COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: August 6, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Tara McKnight Special Permit and Zoning Clearance Certificate**
Record Number: PLN-13157-SP
Assessor's Parcel Number (APN): 108-151-021
1150 Shelter Cove Road, Whitethorn area

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Please contact Meghan Ryan, Senior Planner, at 707-445-7541or by email at mryan2@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 6, 2020	Special Permit and Zoning Clearance Certificate	Meghan Ryan

Project Description: A Zoning Clearance Certificate for 4,140 square feet of existing outdoor cannabis cultivation. Cultivation activities extend from April to October. There will be two harvests annually. Water for irrigation is sourced from a proposed well. There is 18,000 gallons of water storage in a series of hard-sided tanks. The applicant proposes to install a 5,000-gallon water tank for fire protection. Annual water usage totals 49,686 gallons. Processing including drying, curing and trimming, will occur onsite in an existing 1,600-square-foot shed. There will be a maximum of 3 employees on-site during peak operations. Energy source is proposed solar to discontinue use of generators. The proposed project includes a Special Permit to relax the required 600-foot setback to adjacent public lands owned by the Bureau of Land Management.

Project Location: The project is located in Humboldt County, in the Whitethorn area, on the south side of Shelter Cove Road, approximately 0.75 miles west from the intersection of Nooning Creek Road and Shelter Cove Road, then south on a private road for approximately 1.0 miles, on the property known as 1150 Shelter Cove Road.

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

Present Zoning: Timber Production (TPZ).

Record Number: PLN-13157-SP

Assessor Parcel Number: 108-151-021

Applicant	Owner	Agent
Tara McKnight	Tara McKnight	Mika Cook
PO Box 637	PO Box 637	PO Box 128
Whitethorn, CA 95589	Whitethorn, CA 95589	Bridgeville, CA 95526

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

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

Major Issues: None.

TARA MCKNIGHT
Record Number: PLN-13157-SP
Assessor's Parcel Number: 108-151-021

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

Find that the Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and Zoning Clearance Certificate based on evidence in the staff report and adopt the Resolution approving the proposed Tara McKnight project subject to the recommended conditions.

Executive Summary: A Zoning Clearance Certificate (ZCC) for an existing 4,041 square feet of outdoor cannabis cultivation within two greenhouses located on Assessor's Parcel Number (APN)108-151-021, which is approximately 41.50 acres in size. There will be two harvests annually. The applicant is proposing to construct a 750-square-foot greenhouse nursery will be used to propagate juvenile plants for future cultivation. Processing including drying, curing and trimming, will occur onsite in an existing 1,600-square-foot shed. The applicant will a maximum of three employees. Power is provided by generators and the applicant is proposing to convert to solar as the primary power source for operations. The use of the on-site generator is limited to power outages. Access to the site is located on Hi Point Road according to the *Road Evaluation Report* prepared by DTN Engineering and Consulting dated January 8, 2019. The *Road Evaluation Report* recommends improvement to Hi Point Road to ensure stability and minimize run-off. Conditions of approval require the applicant to adhere to the report. Additionally, the applicant will improve the driveway where it intersects with Shelter Cove Road to meet or exceed all County requirements and ensure traffic safety.

Annual water use is 49,686 gallons. Irrigation water is sourced from a groundwater well. According to the operations plan, because the existing well cannot be repaired with a sanitary seal, a new groundwater was drilled for use for irrigation (see Attachment 4 – well completion log). The well was drilled to depth of 220 feet through multiple layers of sandstone. The well is also located more than 50 feet west of an unnamed Class III watercourse as shown on the site plan. Because the well appears to the hydrologically disconnected from surface waters, a Special Permit for development and use of the well is not required. The water use logs must be submitted to the Planning Department during the annual inspection. Should water from the well be insufficient to cover irrigation needs, the applicant will need to increase water storage to cover the deficiency or the cultivation area will be reduced. There is one culvert located on an unnamed Class III watercourse as shown on the plan. Conditions of approval require the applicant to notify the California Department of Fish and Wildlife (CDFW) regarding the installation of the well and to determine if replacement or maintenance is required.

The California Natural Diversity Database (CNDDB) identified the Marbeled murrelet as a known rare or sensitive species with habitat near the subject parcel. The nearest Northern Spotted Owl (NSO) observation is located 1.70 miles to the southeast and the nearest mapped NSO activity center is located 1.32 miles to the southwest of the cultivation area. Marbled murrelet habitat mapping is located in the northwest corner of the subject parcel, approximately 400 feet from the cultivation area; Marbled murrelet habitat is mapped on the properties owned by the Bureau of Land Management (BLM).). The applicant tis proposing to use solar energy to power operations and discontinue use of the generators as the primary source of power. Generators still may be used in the case of an emergency as a back up energy source. Conditions of approval require generator containment and that noise generated from generators shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. Additionally, conditions of approval require that greenhouses utilizing artificial lighting for mixed light cultivation meet Dark Sky standards as described by the CMMLUO. Conditions of approval require the applicant must demonstrate conformance with noise

and light attenuation measures prior to continuing use of generators and artificial light.

The proposed project includes a Special Permit to allow for relaxation of the required 600-foot setback from adjacent public lands. The Bureau of Land Management (BLM) owns the parcel to the northwest of the project site. The westernmost greenhouse is located approximately 450 feet south of the BLM parcel. The adjacent public lands falls within an area of "Essential Habitat Connectivity" and there is close proximity to Marbeled murrelet habitat. The corridors connect blocks of relatively undisturbed lands and are designed to improve ecological processes and reduce wildlife threats. Staff corresponded with BLM staff about conditions of approval for noise attenuation and artificial lighting standards (e.g. no light can escape from sunset to sunrise). Based on the Road Evaluation Report submitted by the applicant, access to the subject parcel does not cross lands owned by the BLM. Planning staff replied to the BLM staff with additional information. No additional comments were received. Staff believes that the project will not adversely impact connectivity of habitat as less than one-half acre (1.20%) of the 41.50-acre parcel is developed and conditions of approval required noise to be attenuated and no artificial lighting is used in operations as the project is for outdoor cultivation only. Any violations of these conditions would result in potential revocation of the permit.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the project are consistent with the Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance due to the fact that this is existing cultivation that is being brought into conformance with county and state requirements. No additional development other than that which was contemplated under the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

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

ALTERNATIVES: The Zoning Administrator could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

The Zoning Administrator could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the project is consistent with a previously adopted Mitigated Negative Declaration. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

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

Record Number: PLN-13157-SP
Assessor Parcel Number: 108-151-021

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Tara McKnight Special Permit and Zoning Clearance Certificate request.

