an energy dissipater to be installed at the outlet. The WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order (11 of which are applicable to the project). The WRPP identified areas where the project site does not meet all 11 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. Areas where the standard conditions are not met include site maintenance, erosion control and drainage features, spoils management, petroleum products, and cultivation related waste. Specifically, the WRPP requires the property owner to apply road surface rock from the gate to the residence. The property owner shall also re-establish and maintain the rolling dips located at Road Points 1-8, so they capture all surface flow and drains them off the roads surface at each location. There is a 12" diameter ditch relief culvert that is lacking rock armoring of the inlet and an energy dissipater at the outlet of the culvert. The discharger shall rock armor the inlet and install an energy dissipater at the outlet per attached specifications in the WRPP.</p> <p>The WRPP did not identify active unstable areas but did reveal a fill slope at cultivation site 2 that has a potential for failure. The fill slope is steeper than the minimum 1.5:1 slope. The applicant shall layback the fill slope to a 1.5:1 slope and recompact the fill. The applicant shall then install erosion control mats and seed and mulch the slope.</p> <p>Cultivation site 2 has surface water runoff concentrating onto site 3 identified in the WRPP. The applicant shall install rocked drainage ditch and a rocked outflow over the fill slope to concentrate and direct storm water flows coming from cultivation site 2. The rocked drainage ditch shall be installed in a way so that it does not drain over any fill slope and towards the swale area that Road Point 4 will drain into.</p> <p>Cultivation related spoils are stored in a large pile to the northeast of cultivation site 2. According to the WRPP, an assessment of the soil pile was done and found soil and perlite slowly migrating away from the soil pile into a drainage feature on the road in which the soil pile is located. To prevent migration of the soils</p>
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		<p>from this pile or any newly created cultivation related soil spoil piles and remain in compliance with this Standard Condition, the property will tarp the soil pile and place fiber waddles around the entire pile during the wet season.</p> <p>In order to conserve water and better document water usage, the property owner will install float-valves on appropriate storage tanks to prevent overflow to the tanks to the ground. Upon site visit, there was several plastic fuel containers and used oil containers being stored out in the open without secondary containment. In order to be in compliance, any portable fuel cans and drums that contain fuel or oil shall be stored indoors with garages or storage sheds, or if stored outdoors be contained within a secondary containment vessel large enough for the entire capacity and be covered from precipitation. In order to be in compliance, all cultivation-related waste in the form of empty bags, containers, pots, and dead or harvested plant waste and pent growth medium shall be stored where they will not enter or be blown into surface waters or removed from the site and disposed of property. The applicant keeps bottles of fertilizers and amendments in a drying and storage shed to the northeast of cultivating site 1. Cultivation soils and perlite were found being transported away from cultivation site 2 via stormwater drainage in front of greenhouses and then draining across the road at site 1. The applicant shall install a drainage ditch at the base of the cutbank west of the greenhouses. The applicant shall also rock the drainage ditch and rock the adjacent road between the drainage ditch and the greenhouses. Lastly, the applicant shall then place staked wattles in the 50' leading up to drainage ditch before it crosses the road at site 1 and across the rock outflow area once the drainage flows cross the road.</p> <p>Bulk fuel is stored in two separate 1,000-gallon steel storage tanks with secondary containment that appear to be in good condition and constructed of suitable materials. One tank does not have cover and side-wind protection form precipitation and has filled with water. There were also two used oil canisters found outside of the generator shed at cultivation site 2. The applicant shall store any petroleum products and other chemicals</p>
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		<p>within garages or storage sheds, or if stored outdoors to be contained within a secondary containment vessel large enough for the entire capacity and be covered from precipitation.</p> <p>In addition, all corrective actions in the WRPP shall be completed and a monitoring plan following remediation activity shall be included. Continued conformance with the WRPP is added as a condition of approval.</p>
<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 applicant will be utilizing portable toilets in order to serve the project site. The applicant will be contracting with B&B Portable Toilets. The applicant proposes to install a permanent septic system in the future. Conditions of approval require the applicant to install a permitted onsite wastewater treatment system with an associated structure to support the needs of the project.</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; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures to protect adjacent communities. However, the project area has been determined to have potential nesting, roosting or foraging habitat for Northern Spotted Owl (<i>Strix occidentalis caurina</i>) and conditions of approval have been added to ensure noise compliance.</p> <p>Electricity for cultivation is sourced from a solar alternative energy system. However backup generators will be utilized in the event of a power outage. All generators on the parcel are secured in secondary containment in order to ensure noise levels do not exceed over 60 decibels.</p>
<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</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The County's GIS shows the site in an area designated as Moderate Instability (2). The majority of the site is mapped by USGS has having slopes between 15 and 30 percent, with some areas in the northeast and northwest as</p>

	<p>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; S-P7, Structural Hazards.</p>	<p>being over 50 percent. However, the County GIS show the cultivation areas on the site being located in areas mapped primarily as containing slopes less than 15 percent, and 15-30 percent. Based on review of historic aerial imagery on Google Earth® and County WebGIS, the locations of the cultivation areas have been previously graded. No portion of the project site has been mapped as an area of historic landslides. As a condition of approval, the graded areas and structures shall be reviewed by the County Building Division and will be reviewed for consistency with applicable State and local regulations of building standards, including those addressing slope stability, ground shaking, and geologic risks.</p> <p>The project does not pose a threat to public safety related from exposure to natural or manmade hazards. The applicant must secure a grading permit for any planned improvements and as part of the permit the applicant will, at a minimum, incorporate the standard erosion control measures enumerated in the General Plan as a condition of approval.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The County's GIS shows that the project site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 17.5 miles distance from the coast and approximately 1,595 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State</p>	<p>The subject property is located in an area with a high fire hazard severity. The property is located within Miranda Volunteer Fire Department Response Area and within the State Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires.</p> <p>Water storage on the property, including for fire suppression, will consist of six water storage tanks totaling 13,500 gallons. A 2,500-gallon</p>

	Responsibility Areas (SRA) Fire Safe Regulations.	water tank is marked as SRA on the subject property. Applicant states there are plenty of unused water storage tanks that can be designated to fire if more SRA water storage is needed.
Community Infrastructure and Services Element, Chapter 5 Implementation Action Plan	IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgement of available emergency response and fire suppression services from the local fire agency, including ant recommended mitigation.	To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Miranda Volunteer Fire Department] 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.
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4). Related policies: AQ-P4, Construction and Grading Dust Control; AQ-P7, Interagency Coordination; AQ-S1, Construction and Grading Dust Control.	The project is an existing operation, with no proposed construction other than the replacement of culverts and site maintenance and erosion control activities per the WRPP. The proposed project would not result in generation of particulate matter or greenhouse gases inconsistent with state and federal requirements.

2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Requirement Lot	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	<p>The subject parcel is legal patent parcel described as the East Half of the Northwest Quarter and the Southwest quarter of the Northeast Quarter Section 24, Township 3 South, Range 3 East, Humboldt Meridian.</p> <p>There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.</p>
§314-7.4 Timberland Production Zone (TPZ) §314-55.4.8.2	Grazing and other agricultural uses are principal permitted compatible uses. In all zones consisting of timberland, cultivation shall be permitted in a 3-acre conversion exemption area or in non-timberland open area. Permits for existing outdoor cultivation in zoning districts including TPZ may be issued only when possible to bring them into compliance with all applicable standards. The total cultivation area shall not exceed 1 acre for outdoor cultivation.	The applicant is seeking a Conditional Use Permit for an existing 21,000 SF outdoor and mixed light commercial cannabis cultivation operation on property zoned TPZ. The proposed use is specifically allowed with a Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Parcel Size:	160 acres; or 40 acres if provisions of §51119.5 are met	120 acres
Max. Lot Coverage:	None specified	N/A
Min. Yard Setbacks	Front: 20 feet Rear: 30 feet Side: 30 feet 30 feet from all property lines based on provisions of §314-55.4.11	Front: >20 feet Rear: >30 feet Side: >30 feet Minimum setbacks for all cultivation areas are greater than 30 feet as indicated on the applicant-provided plot plan.
Max. Building Height:	None specified	<35 feet
§314-61.1 Streamside Management	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside	According to the site plan, no cultivation areas or appurtenant facilities are located within a Streamside Management Area buffer zone.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Area Ordinance (SMAO)	Management Areas (SMAs) and other wet areas (OWA) such as natural ponds, springs, vernal pools, marshes, and wet meadows (exhibiting standing water year-long or riparian vegetation) to implement the County's Open Space Element of the General Plan.	There are no stream crossings located on this property. Cultivation activities are more than 1,000 feet away from any stream. In addition, as part of the WRPP, the applicant is required to conduct remediation measures to become fully compliant with the Standard Conditions.
§314-109.1.3: Off-Street Parking	Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required. <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>	Three parking areas with 9 combined parking spaces.