WHEREAS, Tara McKnight, submitted an application and evidence in support of approving a Zoning Clearance Certificate (ZCC) for 4,041 square feet of existing outdoor cannabis cultivation. There will be two harvests annually. Water is provided by a groundwater well. Water storage totals 24,000 gallons. Processing, including drying, curing and processing, will occur in an existing 1,600-square-foot structure. There will be a maximum of three employees. The application includes a Special Permit for a reduction in the required 600-foot setback from nearby Public Lands; and
WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and
WHEREAS, The County Planning Division, the lead agency, prepared an Addendum to the Final 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 evidence in support of making all of the required findings for approving the proposed Special Permits (Record Number PLN-13157-ZCC); and
WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on August 6, 2020.

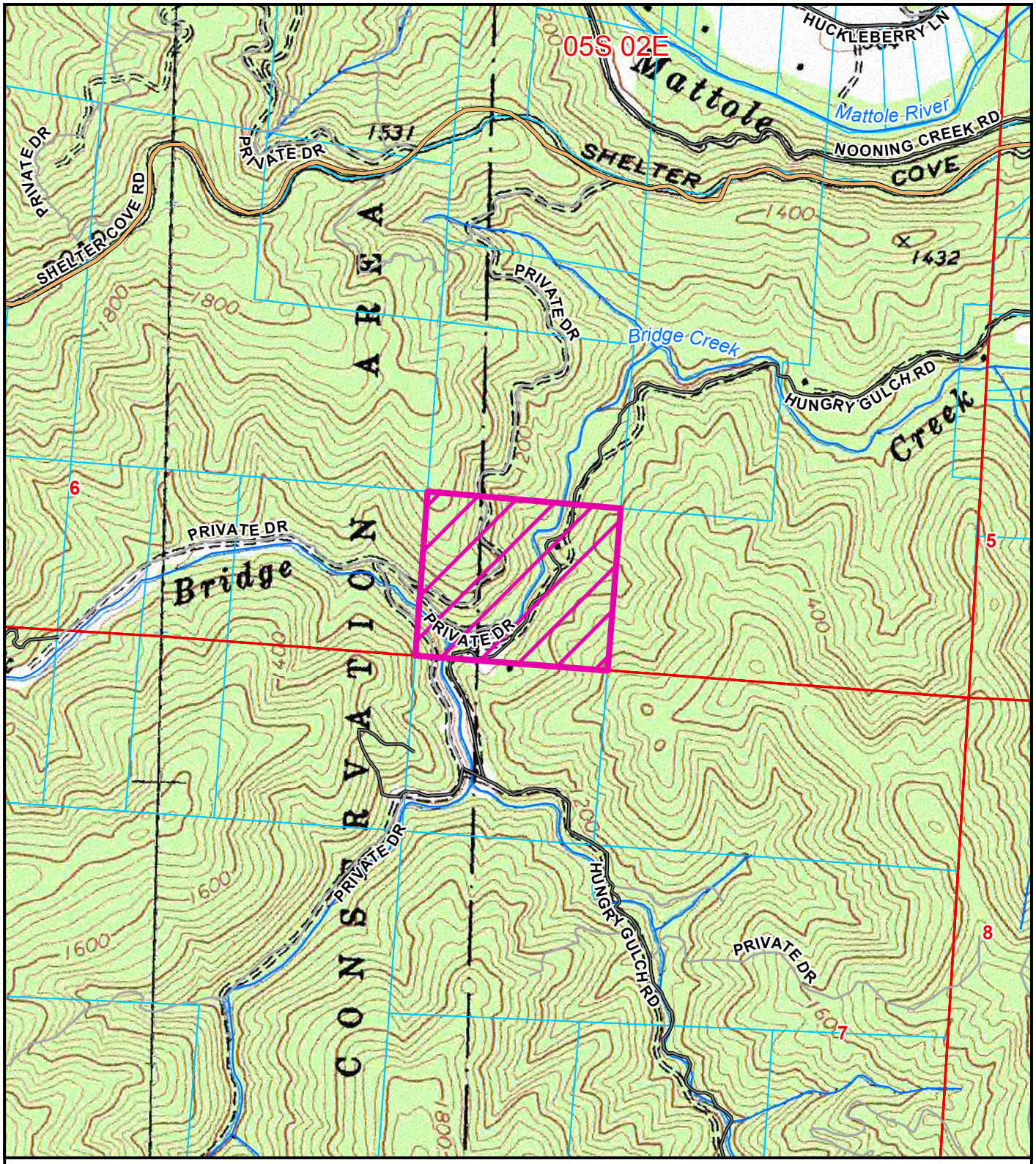
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes all the required findings in Attachment 2 of the Zoning Administrator staff report for the Special Permits (Record Number PLN-13157-SP) based on the submitted substantial evidence; and
3. The Special Permits (Record Number PLN-13157-SP) are approved as recommended and conditioned in Attachment 1 for Record Number PLN-13157-SP.

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

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

_____
John Ford
Zoning Administrator
Planning and Building Department



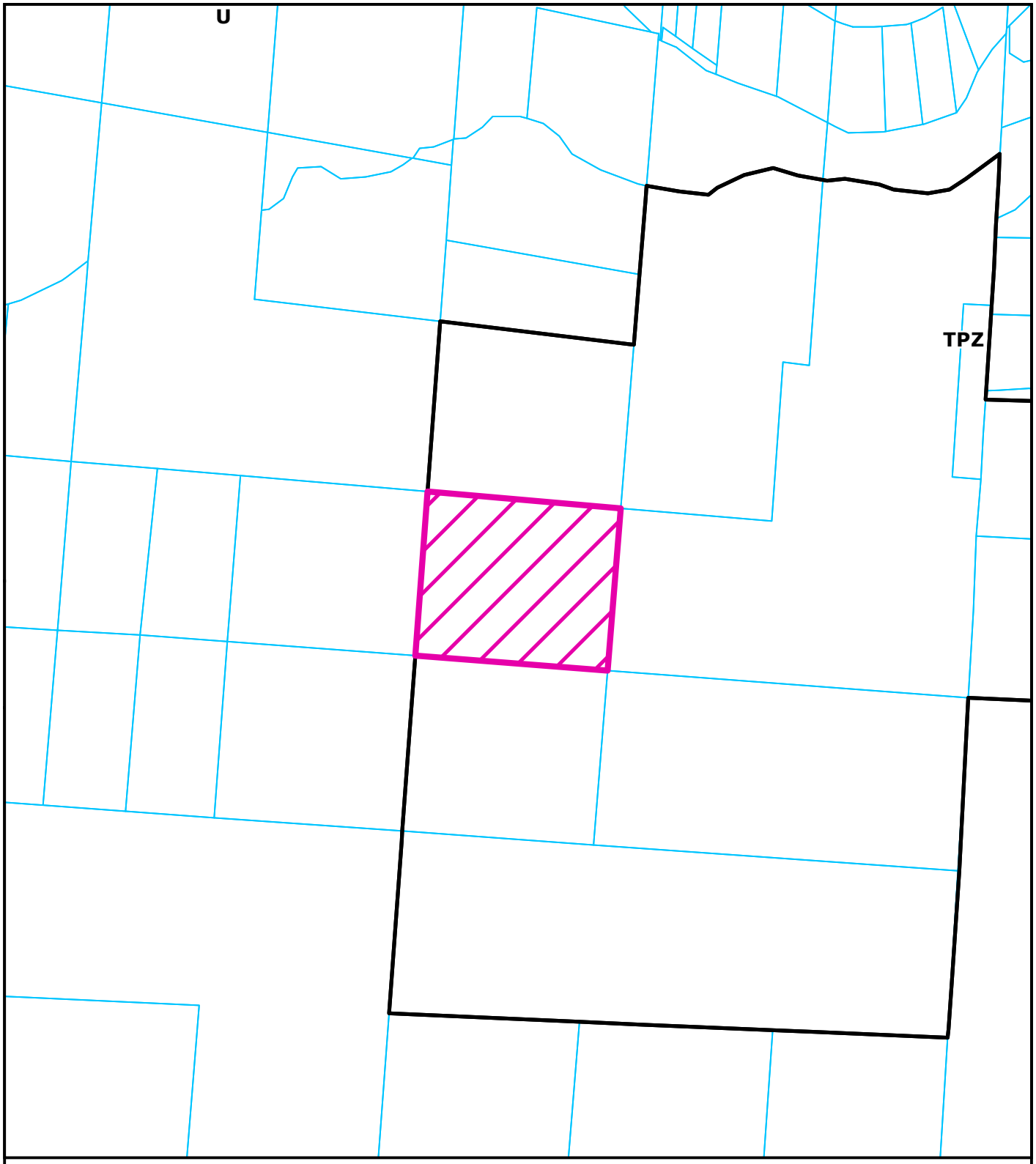
TOPO MAP
PROPOSED TARA MCKNIGHT
WHITETHORN AREA
SP-16-793
APN: 108-151-021-000
T05S R02E S6 HB&M (BRICELAND)

Project Area =

N

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

0 1,000 2,000 Feet



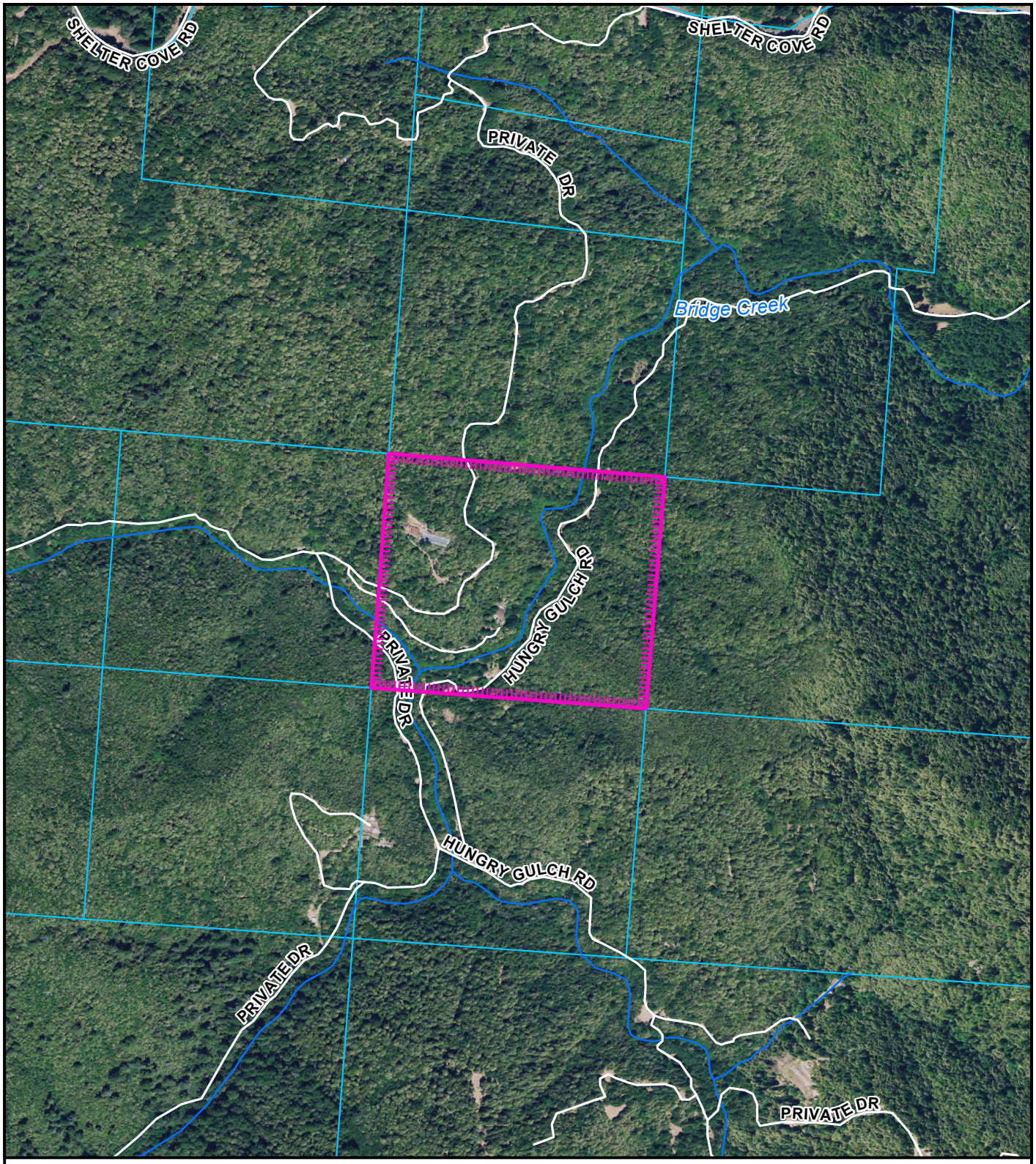
ZONING MAP
PROPOSED TARA MCKNIGHT
WHITETHORN AREA
SP-16-793
APN: 108-151-021-000
T05S R02E S6 HB&M (BRICELAND)

Project Area =

N

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

0 1,000 2,000 Feet



AERIAL MAP
PROPOSED TARA MCKNIGHT
WHITETHORN AREA
SP-16-793
APN: 108-151-021-000
T05S R02E S6 HB&M (BRICELAND)