314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2 Timberland Conversion	Commercial cannabis cultivation is allowed on parcels zoned TPZ, that are one acre or larger and have been designated in the General Plan for agricultural development. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area.	The project features existing cultivation operation in cleared areas of a forested lot in rural Humboldt County. Review of historic imagery on GoogleEarth and TerraServer indicates portions of the site have been cleared and possible graded for the existing operation. According to the Less Than 3-Acre Conversion Exemption dated 6/26/2015, approximately 2.45 acres of timber was converted for the existing cannabis operation. Review of Humboldt County WebGIS show entire cultivation area having slopes less than 15%, no historic landslides are located on the parcel, and has moderate instability slopes.

<p>§314-55.4.8.2.2 Existing Outdoor and Mixed Light Cultivation Areas</p>	<p>A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in [...] TPZ districts (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation.</p>	<p>Based on review of historic imagery on GoogleEarth®, the site was used for cannabis cultivation prior to January 1, 2016.</p> <p>The proposed project includes permitting up to 21,000 square feet of outdoor and mixed light cannabis cultivation on parcel zoned TPZ. The cultivation area is consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>
<p>§314-55.4.8.4 Processing Facilities</p>	<p>Processing Facilities for commercial cannabis for medical use for other than an appurtenant, on-premises cultivation operation as provided in Section 314-55.4.9.1 shall be a permitted use in zoning districts as specified in the CMMLUO and shall meet the Processing Performance Standards and Employee Safety Practices enumerated in Section 314-55.4.11 (q) through (u).</p>	<p>Van De Pharmz, LLC is the primary cultivator and processor. Processing includes drying and trimming. Applicant anticipates hiring a maximum of 6 seasonal employees.</p>
<p>§314-55.4.8.10 Permit Limit</p>	<p>No more than four commercial cannabis activity permits may be issued to a single person.</p>	<p>According to records maintained by the Department, the applicant holds no other cannabis activity permits, and is entitled to four.</p>

314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	The applicant submitted the required registration form on December 27, 2016.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications.	Attachment 4 identifies the information submitted with the application and collected after. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities. The area of cannabis cultivation and on-site processing shall be located at least 30 feet from any property line.	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, 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.	Water for irrigation is sourced from an onsite well and stored in several water tanks for a total of 13,500 gallons of available storage. It is conveyed to the cannabis plants by gravity from the tanks. The Applicant is required to install additional water storage tanks, if needed. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month and source. The applicant estimates 362,304 gallons of water is required to meet operational needs. Water for irrigation is supplied via existing well on the site (permitted in 2017, documentation is provided). According to Google Earth Pro, the existing well is located approximately 1,460' feet north of a Class II tributary from the South Fork Eel River and is 1,586 feet in elevation. The elevation of the Class II tributary is approximately 1,202 feet. According to the well permit dated September 14, 2017, the well is approximately 200' feet in depth. There is currently 13,500 gallons of water storage in hard-sided tanks and the applicant is proposing an additional 2,500 gallons for fire suppression.

<p>§314-55.4.11.d Performance Standards-Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>The site plan shows that all cultivation facilities are located at least 30 feet from any property line. The site plan also shows that the cultivation area is not 600 feet of a school bus stop, school, public park, place of worship, or Tribal cultural resource.</p>
<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, 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, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>The project utilizes solar energy as the source of electricity. Backup generators will be used but are limited to power outage events only. Generator noise will be mitigated by distance attenuation and reduction due to the improvement and maintenance of enclosures.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The application was submitted on December 30, 2016.</p>

Public Health, Safety, and Welfare: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4 Permit Findings	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare. The project as proposed and conditioned is consistent with the general plan and zoning ordinances. All performance standards are required to be complied with throughout the timeframe of the permit and are included as conditions of approval.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The project would not change the housing development potential of the site or surrounding properties.

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation site, for ancillary structures, and for two points of diversion. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

CEQA ADDENDUM TO THE
MITIGATED NEGATIVE DECLARATION FOR THE COMMERCIAL MEDICAL MARIJUANA LAND USE
ORDINANCE

*Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration (MND)
(State Clearinghouse # 2015102005), January 2016*

APN 214-211-004, County of Humboldt

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

June 2020

Background

Modified Project Description and Project History

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO 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. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The property assessed is a 120-acre parcel located on French Road. There are there are two Class III watercourses on the property that are tributary to the South Fork Eel River. Development on the site is concentrated on the southwest portion of the parcel. There are two cultivation sites, site 1 consists of one (1) 3,000 square foot light deprivation greenhouses, one (1) 3,000 square foot mixed light and a 3,600 square foot drying shed; site 2 consist of five (5) 3,000 square foot light deprivation greenhouses. According to TerraServer and Google Earth Pro, the subject project is located on two graded flats that were converted from timberlands between the years 2014-2015. The total amount of timberlands that was converted is approximately 2.45 acres.

There will be two light deprivation harvests that will occur annually and one mixed light cycle. The mixed light cycle will be harvested in July. The light deprivation cycles will be harvested in September/October. Existing structures used for cannabis-related activities include seven (7) 3,000 square foot greenhouses, one (1) 2,000 square foot greenhouse used for propagation, and one (1) 3,6000 square foot drying shed. Processing such as drying, and curing will occur onsite in the 3,600 square foot shed. Trimming is proposed offsite at a licensed processing facility. If an offsite processing facility is not available, then the applicant will process on the adjacent parcel (214-211-004) which is a permitted cannabis farm. The applicant anticipates hiring three full time seasonal workers.

Water for irrigation is sourced from a permitted well (17/18-0630). The water is pumped from the well into six storage tanks: two (1) 5,000 gallon, one (1) 2,500 gallon, and four (4) 1,500-gallon hard tanks totaling 13,500 gallons of available water storage. The applicant estimates that they will use 362,304 gallons annually. Electricity is sourced from a solar alternative energy system. There is a 125-kw generator located on the property that is limited to power outage events only.

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

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) 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 MND 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 MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 21,000 square feet of existing mixed-light cannabis cultivation, and ancillary structures s fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

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 MND was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.

2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified MND 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 MND, 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) 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)
2. 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. (Staff Alternative Site Map dated 4/24/2019. Attached with maps)
3. 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), 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)
4. A revised to the Cultivation and Operations Plan, dated 3/30/2020 (Attached).
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file, Cultivation and Operations Plan, see Attachment 3)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If the source of water is a well, a copy of the County well permit, if available. (On file)
9. Consent for on-site 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)

10. 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. (On file, Cultivation and Operations Plan, see Attachment 3)
11. 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)
12. 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)
13. Road Evaluation Report dated March 13, 2020 (Attached).
14. Water Resource Protection Plan dated April 24, 2019 (Attached).
15. Less Than 3-Acre Conversion dated June 26, 2015 (Attached).