Project Area =

N

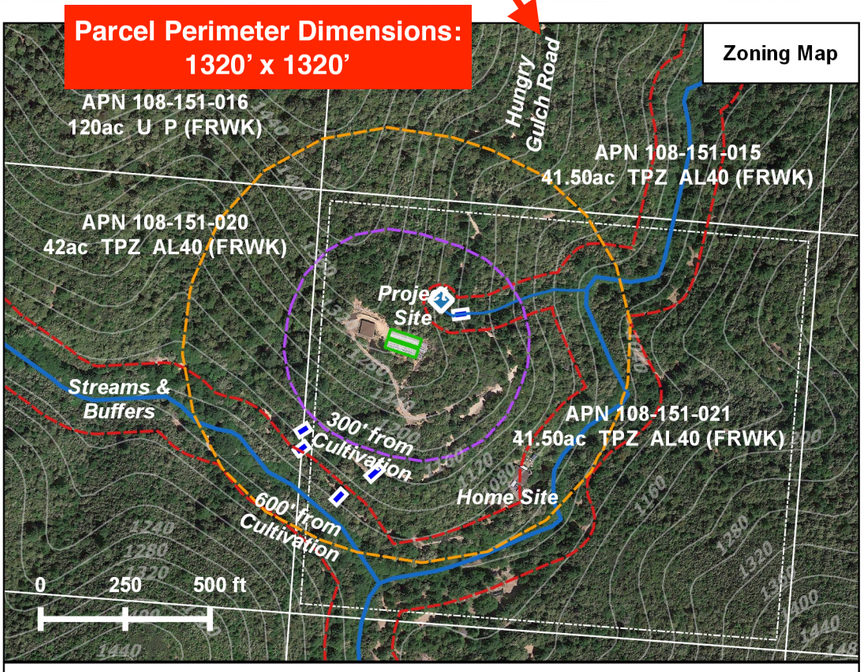
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

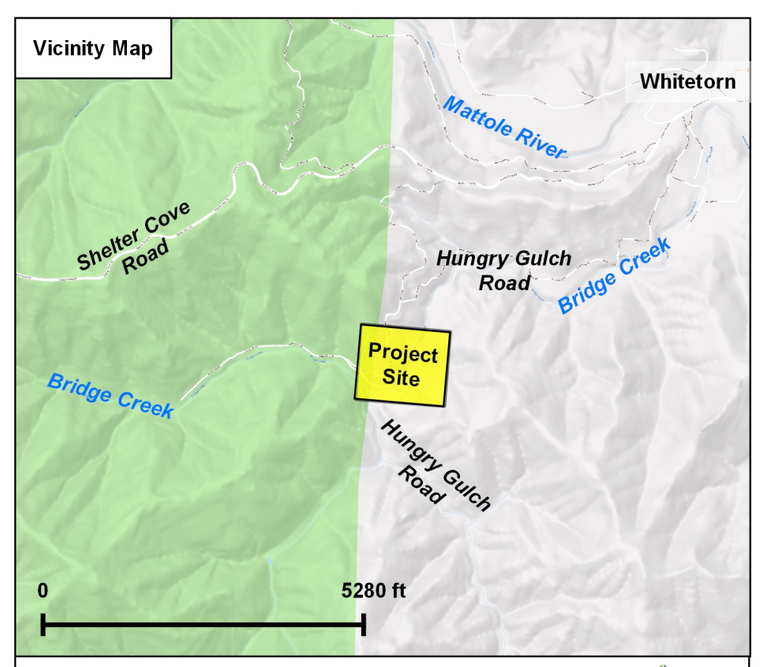
0 950 1,900 Feet

Plot Plan
APN 108-151-021

Premises Perimeter Dimensions: 600' x 600' (boundaries delineated by this aerial image)

Parcel Perimeter Dimensions: 1320' x 1320'





Map Created 12/27/2018 (v2)

Disclaimer: Everything shown is an approximation and this is not a legal map.

CannaFarms Consulting

SPECIES OF CONCERN:

Marbled Murrelet Northern Spotted Owl (Strix occidentalis caurina), Marbled Murrelet (Brachyramphus marmoratus), Humboldt Marten (Martes caurina humboldtensis), Mountain Beaver (Aplodontia rufa nigra), Fisher (Pekania pennanti)

NOTE THIS PROJECT:

1. There is an intermittent stream within 100' of the cultivation area.
2. Grading is needed on the driveway to meet CalFire SRA ans State Water Board discharge requirements.
3. Cultivation shall be approximately 220' from the property line.
3. There are no known areas subject to flooding, steep or unstable slopes, expansive clays, faults, or hazardous waste.
4. There are no known archaeological or paleontological resources within 600' of the cultivation.
5. There are no schools, school bus stops, public lands, or places of worship within 600' of the cultivation.
6. There are no residences within 300' of the cultivation.

Applicant & Owner: Tara McKnight
Mailing: Po Box 637
City: Whitetorn, CA 95589
Phone: (707)889-4168
email: taracalifornia@yahoo.com

Project Location:
1150 Shelter Cove Road, Whitetorn

Cultivation = 4,750'sq Mixed Light DEP

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 #5–10. 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 construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200–foot buffer from Class I and Class II streams, per the requirements of CDFW. <u>No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.</u>

3. All mixed light cultivation 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). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. <u>No artificial lighting is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.</u>

4. Within 30 days of the effective date, the applicant shall submit a revised site plan showing:
    a. Remove greenhouses not being used/constructed;
    b. Location of the septic tank;
    c. Location of 8x10 fertilizer shed;
    d. Location of the well as existing;
    e. Location of the water tanks;
    f. A proposed fire hydrant a minimum of 50 feet from the residence
    g. Existing solar array to be removed; and
    h. Remove the harvest storage and processing area label from residence.

5. The applicant shall secure permits for all unpermitted grading (including flats) and structures (including greenhouses, 1,6000-square-foot processing building, water tanks and water tank foundations), 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.

6. The applicant shall secure the approval from the Department of Environmental Health for existing Onsite Sewage Treatment System (OWTS) near the cabin. A letter or similar communication from the Department of Environmental Health indicating approval has been issued will satisfy this condition. Until the OWTS is permitted, the applicant shall provide an invoice, or equivalent documentation, to the Department of Environmental Health to confirm the use of portable toilets to serve the needs of

cultivation staff prior to or at the annual inspection.

7. 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 stating 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.

8. 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 intersections of public and privately-maintained roads (intersection of Shelter Cove Road and Hi Point Lane). 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.
    a. 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.
    b. 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 operation, final sign-off for a building permit, or public Works approval for a business license.

9. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, the Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

10. The applicant to contact the local fire service provider [Whitethorn Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.

11. The applicant shall adhere to all recommendations contained in the *Less the Three Acre Evaluation* prepared by Timberland Resource Consultants dated June 9, 2020.

12. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply from the groundwater well to meet the demands of the project without having to rely on surface water diversion during the forbearance period and shall be provide results prior to or during the annual inspection.

13. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

14. The applicant shall adhere to and implement all the requirements of the final Lake and Streambed Alteration Agreement as approved by the California Department of Fish and Wildlife and comply with all applicable terms.

15. The applicant shall not use any synthetic netting or any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. To minimize the risk of wildlife entrapment, the applicant shall use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

16. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.

17. The applicant shall ensure that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

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

19. 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.

20. 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 $750.00) 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.

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

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

1. 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.

2. 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.

3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.

4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife, if applicable.

9. 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).

10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

11. Pay all applicable application and annual inspection fees.

12. The noise produced by any generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 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.

13. 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.

14. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

15. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

16. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

<u>Performance Standards for Cultivation and Processing Operations</u>

17. 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."

18. 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).

19. Cultivators engaged in processing shall comply with the following Processing Practices:
    i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
    ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
    iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
    iv. Employees must wash hands sufficiently when handling cannabis or use gloves.

20. 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; and
        (g) Personal protective equipment policies, including respiratory protection.

    II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
        (a) Operation manager contacts;
        (b) Emergency responder contacts;
        (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.

21. All cultivators shall comply with the approved Processing Plan as to the following:
    I. Processing Practices.
    II. Location where processing will occur.
    III. Number of employees, if any.
    IV. Employee Safety Practices.
    V. Toilet and handwashing facilities.
    VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
    VII. Drinking water for employees.
    VIII. Plan to minimize impact from increased road use resulting from processing.
    IX. On-site housing, if any.

22. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittee(s) and the permitted site have been found to comply with all conditions of approval.

23. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the 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 CUP, 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.

24. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #22 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

25. 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.

26. Permittee further acknowledges and declares that:

    I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
    II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
    III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.

27. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with 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 Medical Cannabis.

28. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.6.5.7 of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #27 of the On-Going Requirements /Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

7. The Applicant is responsible for costs for post-approval review for determining project conformance with

conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently $750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County General Plan 2017, Open Space Plan, and Open Space Action Program;

2. The proposed development is consistent with the purposes of the existing zone in which the site is located;

3. The proposed development conforms with all applicable standards and requirements of these regulations;

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; and

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 the Humboldt County General Plan 2017, Open Space Plan, and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8	**Timber (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. Density range is 40 -160 acres/unit.	The Applicant is proposing to permit existing 4,140 square feet of outdoor cultivation on a 41.50-acre parcel with the T designation. General agriculture are allowed use type for this designation.
Circulation Chapter 7	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,CT-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) Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.	Access to the site is off Hi Point Lane, which is approximately 1.00 miles from the intersection with Shelter Cove Road (a paved and striped road). Shelter Cove Road has been previously classified as a Category 4 standard and is adequate to accommodate the proposed use. Shelter Cove Road is on the Department of Public Works "approved" list for use by commercial cannabis operations by the Department of Public Works. According to the Road Evaluation Report submitted by the applicant, Hi Point Lane is constructed to a Category Road 4 equivalent and can accommodate the proposed used (see Attachment 4). Humboldt County Department of Public Works recommended conditional approval. The Department of Public Works requested three conditions relating to compliance with fences and encroachments, visibility and intersection improvements. All three conditions are incorporated into the conditions of approval for the proposed project.
Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3) Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.	The project is for the continued operation of cannabis cultivation and would not authorize any timber harvesting. The project would leave intact, the existing open space areas surrounding the cultivation areas as well as surrounding parcels. In addition, the project would remove existing cultivation from environmentally sensitive areas, allowing those areas to return to open space use, and relocate the cultivation to an environmentally superior upland site. The project can be found consistent with the Open Space Action Program because the project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation – an agricultural product – is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources. Bridge Creek and a confluence of Bridge Creek with an unnamed watercourse is located on the subject parcel. See Section 10.3 *Biological Resources* for more information. In addition, the project incorporates numerous conditions of approval related to the listed policies that would ensure resources are protected and is; therefore, consistent with the Open Space Element.

Conservation and Open Space Chapter 10 Biological Resources Section 10.3	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) Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.	The California Natural Diversity Database (CNDDB) identified the Marbeled murrelet as a species with habitat on the subject parcel. The nearest Northern Spotted Owl (NSO) observation is located 1.70 miles to the southeast and the nearest mapped NSO activity center is located 1.32 miles to the southwest of the cultivation area. Marbled murrelet habitat mapping is located in the northwest corner of the subject parcel, approximately 400 feet from the cultivation area; Marbled murrelet habitat is mapped on the properties owned by the Bureau of Land Management (BLM). The applicant tis proposing to use solar energy to power operations and discontinue use of the generators as the primary source of power. Generators still may be used in the case of an emergency as a back up energy source. Conditions of approval require generator containment and that noise generated from generators shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. Additionally, conditions of approval require that greenhouses utilizing artificial lighting for mixed light cultivation meet Dark Sky standards as described by the CMMLUO. Conditions of approval require the applicant must demonstrate conformance with noise and light attenuation measures prior to continuing use of generators and artificial light. See findings for *Stormwater Drainage* (Chapter 11, *Water Resources*) for additional information regarding culvert replacements and permitting requirements. See findings for the *Streamside Management Area* (SMA) for additional information regarding SMAs on the subject parcel and details regarding the well completion report. See findings for *Performance Standards – Water* for additional information regarding water use and storage. The California Department of Fish and Wildlife (CDFW) received a project referral on November 07, 2019. Because no response was received, Planning staff contact CDFW directly on May 28, 2020, to ask for comments on the proposed project (see Attachment 5, which includes staff communication). Although no response was received, Therefore, conformance with the operations plan and CDFW Final Stream Alteration Agreement, as well as all other conditions of approval, the proposed project is consistent with this element.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Conservation and Open Space Chapter 10 Cultural Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources) Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.	The project was referred to NWIC who indicated that they have no record of a cultural resource study for the project area. The project was referred to the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. The Bear River Band THPO recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.
Conservation and Open Space Chapter 10 Scenic Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2) Related policies: SR-S4. Light and Glare.	The proposed project includes the use of artificial lighting in a proposed 750-square-foot propagation greenhouse. Lighting also will be used for security purposes. The proposed project is required to 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. Conditions of approval require 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.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Water Resources Chapter 11 Stormwater Drainage	Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9) Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.	The applicant was required to enroll in the State Cannabis Discharge program by July 2019 and the applicant provide a copy of the Notice of Applicability showing enrollment into the project (see Attachment 4). Conditions of approval require the applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. The project is consistent with the Water Resource policies of the General Plan.
Water Resources Chapter 11 Onsite Wastewater Systems	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) Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.	There is an existing Onsite Wastewater Treatment System (OWTS) on the subject parcel that supports the existing cabin. Until the existing OWTS is permitted, the applicant will provide appropriate temporary sanitation facilities such as portable toilets for cultivation staff. Processing (trimming) is required to occur at a licensed off-site processing facility until both OWTS are permitted by the Department of Environmental Health and installed to the satisfaction of DEH. In addition to the permitting and installation of the OWTS, conditions of approval require the applicant to show continual use of the portable bathroom facilities prior to the annual inspection of the permit.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	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) Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.	The subject parcel is located in an area that requires special noise attenuation measures. The California Natural Diversity Database (CNDDB) identified the Marbeled murrelet as a species with habitat on the subject parcel. The nearest Northern Spotted Owl (NSO) observation is located 1.70 miles to the southeast and the nearest mapped NSO activity center is located 1.32 miles to the southwest of the cultivation area. Marbled murrelet habitat mapping is located in the northwest corner of the subject parcel, approximately 400 feet from the cultivation area; Marbled murrelet habitat is mapped on the properties owned by the Bureau of Land Management (BLM). The applicant I proposing to use solar energy to power operations as opposed to generators that were used historically. Generators may be as a back-up energy source in the case of an emergency. Ongoing conditions of approval require the maximum allowable generator 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, as required by Section 314-55.4.11(o). Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting. As conditioned, the project is consistent with the Noise Element.
Safety Element Chapter 14 Geologic & Seismic	Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2) Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.	The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The cultivation areas occur on slopes of less than 15% and slopes range on the parcel from 15% - over 50% as shown on the Humboldt County WebGIS. The subject parcel is seismically classified as moderate instability. Portions of the project site are located within an area shown on County WebGIS with historic landslides, however, development related to the cannabis operation is outside of these areas. Conditions of approval require the applicant to obtain grading permits from the Building Inspection Division for existing grading where the cultivation is occurring and complete all necessary improvements. As conditioned, the project therefore complies with this section.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Safety Element Chapter 14 Flooding	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) Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.	The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at over 4 miles distance from the coast and elevation at approximately 1,400 feet above mean sea level, is outside the areas subject to tsunami run-up.
Safety Element Chapter 14 Fire Hazards	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. Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.	The subject parcel is located within an area with a high fire severity. The subject property is located within the Whitethorn Fire Protection District response area and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. Conditions of approval require the applicant to adhere to CAL FIRE recommendations for turnarounds for emergency access, signing and building numbers, designated water storage for fire as part of emergency water standards, and fuel modification standards. The Humboldt County Fire Safe Ordinance (Section 3111-1 *et seq.*) establishes development standards for minimizing wildfire danger in state responsibility designated areas. There are two wells on the subject parcel and will be a maximum of three employees on-site during peak operations. There is 26,000 gallons of water storage in hard-sided tanks, which could provide additional fire protection in the event of an emergency. The project would provide adequate site access and driveways, setbacks, turn-a-rounds, and signing and building numbers to conform with standards conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The project is consistent with the fire protection policies of the Safety Element.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Community Infrastructure and Services Element, Chapter 5 Implementation Action Plan	IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.	To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Whitethorn Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G3) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.	Applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel known as APN 108-151-002 is comprised of one separate parcel as recorded in Book 22 of Surveys, Parcel 23, page 29. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.4 Timberland Production	**Timberland Production (TPZ):** Intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.	The applicant is seeking a Zoning Clearance Certificate for existing 4,041 square feet of outdoor cannabis cultivation on a property zoned TPZ. The existing cultivation is specifically allowed with a Zoning Clearance Certificate in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.

Minimum Lot Size:	160 acres or 40 acres if the provisions of Government Code Section 51119.5 are met.	41.50 acres
Minimum Lot Width:	None specified	1,478 feet
Maximum Lot Depth:	None specified	1,252 feet
Minimum Yard Setbacks: (Through the SRA setbacks)	Front: 30 feet Rear: 20 feet Side: 20 feet SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Sides: >30 feet
Maximum Ground Coverage:	None specified	<10%
Max. Building Height:	None Specified	<35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	Bridge Creek and the confluence of Bridge Creek with an unnamed water course is located on the subject parcel. All development related to cannabis cultivation is located more than 380 feet outside of the SMA buffer for Bridge Creek. The water source is a groundwater well that replaced an existing well. The applicant provided a well completion report (see Attachment 4). The well was drilled to depth of 220 feet through multiple layers of sandstone. The well is also located more than 50 feet west of an unnamed Class III watercourse as shown on the site plan. Because the well appears to the hydrologically disconnected from surface waters, a Special Permit for development and use of the well is not required. The water use logs must be submitted to the Planning Department during the annual inspection. Should water from the well be insufficient to cover irrigation needs, the applicant will need to increase water storage to cover the deficiency or the cultivation area will be reduced. There is one culvert located on an unnamed Class III watercourse as shown on the plan. Conditions of approval require the applicant to notify the California Department of Fish and Wildlife (CDFW) regarding the installation of the well and to determine if replacement or maintenance is required. As conditioned, the proposed project is therefore consistent with this section.

§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required. *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.	3 spaces

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2 Timber Conversion	Commercial cannabis cultivation is allowed on parcels zoned U, 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.	A review of aerial imagery on the Humboldt County WebGIS shows the parcel has an open area in the northwestern cultivation activities are occurring. CAL FIRE provided comments on the project and stated it appears that conversion occurred and a conversion must be submitted to CAL FIRE. The applicant submitted a *Timberland Conversion Evaluation Report* prepared by Timberland Resource Consultants dated June 9, 2020 (see Attachment 4). The reports states the site was developed some time in between 1998 – 2005. There was 0.67 acres of timberland removed for site development purposes. The report concluded that the timber removal was done in accordance with Forest Practice Rules. The report was sent to CAL FIRE for review and approval. No response has been received as of June 23, 2020. Conditions of approval require the applicant to adhere to the recommendations contained in the report by Timberland Resource Consultants. No additional trees are proposed to be removed as part of the project. As conditioned, the project therefore complies with this section.

§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1 acre, zoned U.	The proposed action is a Zoning Clearance Certificate for an existing 4,041 square feet of outdoor cultivation on APN 108-151-021, which is a 41.50-acre parcel zoned TPZ. Aerial imagery on Humboldt WebGIS indicates cultivation was occurring prior to January 1, 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Special Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Only cannabis cultivated by the applicant will be processed on-site. Processing, including drying, curing, and trimming, will occur in a 1,600-square-foot existing structure. No additional Special is required.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, Tara McKnight, applicant, hold no other cannabis activity permits, and is entitled to four. This application is for one permit.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.

§314-55.4.11.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.	Annual water use is 49,686 gallons. Irrigation water is sourced from a groundwater well. According to the operations plan, because the existing well cannot be repaired with a sanitary seal, a new groundwater was drilled to be used for irrigation (see the *Streamside Management Area* findings above). There is 18,000 gallons of water storage in 5 hard-sided tanks and the applicant is proposing to add one 5,000-gallon tank for fire protection. Total water storage will be 24,000 gallons. The applicant is in the process of obtaining Final Stream Alteration Agreement from CDFW. Because the well is not connected to surface waters, no appropriative water rights are required to be obtained from the State Water Resources Control Board. Conditions of approval require the applicant to adhere to and implement the recommendations and monitoring requirements in the Final Stream Alteration Agreement.
§314-55.4.11.d Performance Standards-Setbacks	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).	The cultivation area is setback more than 30 feet from any property line and more than 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources (TCRs). The proposed project includes a Special Permit to allow for relaxation of the required 600-foot setback from adjacent public lands. The Bureau of Land Management (BLM) owns the parcel to the north of the project site. The westernmost greenhouse is located approximately 450 feet south of the BLM parcel. The BLM parcel is mapped with potential to contain Marbeled murrelet habitat. Staff corresponded with BLM staff about the stormwater run-off requirements and property boundary survey. Conditions of approval for noise attenuation and artificial lighting standards (e.g. no light can escape from sunset to sunrise). Based on the Road Evaluation Report submitted by the applicant, access to the subject parcel does not cross lands owned by the BLM. Planning staff replied to the BLM staff with additional information. No additional comments were received. Staff thinks that the project will not adversely impact connectivity of habitat as less than one-half acre (1.2%) of the 41.5-acre parcel is developed. Conditions of approval required noise to be attenuated and artificial lighting to be covered such that little to no light escapes from sunset to sunrise.