Cultivation Plan

Van De Pharmz

Location: 2841 French Rd Miranda, CA 95553

County: Humboldt

APN: 214-211-003

Address: 9033 Opus Dr. Las Vegas, NV 89117

Contact Name: Vanessa Valare

Telephone: 707.923.1180/760.613.6520

Email: etahumboldt@gmail.com

Cultivation Site

This project will consist of 7 greenhouse flowering cannabis gardens. The total pre-existing flowering canopy cultivation for this parcel is 21,000 sq. ft.

All cannabis in gardens grown outdoors under greenhouses. All cannabis is harvested and dried on adjacent parcels site, in buildings built after 2006.

Footprint explanation

Greenhouse 1.-

This Greenhouse is a 3,000ft² mixed-light greenhouse. Each row of the cannabis is a raised bed area with the cannabis growing above the ground. The area was not graded but shaped and flattened out a little to accommodate greenhouses on a level plain. There are no signs of wastewater runoff or erosion in this garden. Hay is also spread around the area and on the topsoil. The water line as well as manifolds and fittings are checked almost daily for leak or cracks.

Greenhouse 2-

This greenhouse is a 3,000ft² outdoor light deprivation greenhouse. with the cannabis growing in raised beds above the ground. The area was not graded but shaped and flattened out a little to accommodate greenhouses on a level plain. There are no signs of wastewater runoff or erosion in this garden. Hay is also spread around the area and on the topsoil. The water line as well as manifolds and fittings are checked almost daily for leak or cracks.

Greenhouse 3 -

This greenhouse is a 3,000ft². with the cannabis growing in raised beds above the ground. The area was not graded but shaped and flattened out a little to accommodate greenhouses on a level plain. There are no signs of wastewater runoff or erosion in this garden. Hay is also spread around the area and on the topsoil. The water line as well as manifolds and fittings are checked almost daily for leak or cracks.

Cannabis Greenhouse 4-

This greenhouse is a 3,000ft² outdoor light deprivation greenhouse. Each row of the cannabis is a raised bed area with the cannabis growing above the ground. All greenhouses are a permanent structure. All black out plastic used as many seasons as possible and repaired instead of replaced for as long as possible. The area was not graded but shaped and flattened out a little to accommodate greenhouses on a level plain. There are no signs of wastewater runoff or erosion in this garden. Hay is also spread around the area and on the topsoil. The water line as well as manifolds and fittings are checked almost daily for leak or cracks.

Cannabis Greenhouse 5-

This greenhouse is a 3,000ft² outdoor light deprivation greenhouse. Each row of the cannabis is a raised bed area with the cannabis growing above the ground. All greenhouses are a permanent structure. All black out plastic used as many seasons as possible and repaired instead of replaced for as long as possible. The area was not graded but shaped and flattened out a little to accommodate greenhouses on a level plain. There are no signs of wastewater runoff or erosion in this garden. Hay is also spread around the area and on the topsoil. The water line as well as manifolds and fittings are checked almost daily for leak or cracks.

Immature Plants

Immature plants will be propagated from seed or purchased from a licensed nursery. When needed a section of the processing shed is used for seedling and immature plants, only minor supplemental light is used, 22w regular light bulbs. Once plants are large enough to exist outside the are moved to greenhouses to finish vegetative cycle before switching to flowering with a black out tarp. All Light will be shaded with a blackout tarp to ensure no light seeps out.

Cultivation Cycles

The greenhouses will be harvested twice over two cycles. The first time in July after a Light Deprivation cycle. The second harvest in Sept/Oct with natural finish (no black out cover).

Monthly Cultivation Site Activities

Month	Activities
January	Finish processing of fall harvest, trimming and storage. Plan new year. Mow cover crop. Check greenhouse for issues/fix. Check water lines, tanks and all equipment for repairs or damages. Make plan for repairs.
February	Work on trenches/and holes for plants layer more compost in beds. Treat compost if necessary. Finishing processing last year's crop if still necessary. Mark non cannabis vegetation needed to be removed/burned.
March	Get clones from other permitted grow operation. Transplant and move into garage with seedlings. Amend beds, fix fences, service equipment, make plan for independent contractors i.e., painting, fence building, greenhouse fixing, etc.
April	Amend and start turning beds, prep dirt and supplies for greenhouse plants Add nematodes compost for pest prevention. Mid- April move first round of plants to greenhouses. Weed whacking, mowing, and brush cleanup.
May	Plant Long Term Plants. Spray with preventive sulfur. Treat with biodynamic preparations for pest control and mold control. Greenhouse plants switched into flower using a blackout cover mid-late May. Turn beds, fix/ replace and clean drip emitters, check timers. Double check all water systems for leaks and clogs. Put out sound sensors for rodents.
June	Hay put over each bed for water retention. Use re mesh for supports as well as bamboo stakes which are cleaned with bleach before each use. Bamboo reused for multiple years. Regular feeding schedule of compost teas adhered to. Pests are dealt with as they arise with oils, nematodes and predator mites from compost. Procure next round of plants from licensed nursery.
July	Harvest greenhouse mid-month, replant with new clones from a permitted nursery. Treat plants with preventive measures. Harvested flowers to hang in garage, then to be cured and hand trimmed per processing plan.
August	Finish processing July's harvest. Monitor water supply, check lines and all areas for insect/ animal disturbance.

September	Prepare for Harvest. Clean and prepare lines and drying spaces in garage. Clean all supplies and purchase new items needed. Harvest, cure and trim as outlined above in processing plan.
October	Harvest greenhouses. Harvest Long term Plants. Process as outlined above. Pull all root-balls, pack hay and cover crop seeds on beds. Pull drip system. Check all equipment and tools

	for leaks and damages before storing for winter. Store all supplies possible, cleanup site.
November	Winterize water system, greenhouse and sheds. Clean up drying rooms remove all lines and debris. Put away all supplies i.e. fans, dehumidifiers. Continue processing cannabis as outlined above.
December	Start amendments for winter. Prep all water and water storage system for shut down. Clean all garden implements. Put all left over supplies away. Driveway fixing other farm/garden maintenance.

Operations Plan

Van De Pharmz LLC

Location: 2841 French Rd. Miranda, CA 95553

County: Humboldt

APN: 214-211-003

Address: 9033 Opus Dr. Las Vegas, NV 89117

Contact Name: Vanessa Valare

Telephone: 707.923.1180/760.613.6520

Email: etahumboldt@gmail.com

Project Description

This application is for a project located on parcel number 214-211-003. Van De Pharmz LLC is the primary cultivator and primary processor at this property. This project will consist of seven (7) greenhouses. One (1) 3,000 ft² mixed light greenhouse, and six (6) 3,000 ft² outdoor light deprivation greenhouses. The total cultivation for this parcel is 21,000 sq. ft. All cannabis in gardens grown under greenhouses.

All cannabis is harvested and dried on adjacent parcel's site, (214-211-004) until such time as a processing facility opens within a reasonable driving distance.

Water

All water used in cultivation is currently sourced on-site from a well located on the property.

Water Storage and Usage

Overall, the amount of water used by the Cannabis Greenhouses is 346,554 gallons per year, this is an estimate, to the best of my knowledge. The domestic use water is an estimate, to the best of my knowledge, to which I based my estimate on around 25 gallons a day per person for the workers. Maximum of water stored on-site at any time is 13,500 gallons. The water is pumped from the well to the storage tanks. One 5,000g, one 2,500g and four (qty 4) 1,500g green plastic hard tanks are used for storage. The tanks then feed the gardens by gravity.

Fertilizer is applied through the drip system from separate small food tanks, or by hand from 55gallon barrels. Total water storage is 13,500 gallons. Water conservation is a top priority. The well is 200' deep and 10" in diameter and 500' ft from septic tank and flows at 15 GPM year-round. Installed by Bushnell Enterprises in September of 2017.

Irrigation Plan

All irrigation is done by a drip water system which is implemented by hand, ensuring the minimal amount of water necessary to water the plants.

The gardens are labeled on the map with corresponding Item numbers. All gardens are more than 150 feet from any water source or supply.

Site Drainage

AREAS: All cultivation occurs in areas which are relatively flat (less than 5% slope) All irrigation is maintained in greenhouses and no runoff is allowed to escape. Because of strict protocols for water usage, runoff is not created.

EROSION CONTROL: Erosion is prevented by limiting cultivation to areas of the property with slopes less than 5%. The on-site water tanks have an associated French-drain capable of handling any potential tank failure which drains into vegetative swales to ensure no discharge into waters of the State can occur.

DITCHES: Additionally, all culverts and drainage ditches are lined and properly maintained to prevent erosion and sediment movement during the wet winter months when cultivation is not occurring.

The cannabis is then processed by the applicant in according with his operations plan. All processing occurs on Adjacent parcel (214-211-004) site until another viable option is presented. I.e., A processing center opening within a modest driving distance.

This Project consists of seven greenhouses.

Greenhouse 1- 3,000 sq. ft. mixed light

Greenhouse 2- 3,000 sq. ft. outdoor light deprivation

Greenhouse 3- 3,000 sq. ft. outdoor light Deprivation

Greenhouse 4- 3,000 sq. ft outdoor light deprivation

Greenhouse 5- 3,000 sq. ft outdoor light deprivation

Greenhouse 6- 3,000 sq. ft outdoor light deprivation

Greenhouse 7- 3,000 sq. ft outdoor light deprivation

Drying Shed

One (1) 120' X 30', 3,600ft² drying
shed located on the property.

Each item corresponds with a pin on attached map. Other items appear on map as well such as drying shed and water tanks. See map Legend.

Land Features

The area where the cannabis is cultivated underwent a 3-acre conversion prior to winter cultivation in 2015. Conversion permit #1-15ex-218-hum. A copy has been attached for easy reference. In years past small equipment was used to aid in shaping and contouring existing flats on the land. There are 2 culverts all in excellent condition and maintained regularly. There are no easements on title to my land.

Proximity

The property is 179 ft from the neighboring property line to the west. and 131 ft to the south. Please see site maps. There are no schools, school bus stops, public parks, public lands, hiking trails or tribal resources within 600 ft of my property.

Tracking, Records, and Inspections

CERCC requires that the project be in compliance with the Track-and-Trace System and local requirements. The following policies shall be implemented to ensure compliance with the CERCC and CWMP:

- A. In addition to all other tracking requirements, disposal of cannabis waste shall use the Track-and-Trace System with documentation to ensure cannabis waste is identified, weighed, and tracked while on premises and when disposed.
- B. All cannabis plant material identified as cannabis waste shall be reported in the Track-and-Trace System made within three (3) business days of the change in disposition from cannabis plant material into cannabis waste scheduled for destruction or disposal.
- C. Review of on-site cannabis, Track-and-Trace System records, cannabis waste, commercial waste, and any other records shall be available for CDFA inspection or their designated representative. Inspections shall occur at standard business hours from 8:00am to 5:00pm. Prior notice for inspections is not required by the inspecting agency.
- D. No person shall interfere with, obstruct or impede inspection, investigation or audit. This includes, but is not limited to, the following actions: Denying the department access to the licensed premises.
Providing false or misleading statements.
Providing false, falsified, fraudulent or misleading documents and records, and failing to provide records, reports, and other supporting documents.

- E. Accurate and comprehensive records shall be maintained on-site for seven (7) years regarding cannabis waste which are subject to CDFA inspection that account for, reconcile, and evidence all activity related to the generation or disposition of cannabis waste.

Trash/Refuse

Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters. All trash and recycling is stored in cans with lids on a stable, flat area. The cans are secured to exclude wildlife and prevent discharge or contact with water or receiving waters. Garbage and refuse shall be disposed of at an appropriate waste disposal location. All garbage and refuse is disposed of at an authorized municipal waste transfer station. It will be taken to Redway Transfer station by personal vehicle, ie truck, 1-3 times per week depending on garbage accumulation.

Solid Waste/ Recycling

Solid waste and recyclables on the property will be not be stored or collected. They will be taken to Redway Transfer station by personal vehicle, i.e. truck, 1-3 times per week depending on garbage accumulation. All soil will be reused and never dumped. Garbage from the grow is bags from amendments and fertilizer containers. All items will be cleaned out properly into a leach field or garden area, recycled if possible and if not removed to the transfer station. All recycling is sorted in a can with lids in the yurt until it is removed No garbage is stored outside or unattended where animals can access.

Solid Waste and Recyclables Disposal

Redway Transfer Station
Recycling center in Humboldt County, California
Conservation Camp Rd. Redway, CA 95560
707-923-3944
<https://www.recology.com/recology-eelriver/redway-transfer-station/>

Hazardous Waste Disposal

Humboldt Waste Management Authority 1059 W Hawthorne St.
Eureka, CA 95501 707-268-8680

Wastewater Removal

B&B Portable Toilets

150 Taylor Way
Blue Lake, CA 95525
(707) 445-0830 (707) 839-8809
fax www.bbportabletoilets.com

PURPOSE: The *Road Evaluation Report* is intended as a way for an applicant to document the condition of the access road(s) serving the subject property for cannabis projects that require a Conditional Use Permit (CUP), Special Permit (SP), or Zoning Clearance Certificate (ZCC). This report is not intended to be used for any other type of Planning & Building Department permit application. This will enable Public Works staff to determine if the existing roadway network [excluding on-site driveway(s)] is suitable to accommodate the proposed use on the subject property.

In rural areas, a category 4 road is usually adequate for most uses. If the road is paved and has a centerline stripe it is considered by the Department to be a category 4 road. In urban and suburban areas, the road may also need to accommodate other road users (pedestrians, bicycles, equestrians, etc.). When roads meet or exceed this standard, the roadways can typically accommodate increased traffic. This evaluation is accomplished by the applicant completing Part A of the *Road Evaluation Report*.

When the roadways do not meet a category 4 standard, there is a question that road may not be able to accommodate traffic from the proposed use. The goal is to evaluate roads that do not meet road category 4 standards in order to determine if the roads can accommodate increased traffic. This evaluation is accomplished by the applicants engineer completing Part B of the *Road Evaluation Report*.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. A neighborhood traffic management plan may include (but is not limited) the following elements: restricting the times that project traffic will use the road to off-peak hours; combining trips to reduce the volume of project traffic; carpooling to reduce the volume of project traffic; the use of signs and CB radios to coordinate traffic using the road(s); etc. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, and other cannabis projects using the road, etc.); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report*.

There may be other cannabis projects that use the same access road(s) as your project. Part B of the *Road Evaluation Report* needs to address the cumulative impacts from your project and all other cannabis projects that will also use the same road(s). There may be benefits of applicants collectively working together with one engineer to complete the *Road Evaluation Reports* for all of the projects.

(continued on next page)

REFERENCES:

- Humboldt County *Road Design Manual*, Chapter 7, Design Standards for Roadway Categories.
- American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)*.
- American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets* (AKA "Green Book")
- Institute of Transportation Engineers (ITE) *Trip Generation*

INSTRUCTIONS: The *Road Evaluation Report* consists of two parts. The first part (Part A) may be completed by the applicant. If the second part (Part B) is needed, it must be completed by a Civil Engineer licensed by the State of California. The .pdf version of this document provides fields that can be filled in.

A separate *Road Evaluation Report* is required for each road. **Save Time: before completing these forms consult with the Land Use Division at 707.445.7205 to make sure you are evaluating all of the necessary roads for your project; that other cannabis projects in the vicinity have been included; and to make sure that you understand what is needed.**

Special instructions to the applicant's Civil Engineer in completing Part B:

- Engineer will need to contact the Department for a list of other cannabis projects that may be using all or some of the same roads in the roadway network.
- Engineer will need to determine which of these projects utilize the roads within the same roadway network by personally reviewing the cannabis project applications at the Planning & Building Department. Many of the cannabis project applications are incomplete; therefore the engineer may need to directly contact other applicants to determine how these other cannabis projects will utilize the roads in question.
- Engineer may propose a master plan in which any required roadway improvements are incrementally divided among several cannabis projects. However, the master plan must be designed so that improvements to the road(s) will be adequate when constructed incrementally.