§314-55.4.11.o Performance Standards-Generator Noise	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.	The subject parcel is located in an area that requires special noise attenuation measures. The California Natural Diversity Database (CNDDB) identified the Marbeled murrelet as a species with habitat on the subject parcel. The nearest Northern Spotted Owl (NSO) observation is located 1.70 miles to the southeast and the nearest mapped NSO activity center is located 1.32 miles to the southwest of the cultivation area. Marbled murrelet habitat mapping is located in the northwest corner of the subject parcel, approximately 400 feet from the cultivation area; Marbled murrelet habitat is mapped on the properties owned by the Bureau of Land Management (BLM). The applicant I proposing to use solar energy to power operations as opposed to generators that were used historically. Generators may be as a back-up energy source in the case of an emergency. Ongoing conditions of approval require the maximum allowable generator 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, as required by Section 314-55.4.11(o). Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting. As conditioned, the project is consistent with the Noise Element.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 30, 2016.

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

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

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

Code Section	Summary of Applicable Requirements	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 midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The parcel is developed with a single family residence which will remain and is therefore not reducing the density below that utilized by HCD. The project is in conformance with the standards in the Housing Element.

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

As lead agency, the Department prepared an Addendum to the previously adopted 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, and remediation of portions of the subject parcel where timber was removed. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHEMENT 3

CEQA Addendum

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

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

APN 108-151-021*, 1150 Shelter Cove Road, Whitethorn, *County of Humboldt

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

July 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. Additionally, the MND specified that new uses would only be permitted in specific areas that can accommodate the agricultural infrastructure associated with cannabis cultivation and where it can be shown that the operation is meeting rigorous standards that ensure the protection of the environment.

The modified project involves a Zoning Clearance Certificate and Special Permit (SP) for 4,0411 square feet of existing outdoor cannabis cultivation within two greenhouses. There will be two harvests annually. The applicant is proposing to construct a 750-square-foot nursery will be used to propagate juvenile plants for future cultivation. Processing, including drying, curing and trimming, will occur in a 1,600-square-foot existing structure on the subject parcel. The applicant will a maximum of three employees. Power is provided by P. G. & E. The use of the on-site generator is limited to power outages. Access to the site is provide by Hi Point Lane that intersects with Shelter Cove Road. The applicant will improve the private access road where it intersects with Shelter Cove Road to meet or exceed all County requirements and ensure traffic safety.

Annual water use is 49,686 gallons. Irrigation water is sourced from a groundwater well. According to the operations plan, because the existing well cannot be repaired with a sanitary seal, a new groundwater will is proposed to be drilled that will be used for irrigation. There is 18,000 gallons of water storage in 5 hard-sided tanks and the applicant is proposing to add one 5,000-gallon tank for fire protection. Total water storage will be 24,000 gallons. The applicant is in the process of obtaining Final Stream Alteration Agreement from CDFW. Because the well is not connected to surface waters, no appropriative water rights are required to be obtained from the State Water Resources Control Board. Conditions of approval require the applicant to adhere to and implement the recommendations and monitoring requirements in the Final Stream Alteration Agreement.

The California Natural Diversity Database (CNDDB) identified the Marbeled murrelet as a species with habitat on the subject parcel. The nearest Northern Spotted Owl (NSO) observation is located 1.70 miles to the southeast and the nearest mapped NSO activity center is located 1.32 miles to the southwest of the cultivation area. Marbled murrelet habitat mapping is located in the northwest corner of the subject parcel, approximately 400 feet from the cultivation area; Marbled murrelet habitat is mapped on the properities owned by the Bureau of Land Management (BLM). Power is provided by generators, however, the applicant is proposing to use solar energy as the primary power source and generators would be used only in cases of power outages. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known sensitive receptors. Due to the proximity of the cultivation area to Marbeled murrelet habitat, a proposed condition of approval to this project would require the applicant to maintain generator and fan noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer, and ensure use of artificial lighting for the propagation greenhouse meets Dark Sky standards as specified by the CMMLUO. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. Planning staff believes that use of supplemental lighting complying with dark-sky standards can adequately address

any lighting impacts on NSO and is recommending a condition of approval be added to this permit that would prohibit mixed-light in the propagation greenhouses until the applicant can demonstrate compliance with these noise standards.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include relocation from sensitive riparian areas and implementation of habitat restoration, reliance on water storage and rainwater catchment to provide water for irrigation, and proper storage of fertilizers and soil amendments.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (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;
   or

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 4,041 square feet of outdoor cultivation and on-site processing to bring the operation into compliance with the CMMLUO is 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.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 4 for a complete listing of information and studies):

- Cultivation and Operations Plan dated December 28, 2018.
- Plot Plan prepared by Cannafarms Consulting;
- McKnight Boundary Survey Exhibit prepared by Kolstad Land Surveyors revised June 2, 2020;

- Timberland Conversion Evaluation prepared by Timberland Resources Consultants dated June 9, 2020; and
- Well completion log dated July 29, 2019.

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, and will permit a nursery on a site that is fully in compliance with the locational requirements specified in the CMMLUO.

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)

2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)

3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)

4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)

5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)

6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – see operations plan)

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. (Condition of Approval)

8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Condition of Approval)

9. If the source of water is a well, a copy of the County well permit, if available. (Attached – well completion log)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Attached – Evaluation of Potential Timber Conversion prepared by Timberland Resource Consultants dated June 9, 2020)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)

12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)

13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)

14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)

15. DEH Worksheet (On file)

16. Road Evaluation Report prepared by DTN Engineering and Consulting dated January 1, 2019. (Attached)

State of California

Well Completion Report

Form DWR 188 Submitted 7/29/2019
WCR2019-010439

Owner's Well Number: | Date Work Began: 07/17/2019 | Date Work Ended: 07/26/2019

Local Permit Agency: Humboldt County Department of Health & Human Services - Land Use Program

Secondary Permit Agency: | Permit Number: 18/19-0861 | Permit Date: 04/05/2019

Well Owner (must remain confidential pursuant to Water Code 13752)

Name: Tara McKnight

Mailing Address: P.O. Box 637

City: Whitethron State: CA Zip: 95589

Planned Use and Activity

Activity: New Well

Planned Use: Water Supply Irrigation - Agriculture

Well Location

Address: 1300 Hungry Gulch RD

City: Whitethorn Zip: 95589 County: Humboldt

Latitude: 40 Deg. 2 Min. 47.4612 Sec. N Longitude: -123 Deg. 59 Min. 34.1232 Sec. W

Dec. Lat.: 40.046517 Dec. Long.: -123.992812

Vertical Datum: Horizontal Datum: WGS84

Location Accuracy: Location Determination Method:

APN: 108-151-021

Township: 05 S

Range: 02 E

Section: 06

Baseline Meridian: Humboldt

Ground Surface Elevation:

Elevation Accuracy:

Elevation Determination Method:

Borehole Information

Orientation: Vertical Specify:

Drilling Method: Direct Rotary Drilling Fluid: Air

Total Depth of Boring: 220 Feet

Total Depth of Completed Well: 220 Feet

Water Level and Yield of Completed Well

Depth to first water: 135 (Feet below surface)

Depth to Static Water Level: 105 (Feet) Date Measured: 07/26/2019

Estimated Yield*: 10 (GPM) Test Type: Air Lift

Test Length: 4 (Hours) Total Drawdown: 85 (feet)

*May not be representative of a well's long term yield.

Geologic Log - Free Form

Depth from Surface Feet to Feet		Description
0	4	top soil
4	78	brown sandstone
78	172	brown blue sandstone
172	220	blue sandstone

Casings

Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specificatons	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	80	Blank	PVC	OD: 5.563 in. | SDR: 21 | Thickness: 0.265 in.	0.265	5.563			
1	80	220	Screen	PVC	OD: 5.563 in. | SDR: 21 | Thickness: 0.265 in.	0.265	5.563	Milled Slots	0.032	

Annular Material

Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Other Bentonite		Sanitary Seal
20	220	Filter Pack	Other Gravel Pack	3/8 Inch	Pea Gravel

Other Observations:

Borehole Specifications

Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	220	10

Certification Statement

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief

Name: FISCH DRILLING
Person, Firm or Corporation

3150 JOHNSON ROAD | HYDESVILLE | CA | 95547
Address | City | State | Zip

Signed: *electronic signature received* | 07/29/2019 | 683865
C-57 Licensed Water Well Contractor | Date Signed | C-57 License Number

Attachments

Scan.pdf - Location Map

DWR Use Only

CSG #	State Well Number	Site Code	Local Well Number

				N						W

Latitude Deg/Min/Sec **Longitude Deg/Min/Sec**

TRS:

APN:

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional approval	On file with Planning (Accela)
Environmental Health Division	✓	Conditional approval	On file with Planning (Accela)
Public Works Land Use Division	✓	Conditional approval	Attached
CA Department of Fish & Wildlife		No comments	
CAL FIRE	✓	Comments	Attached
Bureau of Land Management	✓	Comments	Attached
Whitethorn Fire Protection District			
NWIC	✓	Further study	On file with Planning (confidential)
Bear River Band of the Rohnerville Rancheria	✓	Conditional approval	On file with Planning (confidential)
Intertribal Sinkyone Wilderness Council		No response	
RWQCB		No response	
Humboldt County Sheriff		No response	
Humboldt County Agriculture Commissioner		No response	
Humboldt County District Attorney		No response	
Southern Humboldt Unified School District		No response	

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

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

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

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

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Stephen Luther, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 12/06/2019

RE:

Applicant Name	**TARA MCKNIGHT**
APN	**108-151-021**
APPS#	**PLN-13157-SP**

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.

Additional comments/notes:

Applicant has submitted a road evaluation report dated January 1, 2019, no date stamp received by the Humboldt County Planning Division, with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed.

The Department requires all recommendations by engineer to be completed.

Evaluation report has a reference to River Road, this road is not near the project site and it is the Departments conclusion that it should read Private Access Rd (Hi Point Ln). In addition, Engineer did not complete Item #1 on Part B of the evaluation form, that states the number of other known cannabis projects included in the ADT calculations. Engineer states the use of counters to obtain the average daily traffic trips but did not provide the count data.

Note: Humboldt County GIS does not have a name for this road. Google Maps has labeled it Hi Point Lane. In addition, the County GIS and Google Maps have different configurations for Hungry Gulch Road. Google Maps has Hungry Gulch Road intersecting "Hi Point Lane" north of the subject parcel, and then continuing as Hungry Gulch Road. The County GIS has the roadways intersecting south of the parcel. County requirements are based on the Engineers road evaluation.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply) APPS # 12628

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

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

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

_____

_____

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

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

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

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

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

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

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

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

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

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

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

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

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

// END //

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

- [ ] The Department has no comment at this time.
- [ ] Suggested conditions attached.
- [ ] Applicant needs to submit additional information. List of Items attached.
- [ ] Recommend denial.
- [ ] Other comments.

Forester Comments: Date: 11/13/19 Name: Tim Meyers

AP# 13157
APN 108-151-021
It appears from the air photo that a timberland conversion has taken place on the property. If there is no documentation of the conversion area. A timberland conversion will have to be submitted by the landowner for review by CALFIRE.

Battalion Chief Comments: Date: Name:

Summary:

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Arcata Field Office
1695 Heindon Road
Arcata, CA 95521-4573
www.blm.gov/california

11/22/2019

Planning Commission Clerk
County of Humboldt County
Planning and Building Department
3015 H Street, Eureka, CA 95501

Dear Sir or Madam:

In response to Application APP(S) PLN-13157-SP (APN: 108-151-021-000)

The adjacent BLM lands are designated as Critical Habitat for Northern Spotted Owl by the U.S. Fish and Wildlife Service (USFWS). There is a potential for light, generator noise, runoff, and rodenticide use from the applicant's operation to impact BLM land and sensitive wildlife species such as the Northern Spotted Owl.

The proposed cannabis cultivation site is adjacent to BLM lands designated as the King Range National Conservation Area. Bridge Creek is known quality of its spawning and rearing habitat for Coho, Chinook salmon and steelhead. For these reasons, BLM lands are managed to conserve and protect these species and their habitats. The Mattole River and its tributaries is listed as sediment impaired under the Clean Water Act. Additionally, the proximity of these areas has the potential to deliver nutrients and other pollutants to the adjacent watercourse.

The Humboldt County Ordinance No. 2559, Performance Standards for all Commercial Medical Marijuana Land Use Ordinance, Cultivation and Processing Operations section 55.4.11 item d, requires a 600 foot setback for publicly owned lands managed for open space and/or wildlife habitat purposes. The BLM is concerned about a reduced setback because of the potential impacts to wildlife habitat.

There have been issues of trespass on nearby BLM lands in the recent past. The applicant should have their parcel surveyed by a professional land surveyor so that their operations do not trespass or cause resource damage to federal lands.

Any activity or resource damage related to cannabis operations on public land such as the cultivation, production, transportation or distribution of supplies or product will violate the Controlled Substances Act and may be subject to federal criminal and/or civil action.

Sincerely,

Molly Brown
Field Manager