// END //

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

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

Applicant Name: Kisha Skillern APN: 214-211-003 and 214-211-006

Planning & Building Department Case/File No.: 13101

Road Name: French Rd *(complete a separate form for each road)*

From Road (Cross street): Givney RD

To Road (Cross street): Private Driveway

Length of road segment: Approx 3.3 miles Date Inspected: Feb -18 - 2020

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

Check one of the following:

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

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

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

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

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

Signature

Date

Name Printed

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

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

Road Name: _____ Date Inspected: _____ APN: _____
From Road: _____ (Post Mile _____) Planning & Building
To Road: _____ (Post Mile _____) Department Case/File No.: _____

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

Number of other known cannabis projects included in ADT calculations:

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

ADT: _____ Date(s) measured: _____

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

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

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

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

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

A. Pattern of curve related crashes.

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

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

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

C. Substantial edge rutting or encroachment.

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

D. History of complaints from residents or law enforcement.

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

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

Check one: No. Yes.

F. Need for turn-outs.

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

3. Conclusions/Recommendations per AASHTO. Check one:

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

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

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

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

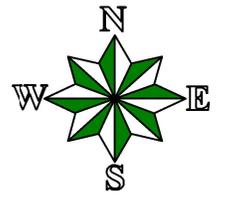
(SEAL)

Signature of Civil Engineer

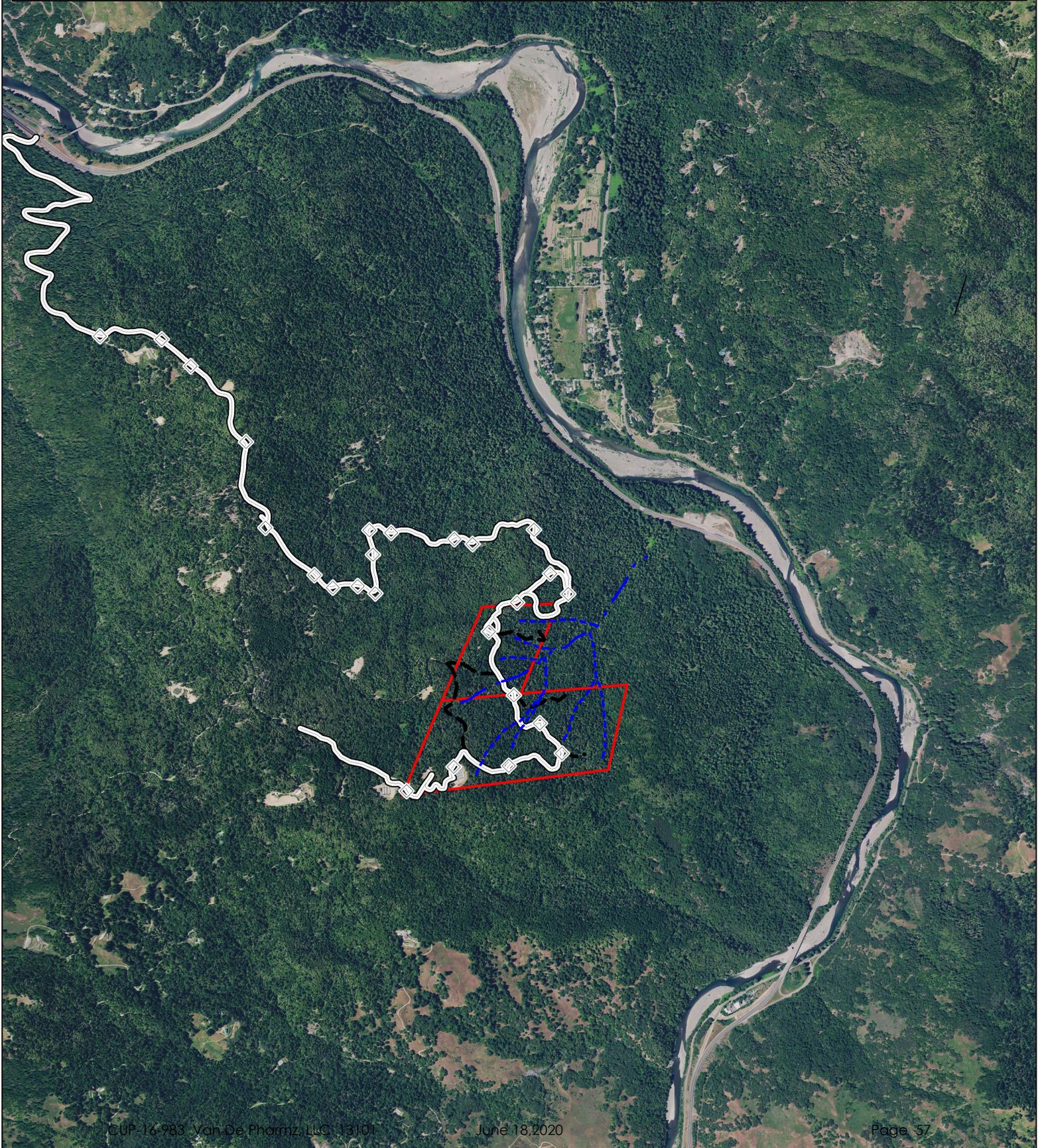
Date

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

ETA Humboldt Kiesha Skillern Revised Road Assessment Map



Scale : 1"= 2000'



Road Evaluation Report for French Road Miranda, California

Prepared for:

Kisha Skillern

APN : 214-211-003 and 214-211-006

Prepared by:

ETA Humboldt

Contact Name: Vanessa Valare

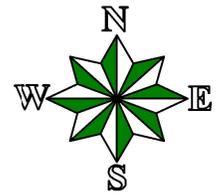
Telephone: 760.613.6520/ 707.986.7815

Email: etahumboldt@gmail.com

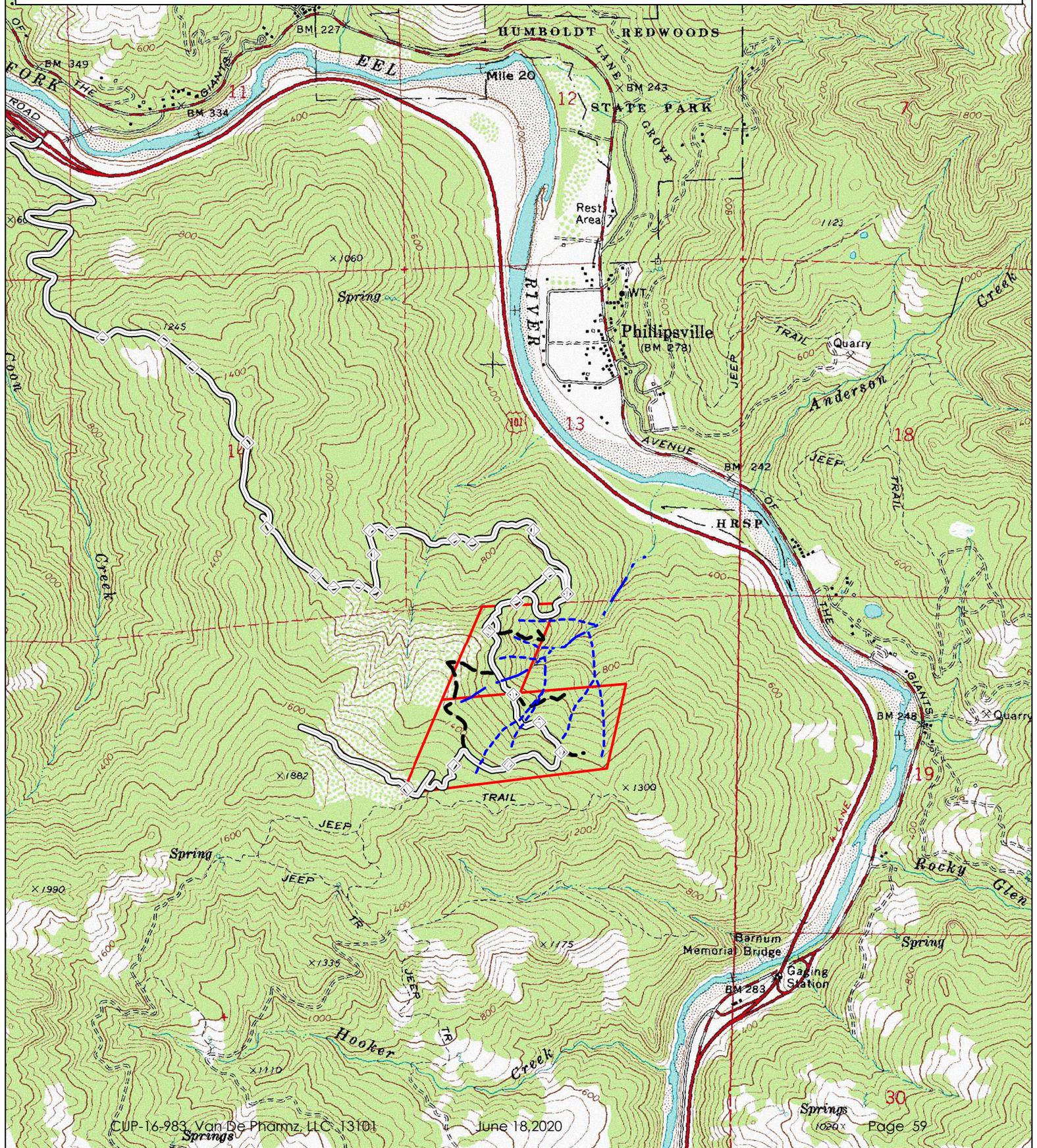
ETA Humboldt

Kiesha Skillern Revised Road Assessment Map

- | | | | |
|---|-------------------|---|---|
|  | Property Boundary | Road | Watercourse |
|  | Cultivation Area |  Permanent |  Class I |
|  | Road Site |  Seasonal |  Class II |
| | |  Trail |  Class III |



Scale : 1"= 2000'



Introduction:

The subject of this road evaluation is for French Road, located in Miranda, CA. The evaluation of this access road leading to 214-211-003 and 214-211-006 was conducted by ETA Humboldt on February 18, 2020. This road evaluation was undertaken to determine if the road network used to access the project site is at Humboldt County Road Category 4 standard or equivalent.

Background:

The site is located approximately 3.3 miles up French Rd and private driveways located off of French Road as seen on the Road Evaluation Map, West of the south fork of the Eel River near Miranda. French Rd is gravel and dirt and is shared with neighbors and a locked gate. There are several culverts along French Rd as well as rolling dips. French's Road is a permanent use access road shared by Six landowners and 10 parcels.

To access the site Via 101-From South Hwy 101 (Eureka), Take Exit 650 Miranda/ Phillipsville, Right on French Rd for 633 ft to the locked gate, Follow French Rd for approx. 2 miles. Take a left where the road forks at 40.20280438, -123.8069804. From here the private road travels through three parcels and approximately 1.3 more miles before arriving on the applicant's property Apn- 214-211-003 and 214-211-006. The property is located south adjacent Section 13, Township 3S, Range 3E. See road evaluation map for further details.

APN Numbers for all Landowners on Access Road : 214-011-008, 214-011-009, 214-123-004, 212-042-002, 212-271-009,212-271-008,214-123-005,212-041-001 , 212-291-008,and 212-291-013.

Findings:

The ADT for French Road is less than 400 vehicles per day. The width of French Road ranged from 14ft-20ft. Multiple locations were observed and referenced on the site map to have adequate room for vehicles to pull over and or pass with good visibility. There are approximately 26 locations mapped and references as Road Sites that were approximately 20ft in width and or provided a location to pull a vehicle over. Travel way width along the private portion of French Road varies from 14-28 ft wide with 1 ft -2 ft shoulder and adequate turnouts. See Site Map for specified locations.

Drainage control on French Road was found to be functioning adequately with well defined and appropriately spaced rolling dips, push-outs, ditches and ditch relief culverts.

Assessment of culverts and/or stream crossings was not part of our access road evaluation.

No improvements are being recommended for French Road to function as a road category 4, provided that the road is adequately maintained. No significant sediment discharge sites were observed on this access road.

Conclusion:

French Road and the private drive leading of French Road to the applicant's property, Apn- 214-211-003 and 214-211-006 is equivalent to Road Category 4 due to an adequate distribution of turnouts and low ADT.

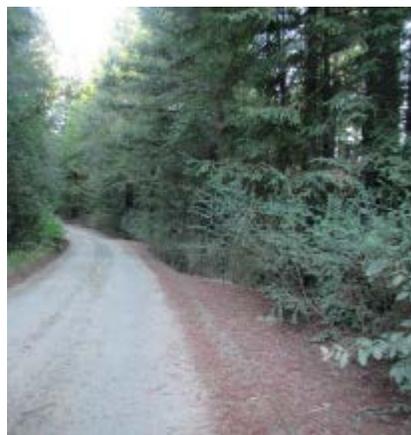


Mile 0.0 (French Road; Private and County road line)

Paved enough space for vehicles to pass each other.



Mile 0.2 (French Road): Approximate road width is 18ft at this location. Good visibility.



Mile 0.6 (French Road): Turnout at this location. Good visibility.



Mile 1.2 (French Road): Good visibility and enough room for vehicles to pass.



Mile 1.2 (French Road): Good visibility. Approximate road width 16ft.



Mile 2.0: (French Road splits off to a Private Drive)



Mile 2.5 (Private Road): Good Visibility and adequately dispersed pull outs.



Mile 2.8 (Private Road) : Before property entrance road is 18ft wide at this point with good visibility and room for cars to pull out.



ATTACHMENT 5

Referral Agency Comments and Recommendation

Referral Agency	Response	Recommendation	Location
Bear River Band	✓	Conditional Approval	On File
Building Inspections	✓	Conditional Approval	Attached
CalFire	✓	No Comment	On File
CA Division of Water Rights	✓	Conditional Approval	On File
Cal Fish & Wildlife	✓	Other Comments	Attached
Environmental Health	✓	Conditional Approval	On File
Public Works Land Use	✓	Conditional Approval	Attached
Northwest Information Center	✓	Further Study	On File
Sheriff	✓	Approved	On File
CalTrans		No Response	
AG Commissioner		No Response	
County Counsel		No Response	
District Attorney		No Response	
FPD		No Response	
Intertribal Sinkyone Wilderness Council		No Response	
Regional Water Control Board		No Response	
Southern Humboldt Joint Unified		No Response	
NCUAQMD		No Response	



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

6/6/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD, RWQCB, NCUAQMD, School District, Cal Fish & Wildlife, Division of Water Resources, CalFire, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Antwan & Kiesha Skillern **Key Parcel Number** 214-211-003-000

Application (APPS#) PLN-13101-CUP Historic Planning **Assigned Planner** Chris Alberts 268-3771

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: 6/21/2019

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

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

Recommend Approval. The Department has no comment at this time.

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments:

See comments in documents under Apps #

DATE: 9/16/19

PRINT NAME: Teed Sobalik

9/11/19

Apps #: 13101
APN: 214-211-003

Site plan appears accurate. No structures have been permitted or granted Agricultural Exemptions.

Greenhouses are hoop structures, ok to go Ag Exempt once heaters are removed; FYI, Ag Exempt structures cannot be heated or cooled. Need Electrical, Plumbing and/or Mechanical plans for any structure or site improvements containing these devices or equipment. Need floor plans for Greenhouses. Had no access to drying shed; at present time cannot go Ag Exempt; treat as a commercial structure and follow as-built procedures; also, must show full ADA compliance including restrooms and parking.

Engineer/Geologist to evaluate all cut/fill slopes associated with any cannabis operations, past and current, for stability and any necessary erosion and sediment control measures. Any cut/fill slopes steeper than 2:1 will have to be justified by the engineer/geologist.

A handwritten signature in blue ink, appearing to be 'T. O' followed by a stylized flourish, is written over a horizontal line.

71110710 0005.013101



9/11/19 J.E. Apps. 13101



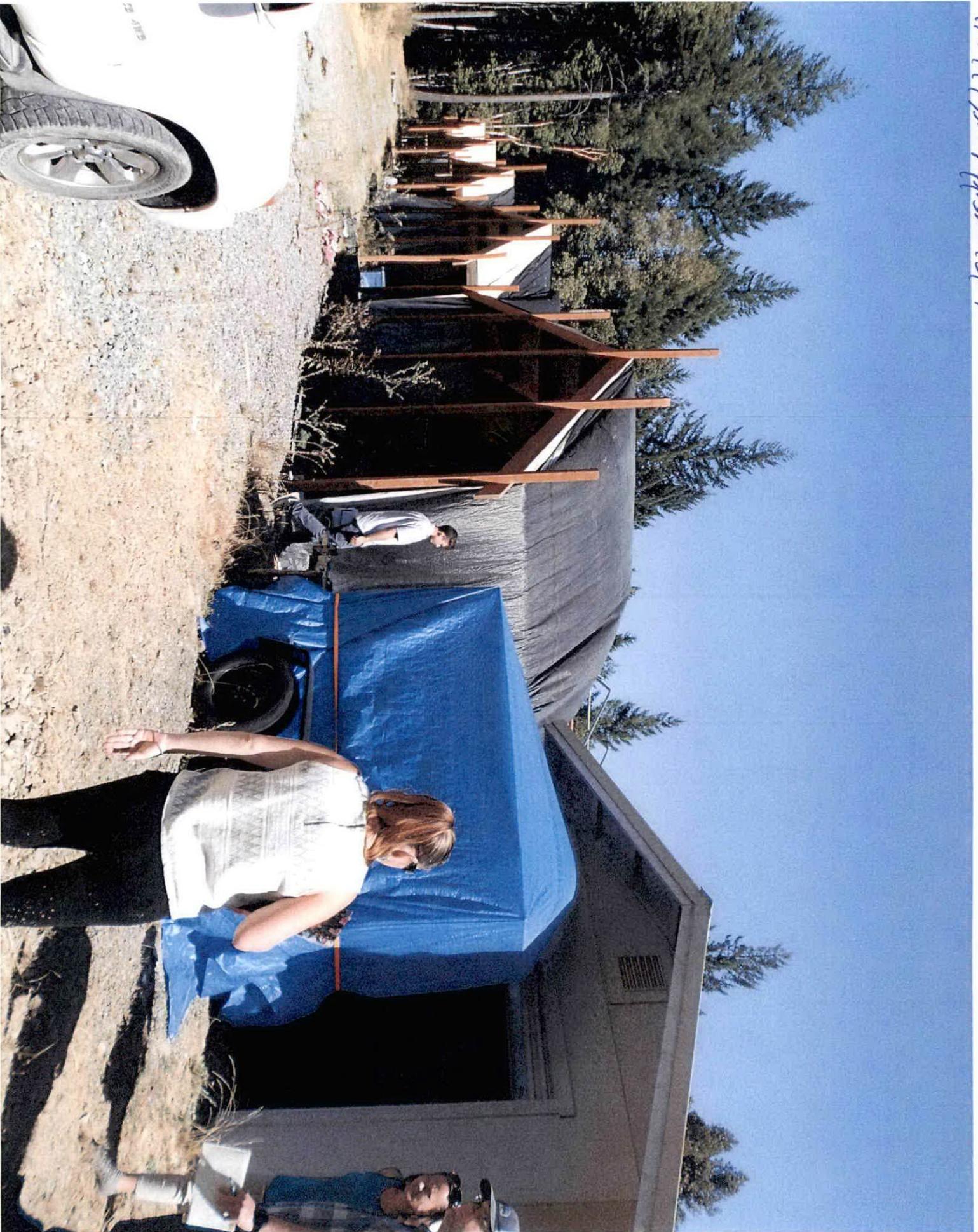
Diesel storage tank/construction storage - 7 in best evidence.

9/11/19 JK Appst 13101



Generator shed and 17' x 11' Tent with content.

71141972-Apprs. v. 1901



Green Lumber # 3-7 and Green Lumber - Ch-d.



11/14/19 17:05 P (SUN)

Trish Green-Lines Tr 2-7

7/11/17 MW Apps. # 13101



Covered walkway # 3

9/11/19 Applic. # 13101

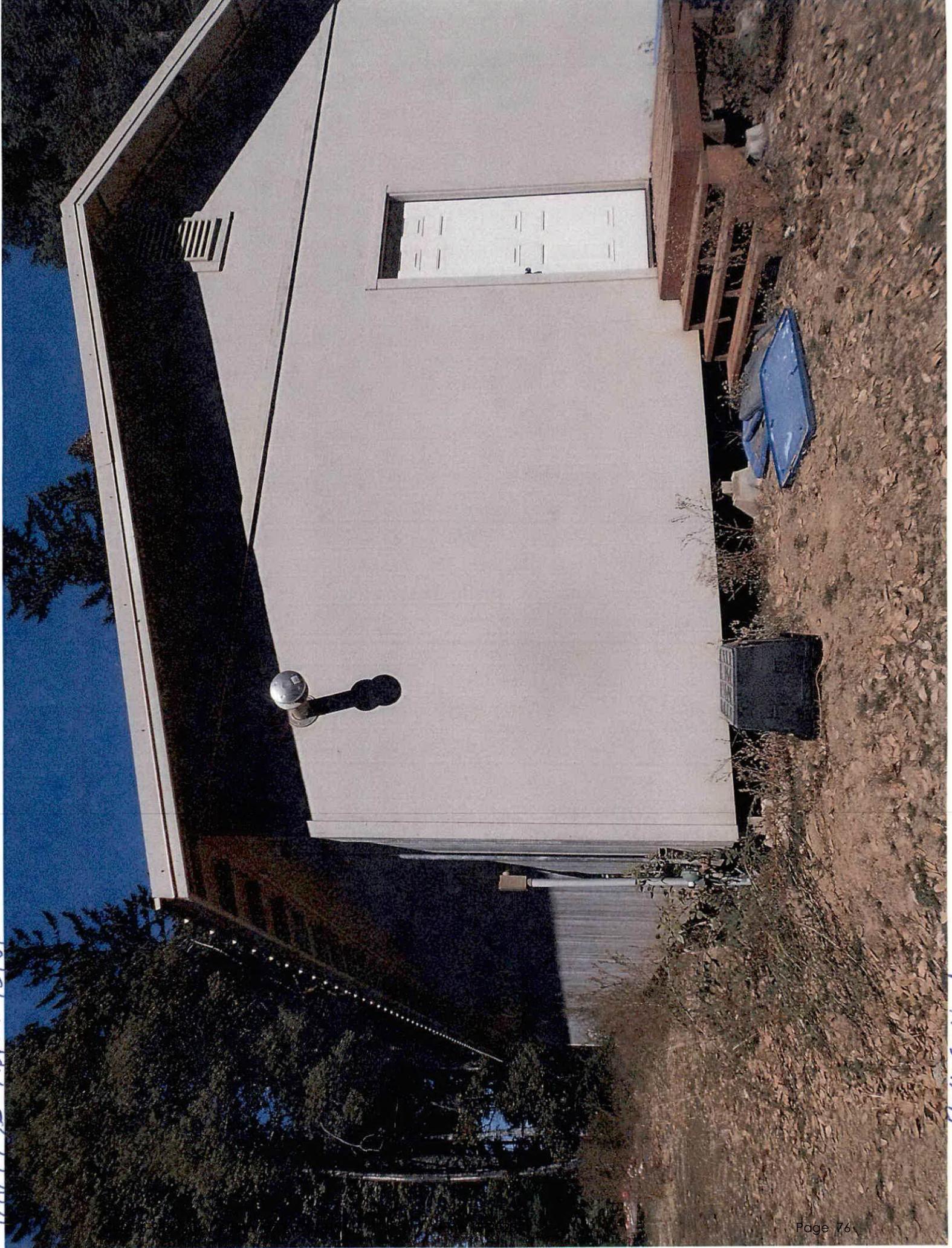


Greenhouse # 242

1015 11/19/20 App # 13101



Greenhouse # 13101





20121024 10:41 AM 1 401. 1.11.2020

9109119712 MPRS # 13101



10/15/17 APP: 13101





Applicant: Van De Pharmz		Date: 9-26-2019	
APPS No.: 13101	APN: 214-211-003	DFW CEQA No.: 2019-0286	
<input type="checkbox"/> New	<input type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF):	<input type="checkbox"/> Outdoor (SF): <input type="checkbox"/> Indoor (SF):

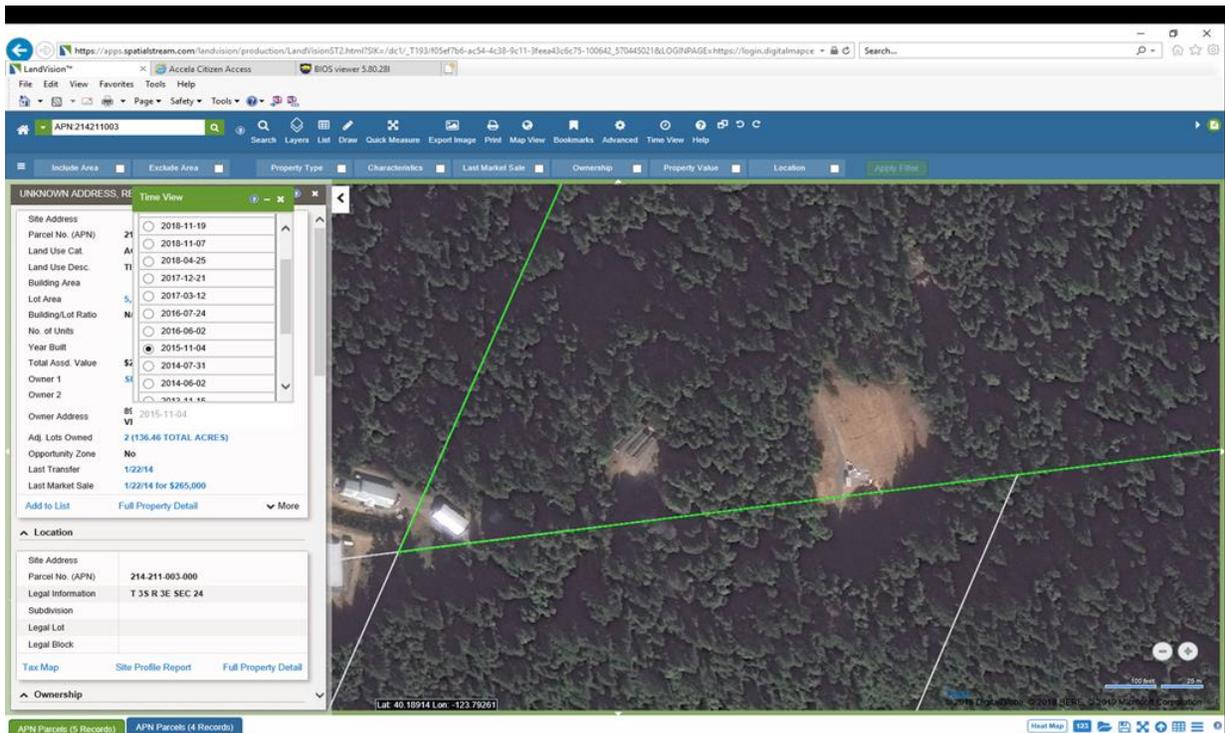
Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

Project Specific Comments:

- A review of current permitting for this parcel indicates that the Interim Permit issued by Humboldt County for cannabis cultivation has expired. Additionally, a search of the CDFA licensing for this site indicates that no application has been received. CDFW recommends that Humboldt County Planning validate the application status of project sites with CDFA prior to issuing Interim or Final permits.

- Aerial Imagery analysis suggests the cultivation area(s) have been expanded following the CEQA baseline. CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.



- ☒ CDFW requests an assessment of the access road leading to the project site, prior to Project approval to identify nonpoint source pollution that may affect fish and wildlife.
- ☒ Water for this Project is sourced from a groundwater well. CDFW requests that the groundwater well be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this Project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.
- ☒ The proposed Existing Project may have a potentially significant adverse effect on biological resources, specifically Northern Spotted Owl (*Strix occidentalis caurina*; NSO). Consistent with CEQA Guidelines, Section 15380, Northern Spotted Owl (NSO) has been identified as a threatened species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 et seq.) and under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) qualifies it as an endangered, rare, or threatened species under CEQA. The Project proposes to utilize Mixed-light (artificial light and fans in greenhouse structures) cultivation within potential NSO habitat. Mixed-light cultivation methods allow for an extension of the growing season which increases the period of overlap between cultivation operations and the NSO breeding season. Components of Mixed-light cultivation methods, such as artificial light, may disrupt nocturnal foraging and nesting of NSO through disorientation as well as decreased activity of prey species (Brown et al. 1988, Longcore and Rich 2004, 2016). Noise from road use, generators, fans, and other equipment may disrupt hunting of NSO, which primarily use hearing to hunt. Also, exposure to vehicle noise has been shown to increase stress hormone levels in NSO, which was particularly evident in males during times when they were exclusively responsible for feeding their mates and nestlings (Hayward et al. 2011).

CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include, but are not limited to, the prohibition of generators, project lighting and fans, including those used in ancillary structures (e.g. nurseries) during the breeding season (February 1 to July 9), each year. Following the breeding season, CDFW requests the succeeding measures, as conditions of Project approval:

- The construction of noise containment/dampening structures for to all generators and fans on parcel; noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer. CDFW further requests, a noise attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.
- That artificial light used for cannabis cultivation operations (including ancillary nurseries) be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. CDFW further requests, that security lighting be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum

Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. CDFW further requests, a light attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.

- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ The applicant submitted a Notification of Lake or Streambed Alteration (LSA#: 1600-2019-0327-R1). The application was deemed Incomplete and is not currently in process.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Marbled Murrelet (*Brachyramphus marmoratus*), Fisher - West Coast DPS (*Pekania pennanti*), Long-eared Myotis (*Myotis evotis*), North American Porcupine (*Erethizon dorsatum*), Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501

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National Drug Intelligence Center [NDIC]. 2007. Domestic cannabis cultivation assessment 2007. United States Department of Justice, Washington, D.C., USA.



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 257-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Chris Alberts, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 06/10/2019

RE:

Applicant Name	ANTWAN & KIESHA SKILLERN
APN	214-211-003
APPS#	PLN-13101-CUP

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 4/22/2019, with Part A – Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

In addition, applicant has submitted a road plan, stamped received by the Humboldt County Planning Division on April 24, 2019. The Department requires all the recommendations be completed.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 13101

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

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

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

-
- COUNTY ROADS- DRIVEWAY (PART 2):**
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

- COUNTY ROADS- DRIVEWAY (PART 3):**
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

- COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

- COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

- COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT END OF COUNTY MAINTAINED RD)**
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

- COUNTY ROADS- ROAD EVALUATION REPORT(S):**
All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //