



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 Planning Commission

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

Subject: **Humboldt Leaf, Inc., Conditional Use Permit**
Application Number 12601
Record Number PLN-12601-CUP
Assessor's Parcel Number (APN): 211-371-007
Miranda area

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 6, 2020	Conditional Use Permit	Christopher Alberts

Project Description: A Conditional Use Permit for an existing 43,100 square feet of outdoor cannabis cultivation. Cultivation activities will extend from February to November. The applicant anticipates two cultivation cycles. Water for irrigation is sourced from one on-site well and two proposed wells. Water storage onsite includes ten 3,000-gallon hard tanks and four 5,000-gallon tanks for a total of 50,000 gallons of water storage for cultivation activities. Processing such as drying and curing will be performed onsite in a proposed 3,240-square-foot facility and an existing 2,100-square-foot facility. Further processing such as trimming be performed offsite at a licensed third-party processor. There will be a maximum of 13 employees during peak operations. Electricity is sourced from solar and a generator.

Project Location: The project is located in Humboldt County, in the Miranda area, on the west side of Dyerville Loop road, approximately 0.26 miles north from the intersection of Eel Rock Road and Dyerville Loop Road, then south on a private road for approximately 0.8 miles, on the property known to be in the east half of Section 25, Township 02 South, Range 03 East.

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

Present Zoning: Agriculture Exclusive (AE); Timberland Production (TPZ)

Record Number: PLN-12601-CUP

Assessor Parcel Number: 211-371-007

Applicant	Owner	Agent
Josh Ptashne	New Leaf Holdings, LLC	NorthPoint Consulting Group
PO Box 519	PO Box 519	PO Box 44
Garberville, CA 95542	Garberville, CA 95542	Eureka, CA 95502

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

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

Major Issue: None.

Humboldt Leaf, Inc., Conditional Use Permit
Record Number: PLN-12601-CUP
Assessor's Parcel Number (APN): 211-371-007

Recommended Commission Action:

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

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

Executive Summary

The proposed Conditional Use Permit would allow the continued operation of an existing 43,100 square foot outdoor commercial cannabis cultivation operation on a 160-acre parcel (assessed lot size) in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The subject parcel is Assessor's Parcel Number (APN) 211-371-007. The project site contains existing cultivation operations in rural Humboldt County.

The property assessed is a 160-acre parcel located on a private road. There are eleven watercourse crossings that are tributaries to the South Fork Eel River. Structures used for cannabis activities will include one (1) 3,888 square foot greenhouse being used for propagation, one (1) 2,100-square-foot propagation and drying facility, three (3) 2,520-square foot greenhouses, three (3) 2,880-square-foot greenhouses, five (5) 3,960-square-foot greenhouses, and one (1) 3,900-square-foot greenhouse.

Cultivation activities extend from February to November. There will be two cultivation cycles annually. Propagation will occur in a 3,888 square foot greenhouse and in a 2,100-square-foot facility. Processing such as drying and curing will occur in a proposed 3,240-square-foot facility and an existing 2,100-square-foot facility. Further processing such as trimming will occur offsite by a licensed third-party processor. Humboldt Leaf, Inc., will be utilizing 13 employees during peak operations. Power is sourced from solar and a 25kW WhisperWatt Super Silent generator.

The applicant estimates 600,000 gallons of water will be required annually for irrigation. Water for irrigation is sourced from a permitted onsite well (15/16-0671). Water storage for the project totals 50,000 gallons in ten (10) 3,000-gallon tanks and four (4) 5,000-gallon tanks. According to the Operation Plan, two additional wells are being proposed, one in Area 3 and one in Area 5 identified on the Site Map. According to the Well Completion Report (see Attachment 4), the existing well was drilled to a depth of 200 feet through clay and sandstone layers. The well is also located approximately 1,781 feet in elevation and 2.44 miles east of the South Fork Eel River. Because the well appears to be hydrologically disconnected from surface waters, the applicant is not required to obtain appropriate rights from the State Water Resources Control Board.

The subject property is accessed via private road from Dyerville Loop Road. Per Road Evaluation prepared by Northpoint Consulting Group, Inc., the entire road segment is developed to the equivalent of a road category 4 standard. The Department of Public Works commented on this project with recommendations that were added as conditions of approval, see *Circulation Chapter 7* findings below.

According to the California Natural Diversity Database (CNDDDB), there are no mapped species of concern located on the subject parcel, however, there is a Northern Spotted Owl (NSO) activity center located 994 feet east from the project site and a known spotted owl observation is located 0.24 miles west from the cultivation site. Marbled murrelet habitat is located approximately 1.5 miles west from the project site. The applicant is proposing to expand cultivation site 5 which will require conversion of commercial timberlands. The applicant will be removing vegetation through a proposed 3-acre timberland conversion exemption per 14CCR 1104.1. The proposed expansion will remove all vegetation within a 0.37-acre area directly adjacent to cultivation site 5. Once cultivation area 5 is converted, the applicant will be relocating cultivation sites 2 and 6 to cultivation area 5. According to the Biological Assessment prepared by Timberland Resource Consultants, dated June 4, 2020, (see Attachment 4), the proposed conversion area does not contain potential NSO habitat. The assessment also states that the NSO and golden eagle are the only potentially present species per the Forest Practice Act List. NSO surveys have been performed on the adjacent parcel (APN 211-362-016) in association with a Non-industrial Timber Management Plan (1-17NTMP-001). The surveys were conducted in 2017 and 2018. The surveys provided coverage of the proposed conversion area and the survey did not detect any NSO activity. Status visits were also conducted in 2017, 2018, and 2019 with no detections of an NSO.

A Cultural Resources Investigation report was prepared by Arsenault and Associates for APN 211-371-007, dated January 22, 2019. The report concluded that there were no cultural resources identified in the study area. The report also concluded that the existing developments have not result in any adverse change to cultural resources. If engineering plans change, and additional ground disturbing actions become necessary, then the cultural resources investigation will need to be revised.

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.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the conditional use permit.

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 20-

**Record Number: PLN-12601-CUP
Assessor's Parcel Number: 211-371-007**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approve Humboldt Leaf, Inc., Conditional Use Permit request.

WHEREAS, Humboldt Leaf, Inc., submitted an application and evidence in support of approving the A Conditional Use Permit for existing 43,100 square feet of outdoor cannabis cultivation. Cultivation activities will extend from February to November. The applicant anticipates two cultivation cycles. Water for irrigation is sourced from one on-site well and two proposed wells. Water storage onsite includes ten 3,000-gallon hard tanks and four 5,000-gallon tanks for a total of 50,000 gallons for cultivation activities. Processing such as drying and curing will be performed onsite in a proposed 3,240-square-foot facility and an existing 2,100-square-foot facility. Further processing such as trimming be performed offsite at a licensed third-party processor. There will be a maximum of 13 employees during peak operations. Electricity is sourced from solar and a generator; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Record Number PLN-12601-CUP); and

WHEREAS, a public hearing was held on the matter before the Planning Commission on August 6, 2020.

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

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes the findings for approval in Attachment 2 of the Planning Division staff report for Record Number PLN-12601-CUP based on the submitted substantial evidence; and
3. Conditional Use Permit Record Number PLN-12601-CUP is approved as recommended and conditioned in Attachment 1.

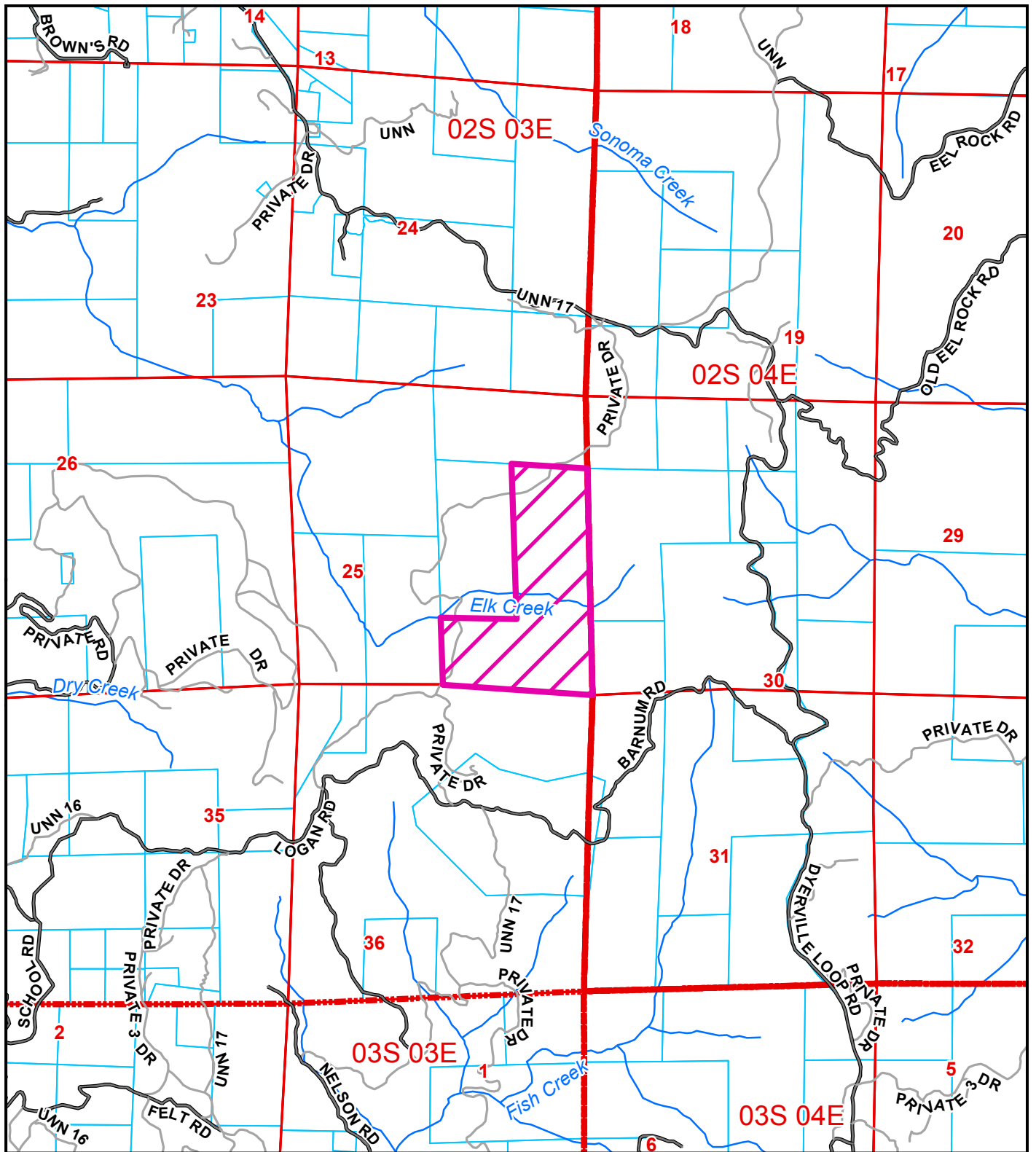
Adopted after review and consideration of all the evidence on August 6, 2020.

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

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

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

John Ford
Director, Planning and Building Department



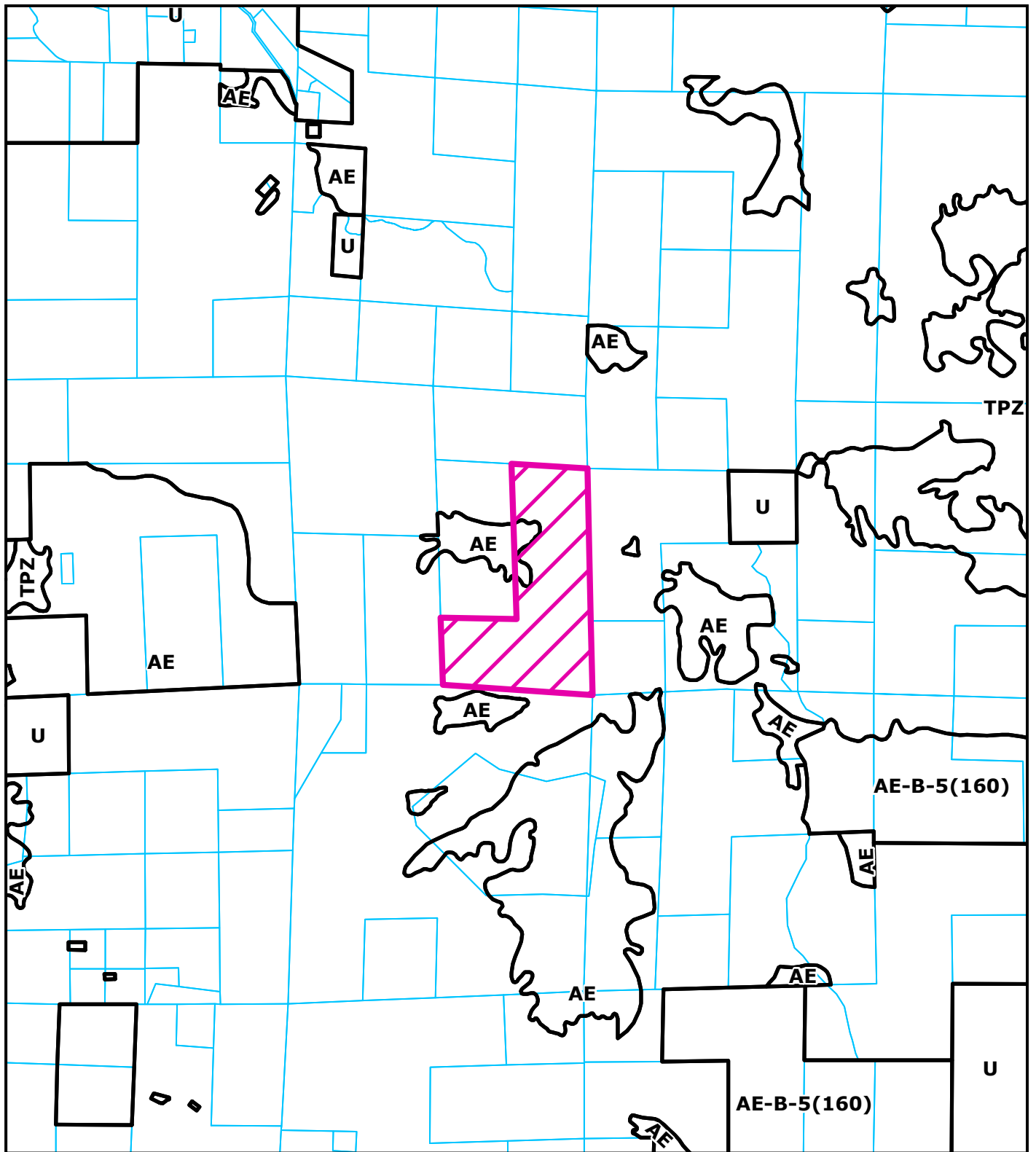
TOPO MAP
PROPOSED GARDEN CANOPY CORPORATION
MIRANDA AREA
CUP-16-765
APN: 211-372-007-000
T02S R03E S25 HB&M (MYERS FLAT)

Project Area = 

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

0 1,000 2,000 4,000 6,000 Feet

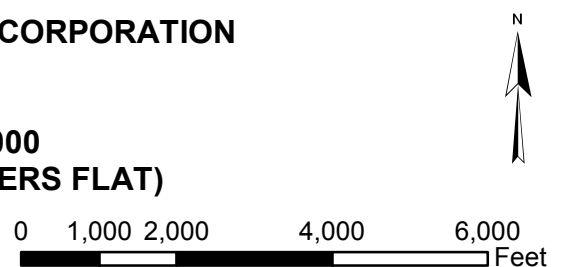


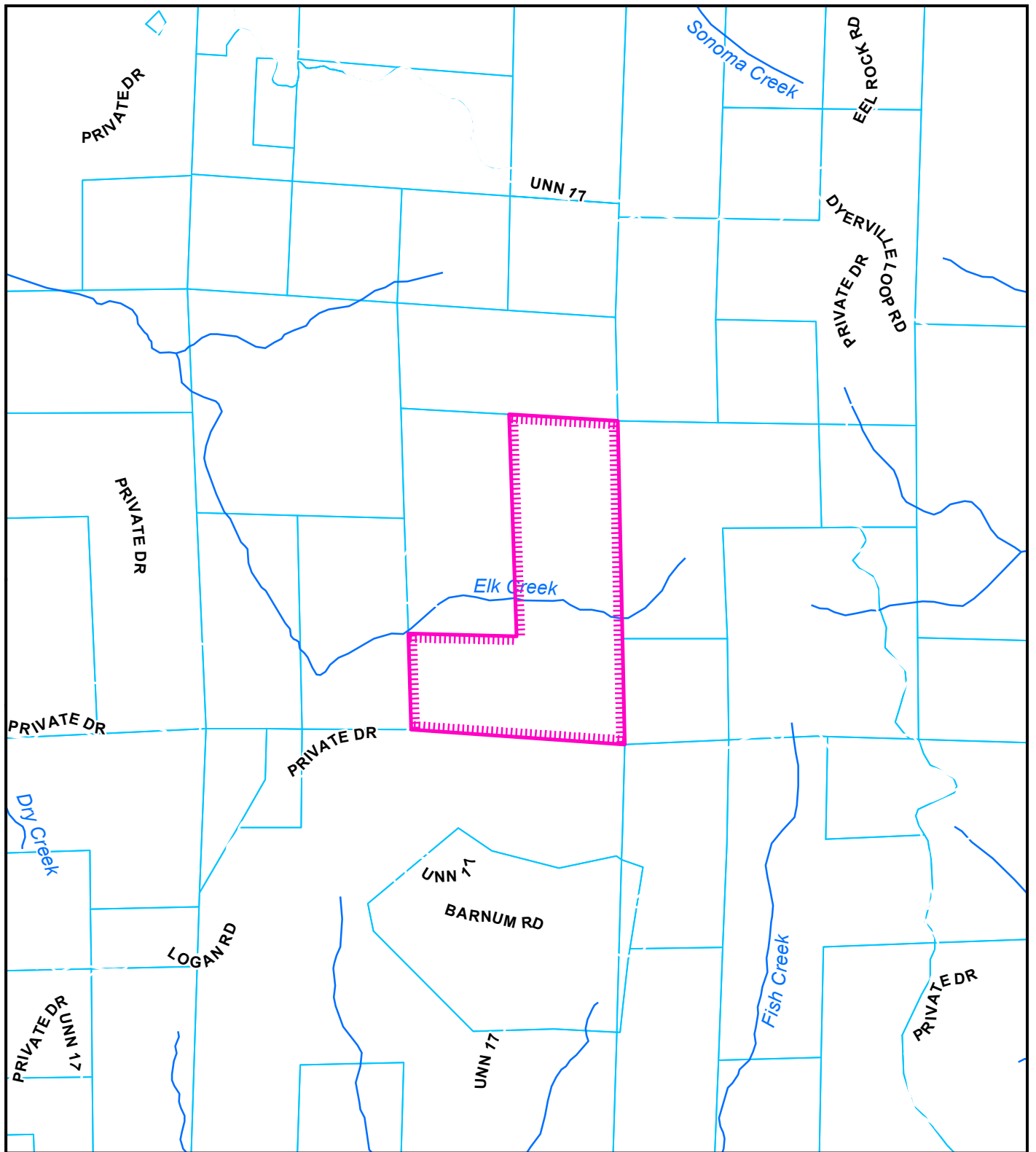


Project Area = 

ZONING MAP
PROPOSED GARDEN CANOPY CORPORATION
MIRANDA AREA
CUP-16-765
APN: 211-372-007-000
T02S R03E S25 HB&M (MYERS FLAT)

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





Project Area = 

**AERIAL MAP
PROPOSED GARDEN CANOPY CORPORATION
MIRANDA AREA
CUP-16-765
APN: 211-372-007-000
T02S R03E S25 HB&M (MYERS FLAT)**

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 4,000 Feet





- SOUTHBOUND ON US-101
(APPROX. 49.6 MILES)
- TAKE EXIT 656
- TURN LEFT ONTO CA-254S
(APPROX. 6 MILES)
- TURN LEFT ONTO SCHOOL ROAD
(APPROX. 0.4 MILES)
- CONTINUE ONTO BARNUM ROAD
(APPROX. 3.4 MILES)
- SITE DRIVEWAY ON RIGHT

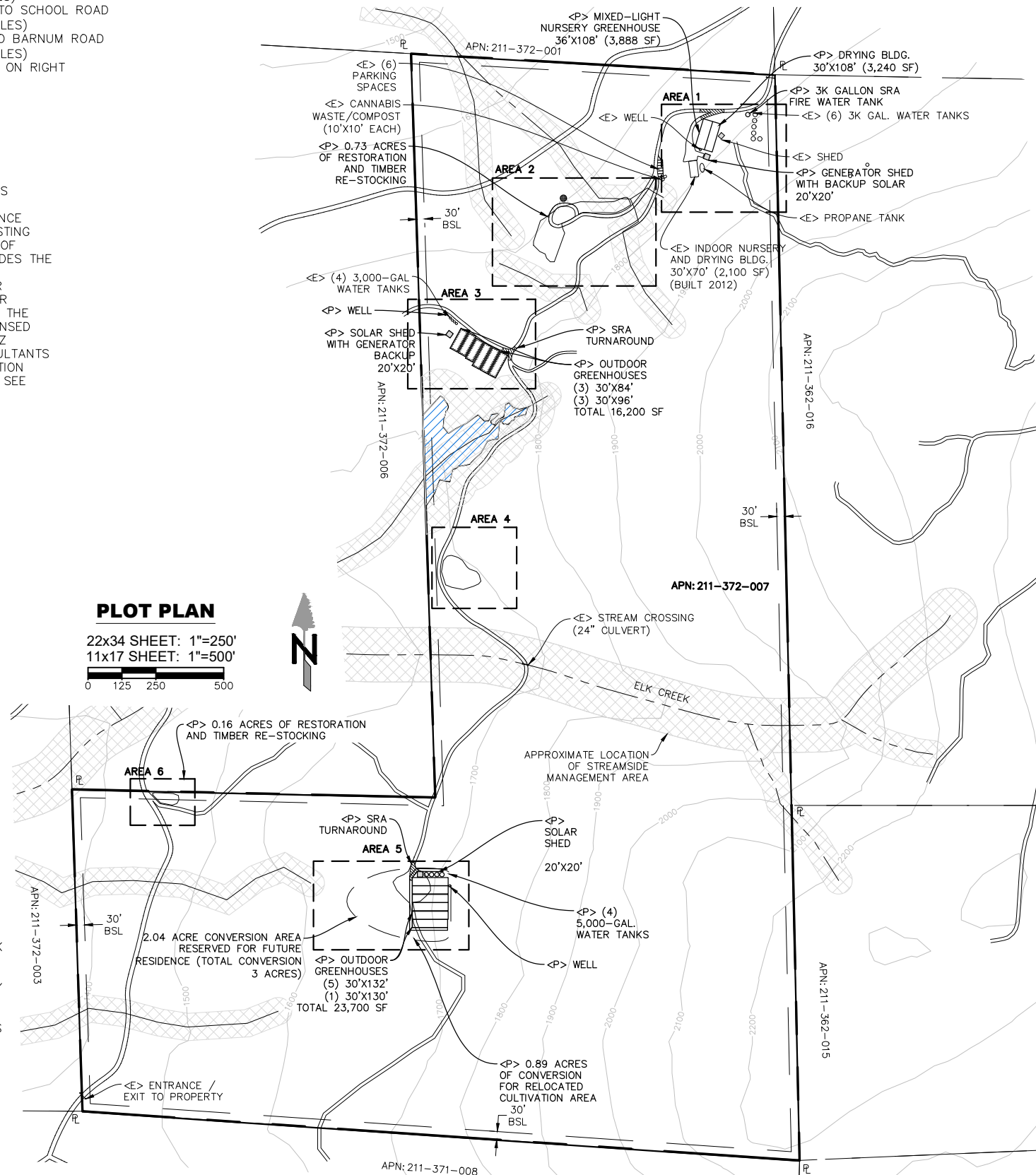
THE HUMBOLDT LEAF IS PROPOSING TO PERMIT EXISTING CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL CANNABIS LAND USE ORDINANCE (CCLUO), ORDINANCE NO. 2544 ON APN 211-372-007. THE EXISTING OPERATION INCLUDES APPROXIMATELY 43,100 SQUARE FEET (SF) OF OUTDOOR CANNABIS CULTIVATION. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF SOLAR PANEL FACILITIES SUPPLEMENTED WITH GENERATORS, WATER DIVERSION WORKS, THE APPROPRIATE WATER STORAGE, ONSITE NURSERY GREENHOUSE AND AG BUILDING(S) FOR DRYING AND CURING OF CANNABIS. THE REMAINING ACTIVITIES OF THE PROCESSING SPECTRUM WILL BE CONDUCTED OFF-SITE AT A LICENSED FACILITY. THE PROJECT PROPOSES TO RETREAT AND RESTOCK TPZ CONVERTED AREAS, ACCORDING TO TIMBERLAND RESOURCE CONSULTANTS (TRC) TIMBERLAND CONVERSION REPORT, AND RELOCATE CULTIVATION INTO TWO ENVIRONMENTALLY SUPERIOR SITES ON THE PROPERTY, SEE TRC REPORT FOR DETAILS.

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

1. WATER FOR DOMESTIC USE AND IRRIGATION USE WILL BE SUPPLIED THROUGH A PERMITTED WELL. ALSO, TWO (2) POINTS OF DIVERSION, WHICH ARE LOCATED ON THE ADJACENT PARCEL.

1. SOIL FOR CULTIVATION ACTIVITIES WILL BE IN BEDS AND REUSED FOR AS MANY CULTIVATION CYCLES AS POSSIBLE. THE SOIL WILL BE RECONDITIONED TWICE ANNUALLY WITH AMENDMENTS SUCH AS CHICKEN MANURE, GREEN SAND, ROCK PHOSPHATE, BONE AND BLOOD MEAL, AND MUSHROOM COMPOST. ANY UNSUITABLE SOIL WILL BE BAGGED AND DISPOSED OF AT AN APPROVED WASTE MANAGEMENT FACILITY (HUMBOLDT WASTE MANAGEMENT AUTHORITY, ETC.).
2. SOLID WASTE SHALL BE TRANSFERRED TO LIDDED WASTE BINS IN THE PROPOSED WASTE ENCLOSURE DAILY. WASTE BINS SHALL BE TRANSPORTED TO NEAREST APPROVED WASTE MANAGEMENT FACILITY EACH WEEK OR AS NEEDED.
3. PROPOSED WASTE BINS: (1) 1 YD GARBAGE DUMPSITER, (1) 1 YD RECYCLING DUMPSITER

APN: 211-372-007



- C0 – PLOT PLAN, VICINITY MAP, AND PROJECT NOTES
- C1 – EXISTING AND PROPOSED SITE PLAN
- C2 – AREAS 1 & 2 EXISTING AND PROPOSED DETAILS
- C3 – AREA 3 EXISTING AND PROPOSED DETAILS
- C4 – AREAS 4, 5 & 6 EXISTING AND PROPOSED DETAILS

[illegible]

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

THE HUMBOLDT LEAF, INC. / APN: 211-372-007

MIRANDA, CA 95553

PLOT PLAN, VICINITY MAP, AND PROJECT NOTE

PROJ. MGR.: POW
DRAWN BY: CC
DATE: 12/18/19
SCALE: AS SHOWN

SHEET
C0

18-134

APN: 211-372-007



PROJ. MGR.:	<u>POW</u>
DRAWN BY:	<u>CC</u>
DATE:	<u>12/18/19</u>
SCALE:	<u>AS SHOWN</u>
SHEET C1	
8-134	

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 the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 –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 be responsible for obtaining all necessary County and State permits or licenses and for meeting all the requirements as set forth by other regulatory agencies.
3. The applicant shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
4. The applicant shall utilize portable toilet and handwashing facilities for cultivation employees only. Processing must occur off-site until permanent Onsite Wastewater Treatment System (OWTS) is installed to the satisfaction of DEH. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
5. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
6. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Confirmation from the Department of Public Works that the work has been done will satisfy this condition.
7. The applicant shall improve the intersection of Dyerville Loop Road and the access road by paving the surface for a minimum width of 20 feet and a length of 50 feet. Confirmation from Public Works will satisfy this condition.
8. The applicant shall adhere to all recommendations found within the Site Management Plan prepared by Timberland Resource Consultants, dated February 4, 2019. Confirmation from the Planning Department that the work has been completed will satisfy this condition.
9. The applicant shall adhere to all recommendations found within the Timberland Conversion Report prepared by Timberland Resource Consultants, dated December 9,

2018. Confirmation from the Planning Department that the work has been completed will satisfy this condition.

10. The applicant shall forbear from using the two proposed wells for cannabis related activities until the applicant can provide evidence that the two wells are not hydrologically connected to any surface water. Confirmation from the Planning Department that this requirement has been fulfilled will satisfy this condition.
11. The applicant shall contact the local fire service provider [Fruitland 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. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
12. 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.
13. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MCRSA, as applicable to the permit type.
3. The applicant shall provide an invoice, or equivalent documentation to the Department of Environmental Health to confirm the continual use of the portable toilets to serve the farm operators until a permitted onsite wastewater treatment is installed.
4. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional

permit to allow for additional time to meet the outstanding requirements.

5. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
6. 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.
7. 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).
8. 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.
9. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.
10. 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).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application and annual inspection fees.
13. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring parcels. 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.
14. 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.
15. The Master Logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.

16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
17. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

18. 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."
19. 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).
20. 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.
21. 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.

22. 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.

23. 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 permittees and the permitted site have been found to comply with all conditions of approval.

24. 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 Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.

25. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #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.

26. Acknowledgements to Remain in Full Force and Effect. Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the

inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and

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 State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), 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 State of California MAUCRSA.

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; and
- 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 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
- 2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 of the On-

Going Requirements /Development Restrictions, above.

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

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

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.
7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.

ATTACHMENT 2

Required Findings for Approval

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

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

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

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

Relevant Plan Sections	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	Timberland (T): This designation is utilized to classify land that is primarily suitable for the growing, harvesting and production of timber. Prairie and grazing lands may be intermixed. Density range is 40 -160 acres/unit.	The project includes existing 43,100 square feet of existing outdoor cultivation on a 160-acre parcel. General agricultural and timber production are allowable use types 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, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5) Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.	The parcel is accessed via private driveway from Dyerville Loop Road. Per the Road Evaluation prepared by Northpoint Consulting Group, the entire road segment is developed to the equivalent of a category 4 road standard. The Department of Public Works commented on the project and is requiring the applicant to ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). The applicant shall also pave the surface at the location of the access road for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. The project is conditioned to implement the recommendations made by the Department of Public Works.

		<p>According to the Site Management Plan (SMP) prepared by Timberland Resource Consultants, dated February 4, 2019, there are eleven watercourse crossings located on the subject parcel. The SMP states eight of the watercourse crossings require to be replaced due to being undersized, rusted, and not functioning adequately. The culverts that require replacement are referenced as Sites 01, 18, 21, 27, 44, 51, 52, and 76. The SMP also states a Lake and Streambed Alteration Agreement has been initiated for the recommended work. The project is conditioned to complete all recommendations found within the SMP prepared by Timberland Resource Consultants, dated February 4, 2019.</p>
<p>Housing Chapter 6</p>	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. 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.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</p>

<p>Conservation and Open Space</p> <p>Chapter 10</p> <p>Biological Resources</p> <p>Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources) Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>According to the California Natural Diversity Database (CNDDDB), there are no mapped species of concern located on the subject parcel, however, there is a Northern Spotted Owl (NSO) activity center located 994 feet east from the project site and a known spotted owl observation is located 0.24 miles west from the cultivation site. Marbled murrelet habitat is located approximately 1.5 miles west from the project site. The applicant is proposing to expand cultivation site 5 which will require conversion of commercial timberlands. The applicant will be removing vegetation through a proposed 3-acre timberland conversion exemption per 14CCR 1104.1. The proposed expansion will remove all vegetation within a 0.37 acre are directly adjacent to cultivation site 5. Once the cultivation area 5 is converted, the applicant will be relocating cultivation sites 2 and 6 to cultivation area 5. According to the Biological Assessment prepared by Timberland Resource Consultants (see Attachment 4), the proposed conversion area does not contain potential NSO habitat. The assessment also states that the NSO and golden eagle are the only potentially present species per the Forest Practice Act List. NSO surveys have been performed on the adjacent parcel (APN 211-362-016) in association with a Non-industrial Timber Management Plan (1-17NTMP-001). The surveys were conducted in 2017 and 2018. The surveys provided coverage of the proposed conversion area and the survey did not detect any NSO activity. Status visits were also conducted in 2017, 2018, and 2019 with no detections of an NSO.</p>
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		<p>The parcel is situated approximately 1.85 miles east from the South Fork Eel River and Elk Creek flows west through the center of the parcel, which is a tributary to the South Fork Eel River. According to the Relocation Plan prepared by Timberland Resource Consultants (see Attachment 4), cultivation site 2 is located within a class II and class III watercourse buffer zone and contains potential wetlands. The applicant is proposing to relocate cultivation areas 2 and 6 to cultivation area 5, where the cannabis will be setback sufficiently from all watercourses and located on slopes less than 15%.</p>
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		<p>The applicant estimates 600,000 gallons of water will be required annually for irrigation. Water for irrigation is sourced from a permitted onsite well (15/16-0671). Water storage for the project totals 50,000 gallons in ten (10) 3,000-gallon tanks and four (4) 5,000-gallon tanks. According to the Operation Plan, two additional wells are being proposed, one in Area 3 and one in Area 5 identified on the Site Map. According to the Well Completion Report (see Attachment 4), the existing well was drilled to a depth of 200 feet through clay and sandstone layers. The well is also located approximately 1,781 feet in elevation and 2.44 miles east of the South Fork Eel River. Because the well appears to be hydrologically disconnected from surface waters, the applicant is not required to obtain appropriative rights from the State Water Resources Control Board. However, conditions of approval require the applicant to monitor water use to show that sufficient water is produced by the well to support operations. 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. The project is also conditioned for the applicant to forebear from using the two proposed wells for cannabis related activities until the applicant can provide evidence that the two wells are not hydrologically connected to any surface water.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1,</p>	<p>The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of Rohnerville Rancheria. The NWIC and the Bear River Band of Rohnerville Rancheria requested a cultural resources study.</p>

Section 10.6	<p>Protection and Enhancement of Significant Cultural Resources).</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>A Cultural Resources Investigation report was prepared by Arsenault & Associates for APN 211-372-007, dated January 22, 2019. The report concluded that there were cultural resources identified in the study area, the resources are situated outside of the subject project's area of direct impact and will not be disturbed. The report also concluded that the existing developments have not result in any adverse change to cultural resources. If engineering plans change, and additional ground disturbing actions become necessary, then the cultural resources investigation will need to be revised.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4, Light and Glare.</p>	<p>The proposed project includes 43,100 square feet of outdoor cannabis cultivation occurring in.... The project will not be visible from of any scenic highways. The CMMLUO requires cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. These standards are included in the conditions of approval for the project.</p>
<p>Water Resources Chapter 11 Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the</p>	<p>The applicant has enrolled in the North Coast Regional Water Quality Control Board's (NCRWQCB's) Cannabis Waste Discharge Regulatory Program as a Tier 2, high risk.</p>

	<p>economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G11).</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>According to the Operations Plan (see Attachment 4) there will be portable toilets located near all the isolated cultivation areas and will be serviced and maintained through the portable toilet provider. The Department of Environmental Health (DEH) commented on this project on June 24, 2019. DEH recommends onsite processing to be supported by a permanent means of sewage disposal and the applicant shall install a permitted onsite wastewater treatment system, associated with a permitted structure to support the needs of the project. The project is conditioned for the applicant to provide an invoice, or equivalent documentation to the Department of Environmental Health to confirm the continual use of the portable toilets to serve the needs of the farm operators until a permitted onsite wastewater treatment is installed.</p>

<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2).</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is located in an area that requires special noise attenuation measures. According to the California Natural Diversity Database (CNDDDB), there are no mapped species of concern located on the subject parcel, however, there is a Northern Spotted Owl (NSO) activity center located 994 feet east from the project site and a known spotted owl observation located 0.24 miles west from the cultivation site. Marbled murrelet habitat is located approximately 1.5 miles west from the project site. Power for the project will be provided by solar and a 25kW WhisperWatt Super Silent generator. According to the applicant, the generator has a rating of 65dB at 23 feet. The generators will also be located in generator sheds with sound dampening walls. All generators on the parcel are secured in secondary containment in order to ensure noise levels do not exceed over 60 decibels. Any generators, fans, and dehumidifiers used in the cultivation operation will be conditioned to operate at less than 50 dB at 100-foot from the noise source or edge of habitat, whichever is closer.</p>
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2).</p> <p>Related policies: S-P11, Site Suitability; S-P7, Structural Hazards.</p>	<p>The project is approximately 2,446 feet from the Russ fault zone and is not subject to liquefaction. The project area is classified as moderate instability. Slopes on the parcel are variable from less than 15% to 50%. According to the Site Management Plan, the maximum slope for the disturbed cultivation areas is 25%. Historic landslides are concentrated in the south portion of the parcel.</p>

<p>Safety Element Chapter 14 Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding (S-G3).</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject project is outside the mapped flood hazard area for the South Fork Eel River. The property boundary is 2.37 miles north from the 100-year flood zone. The project site is not within a mapped dam or levee inundation area and is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14 Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential (S-G4).</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located in an area with very high fire hazard severity. The subject project is within the Miranda Fire 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. The property is 160-acres and structures are setback 30-feet from property lines. The Operations Plan states there will be a maximum of 13 employees working during peak operations.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	<p>The applicant is proposing to construct the following development: one (1) 3,888-square-foot nurse, one (1) 3,240-square-foot drying building, two (2) 400-square-foot solar and generator sheds, five (5) 3,960-square-foot greenhouses, three (3) 2,520-square-foot greenhouses, one (1) 3,888-square-foot greenhouse, one (1) 3,900-square-foot greenhouse, and three (3) 2,880-square-foot greenhouses. The North Coast Unified Air Quality Management District (NCUAQMD) was sent a project referral on July 23, 2019. No response was received. As a condition of approval, the applicant will utilize dust control practices during construction, and grading shall achieve compliance with NCUAQMD fugitive dust emission standards. The subject property is located within the boundaries of the Garberville Fire Protection District.</p>

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The subject parcel is one legal parcel created by Patent recorded December 10, 1880.
§314-7.1 Agricultural Exclusive §314-7.4 Timberland Production Zone	Agricultural Exclusive (AE): Intended to be applied in fertile areas in which agriculture is and should be the desirable predominate use and in which protection of this use from encroachment from incompatible uses is essential for the general welfare. Timberland Production Zone (TPZ): Intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.	The applicant is seeking a Conditional Use Permit for 43,100 square feet of existing outdoor cultivation on a property zoned AE; TPZ. The proposed use is specifically allowed with Conditional Use Permit in these zoning districts under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Parcel Size:	AE: Twenty 160 acres; or 40 acres if provisions of §51119.5 are met	160-acres
Max. Lot Coverage:	AE: Thirty-five percent (35%) TPZ: None specified	<5%
Minimum Lot Width:	AE: One hundred feet (100') TPZ: None specified	1,341 feet
Maximum Lot Depth:	AE: None specified TPZ: None specified	3,979 feet
Min. Yard Setbacks	AE: Front: 30 feet Rear: 20 feet Side: Ten percent (10%) of the lot width on each side but not more than 20 feet shall be required. TPZ: Front: 20 feet Rear: 30 feet Side: 30 feet SRA: 30 feet, all sides	AE: Front: >30 feet Rear: >30 feet Side: >30 feet TPZ: Front: >20 feet Rear: >30 feet Side: >30 feet

Max. Building Height:	AE: None specified TPZ: Thirty-five feet	<35 feet
§314-61.1 Streamside Management Area Ordinance (SMAO)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) such as natural ponds, springs, vernal pools, marshes, and wet meadows (exhibiting standing water year-long or riparian vegetation) to implement the County's Open Space Element of the General Plan.	<p>According to the site plan and WebGIS, no cultivation and appurtenant facilities are proposed within a Streamside Management Area buffer zone.</p> <p>The SMP prepared by Timberland Resource Consultants, dated February 4, 2020 identifies eleven unnamed watercourses that flow northwest through the property. The unnamed watercourses are tributaries to the South Fork Eel River. The SMP also indicates there is one cultivation area, identified as "cultivation area 'F'", that is located within 30 feet of a perennial spring. The applicant has retired this cultivation site and the SMP recommends the applicant to lay back the terraced area and apply seed and mulch to all exposed soils in this area. The Relocation Recommendation prepared by Timberland Resource Consultants, dated April 13, 2019, recommends cultivation area "F" identified in the SMP to be relocated to cultivation area 5 identified in the Relocation Recommendation. The project is conditioned for the applicant to adhere to all recommendations found within the Site Management Plan prepared by Timberland Resource Consultants dated February 4, 2020 and the Relocation Recommendations prepared by Timberland Resource Consultants, dated April 13, 2020.</p>
§314-109.1.3: Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.	There are six parking spaces located near cultivation area 1 identified on the site plan (see Attachment 4).

	*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.	
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314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2 Timberland Conversion	Commercial cannabis cultivation is allowed on parcels zoned TPZ, that are one acre or larger and have been designated in the General Plan for agricultural development. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area.	The parcel is split zoned AE/TPZ. All cultivation areas are located in open grasslands. According to aerial imagery from Humboldt County WebGIS, timber conversions have occurred on the subject parcel between the years 2012-2014. The historic conversions of timberlands occurred in four different cultivation sites on the parcel. According to the Timberland Conversion Report prepared by Timberland Resource Consultants dated December 9, 2018, six cultivation sites were inspected during a field assessment on APN 211-372-007. The report concludes cultivation sites 1, 2, 5, and 6 were converted timberlands for the use of cannabis cultivation. There was approximately 1.85 acres of unauthorized tree removal or potential timberland conversion located on APN 211-372-007. The past conversion activities conducted on the parcel do not comply with the California Forest Practice Act and the California Forest Practice Rules. The Registered Professional Forester (RPF) recommends the applicant to complete the following recommendations in order to bring the project into compliance: cultivation site 2 shall be restored following recommendations found within the Site Management Plan (SMP) prepared by Timberland Resource Consultants (see Attachment 4), dated February 4, 2019. Cultivation site 2 shall also re-plant 0.46 acres of timberland per restocking plan found within the Timberland Conversion Report prepared by Timberland Resource Consultants.

		Restocking of cultivation site 2 shall occur within the are that was harvested south and west of cultivation site 2 identified in the report. Cultivation site 5 shall be treated for logging slash, logs, and woody debris. Cultivation site 6 is recommended to be moved and kept available for future use as a log landing. Cultivation site 6 shall be restored per recommendations found within the SMP and re-plant 0.16-acres per attached restocking plan (see Attachment 4). The project is conditioned for the applicant to follow and complete and adhere to the recommendations found within the Timberland Conversion Report prepared by Timberland Resource Consultants.
§314-55.4.8.2.2 Existing Outdoor and Mixed Light Cultivation Areas	A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in [...] TPZ districts (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation.	The proposed project is a Conditional Use Permit for 43,100 square feet of outdoor cannabis cultivation on APN 211-372-007, which is a 160-acre split zoned AE;TPZ. Aerial imagery on TerraServer® indicate that existing cultivation operation on the property prior to January 1, 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant has not exceeded four commercial cannabis permits.
§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.	The applicant will be drying and curing onsite inside of a proposed 30'x108' (3,240 square foot) building and a 30'x70' (2,100 square feet) building. All other processing activities will occur at an off-site licensed processing facility. The applicant anticipates on hiring a maximum of ten employees.

§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications.	Attachment 3 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities.	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.	The water is pumped from the well into (10) 3,000-gallon tanks and (4) 5,000-gallon tanks for a total of 50,000 gallons of available water storage. The applicant estimates 600,000 gallons of water will be required annually for irrigation.
§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 site plan shows that all cultivation facilities are located at least 30 feet from any property line. The site plan also shows that the cultivation area is not 600 feet of a school bus stop, school, public park, place of worship, or Tribal cultural resource.
§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	Due to the size of the subject parcel, the generator being kept in secondary containment, and the requirement to keep noise below 60 decibels at the property line, Staff does not believe that it is likely that noise will propagate outside of the parcel lines resulting in a cumulative impact.

	by the United State Fish and Wildlife Service.	
§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 application was submitted on December 28, 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 and will not adversely impact the environment.

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

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

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

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial

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

ATTACHMENT 3
CEQA Addendum

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

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

APN 211-372-007, on the west side of Dyerville Loop road, approximately 0.26 miles north from the intersection of Eel Rock Road and Dyerville Loop Road, then south on a private road for approximately 0.8 miles, on the property known to be in the east half of Section 25, Township 02 South, Range 03 East., Miranda, 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 original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) 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. 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 modified project involves a Conditional Use Permit (CUP) for an existing 43,100-square-foot of outdoor cannabis cultivation. Cultivation activities extend from February to November. There will be two cultivation cycles annually. Propagation will occur in a 3,888 square foot greenhouse and in a 2,100 square foot facility. Processing such as drying and curing will occur in a proposed 3,240 square foot facility and an existing 2,100 square foot facility. Further processing such as trimming will occur offsite by a licensed third-party processor. Humboldt Leaf, Inc., will be utilizing 13 employees during peak operations. Power is sourced from solar and a 25kW WhisperWatt Super Silent generator.

The applicant estimates 600,000 gallons of water will be required annually for irrigation. Water for irrigation is sourced from a permitted onsite well (15/16-0671). Water storage for the project totals 50,000 gallons in ten (10) 3,000-gallon tanks and four (4) 5,000-gallon tanks. According to the Operation Plan, two additional wells are being proposed, one in Area 3 and one in Area 5 identified on the Site Map.

According to the California Natural Diversity Database (CNDDDB), there are no mapped species of concern located on the subject parcel, however, there is a Northern Spotted Owl (NSO) activity center located 994 feet east from the project site and a known spotted owl observation is located 0.24 miles west from the cultivation site. Marbled murrelet habitat is located approximately 1.5 miles west from the project site. The applicant is proposing to expand cultivation site 5 which will require conversion of commercial timberlands. The applicant will be removing vegetation through a proposed 3-acre timberland conversion exemption per 14CCR 1104.1. The proposed expansion will remove all vegetation within a 0.37-acre area directly adjacent to cultivation site 5. Once cultivation area 5 is converted, the applicant will be relocating cultivation sites 2 and 6 to cultivation area 5. According to the Biological Assessment prepared by Timberland Resource Consultants, dated June 4, 2020, (see Attachment 4), the proposed conversion area does not contain potential NSO habitat. The assessment also states that the NSO and golden eagle are the only potentially present species per the Forest Practice Act List. NSO surveys have been performed on the adjacent parcel (APN 211-362-016) in association with a Non-industrial Timber Management Plan (1-17NTMP-001). The surveys were conducted in 2017 and 2018. The surveys provided coverage of the proposed conversion area and the survey did not detect any NSO activity. Status visits were also conducted in 2017, 2018, and 2019 with no detections of an NSO.

A Cultural Resources Investigation report was prepared by Arsenault and Associates for APN 211-371-007, dated January 22, 2019. The report concluded that there were no cultural resources identified in the study area. The report also concluded that the existing developments have not result in any adverse change to cultural resources. If engineering plans change, and additional ground disturbing actions become necessary, then the cultural resources investigation will need to be revised.

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 compliance with noise and light standards to limit disturbance to wildlife, relocation of historic cultivation areas within Streamside Management Areas (SMAs), 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 an existing Conditional Use Permit for the continued operation of an existing cannabis cultivation site consisting of 43,100 square feet of existing outdoor cannabis cultivation, on-site drying, relocation of cannabis to an environmentally superior location on the subject parcel, and minor improvements necessary 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 supporting documentation):

- Operation Plan, prepared by Timberland Resource Consultants, dated February 2020
- Road Evaluation Report for Jade Hass, prepared by Timberland Resource Consultants, dated April 24, 2019
- Site Plan, prepared by Timberland Resource Consultants, dated February 2020

- Site Management Plan, prepared by Timberland Resource Consultants, dated February 4, 2019
- Relocation Recommendation, prepared by Timberland Resource Consultants, dated April 13, 2019
- Cultural Resources Investigation, prepared by Arsenault and Associates, dated January 22, 2019
- Northern Spotted Owl Assessment prepared by Timberland Resource Consultants
- Well Completion Report

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted. Based upon this review, the following findings are supported:

FINDINGS

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

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attachment 4A)
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 – 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. (On file – enrollment documents)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Attached)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Report for East Branch Road, prepared by applicant and dated July 19, 2019. (Attachment 4B)
16. Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits. (On file)
17. Relocation Recommendation prepared by Timberland Resource Consultants dated April 13, 2019. (Attachment 4C)
18. Cultural Resources Investigation prepared by Arsenault & Associates, dated January 22, 2019. (On file)
19. Site Management Plan, prepared by Timberland Resource Consultants, dated February 4, 2019 (Attached)

20. Biological Assessment, prepared by Timberland Resource Consultants, dated June 14, 2019. (Attachment 4E).
21. Email from applicant with Annual Water Usage, prepared by the Applicant, dated May 5, 2020. (Attached)

From: [Josh Ptashne](#)
To: [Alberts, Chris](#)
Cc: [Phil Standish](#)
Subject: Re: Application No. 12601-Annual Water Usage
Date: Tuesday, May 5, 2020 3:16:22 PM
Attachments: [image001.png](#)

Yes we estimate ruffly 350,000 gallons per year.

On Mon, May 4, 2020 at 1:31 PM Alberts, Chris <calberts@co.humboldt.ca.us> wrote:

Good Afternoon,

I am working on the subject project and I need more clarification on the estimated amount of water that will be used annually for irrigation.

Thank You,



Christopher Alberts

Planner I

[Planning and Building Department](#)

County of Humboldt

(707) 268-3771



Please consider your environmental responsibility before printing this e-mail

--

Josh Ptashne
619-665-9060
tashne@gmail.com
New Leaf Holding

WATER WELL APPLICATION

15/16-0671

CONSTRUCTION – REPAIR – DESTRUCTION

The Well Permit will be returned to the property owner when approved by
Humboldt County Division of Environmental Health (DEH)

Instructions:

1. Complete pages 1 and 2 of the application and submit the required fee with the Well Permit application, including Well Driller's signature and property owner's signature.
2. Work on the well shall not be started prior to approval of the Well Permit Application by DEH.
3. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
4. DEH shall be notified by the Well Driller a minimum of 24 hours prior to sealing the annular space.

Site Address	<u>Dyerville Loop Rd.</u>	APN	<u>211-372-007</u>
City/State/Zip	<u>Myers Flat, CA 95554</u>		
Directions to Site			
Applicant	<u>FISCH DRILLING</u>	Contact	<u>CHRIS FISCH</u>
Mailing Address	<u>3150 JOHNSON RD</u>	Work Phone	<u>(707) 768-9800</u>
City/State/Zip	<u>HYDESVILLE, CA 95547</u>	Cell Phone	<u>(707) 601-3042</u>
Property Owner	<u>Joe Rice</u>	Home Phone	<u>707-499-7150</u>
Mailing Address	<u>PO Box 374</u>	Work Phone	
City/State/Zip	<u>Loleta, CA 95551</u>	Cell Phone	
I hereby grant 'right-of-entry' for inspection purposes _____			
Drilling Contractor	<u>FISCH DRILLING</u>	C-57 License #	<u>683865</u>
I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 30 days after completion of work, I will furnish DEH a report of the work performed.			
Well Driller Signature: <u>[Signature]</u>			
Would driller like a copy of approved application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
<input type="checkbox"/> U.S. Mail address: _____			
<input checked="" type="checkbox"/> Email address: <u>chris@fischdrilling.com</u>			
Type of Application:	Construction:	Intended Use:	
<input checked="" type="checkbox"/> Construction	Estimated Depth (ft.) _____	<input checked="" type="checkbox"/> Domestic - private	
<input type="checkbox"/> Destruction	Diameter (in.) <u>10"</u>	<input type="checkbox"/> Community Supply	
<input type="checkbox"/> Repair/Modification	Depth of Seal (ft.) <u>20'</u>	<input type="checkbox"/> Irrigation	
	Sealing Material <u>Bentonite</u>	<input type="checkbox"/> Other _____	

MYERS FLAT CA.

MIRANDA CA.

OF THE GIANTS

DYERVILLE LOOP ROAD
LOCKED GATE

PRIVATE ROAD

WELL SITE APPROX
500 FT FROM PROPERTY
LINE

3900 ft ±

SHED

160 ACERS

*

WELL SITE

2600 ft ±

1320 ft ±

NEIGHBORS HOUSE
APPROX 1500 FT.
SOUTH

N
← →
S

PLOT PLAN

AP# 211-372-007-

DYERVILLE LOOP ROAD

DRIVING DIRECTIONS:

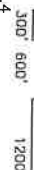
GO ~~SOUTH~~ ON HWY 101 FROM FORTUNA CT.
TAKE AVE OF THE GIANTS EXIT AT MYERS
FLAT. TURN ON DYERVILLE LOOP ROAD. GO APPROX.
10 MILES. TURN ~~LEFT~~ ON GATED DIRT ROAD
RIGHT

RECEIVED

APR 27 2016

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

NOTE - Assessor's Block Numbers Shown in Ellipse
Assessor's Parcel Numbers Shown in Square



2 | 1
 $\frac{212}{20}$ $\frac{212}{21}$ RS, Bk.63 of Surveys, Pg.131
 RS, Bk.64 of Surveys, Pg.137
 RS, Bk.67 of Surveys, Pg.114

RECEIVED
APR 26 2019
Humboldt County
Planning Division

RECEIVED

AUG 1 2016

State of California
Well Completion Report
WCR Form Submitted 07/29/2016
WCR2016-005432

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

Owner's Well Number _____ Date Work Began 07/19/2016 Date Work Ended 07/29/2016
Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
Secondary Permit Agency _____ Permit Number 15/16-0671 Permit Date 05/03/2016

Well Owner (must remain confidential pursuant to Water Code 13752)		Planned Use and Activity
Name _____		Activity <u>New Well</u>
Mailing Address _____		Planned Use <u>Water Supply Domestic</u>
City _____ State _____ Zip _____		

Well Location					
Address _____			APN 211-372-07		
City <u>Myers Flat</u>	Zip <u>95554</u>	County <u>Humboldt</u>	Township <u>02</u>	S	
Latitude _____ N	Longitude _____ W	Range <u>03</u>	E		
Deg. _____ Min. _____ Sec. _____	Deg. _____ Min. _____ Sec. _____	Section <u>25</u>			
Dec. Lat. <u>40.2653100</u>	Dec. Long. <u>-123.7806250</u>	Baseline Meridian <u>Humboldt</u>			
Vertical Datum _____	Horizontal Datum <u>WGS84</u>	Ground Surface Elevation _____			
Location Accuracy _____	Location Determination Method <u>GPS</u>	Elevation Accuracy _____			
		Elevation Determination Method _____			

Borehole Information		Water Level and Yield of Completed Well	
Orientation <u>Vertical</u>	Specify _____	Depth to first water <u>31</u>	(Feet below surface)
Drilling Method <u>Other - Under-Ream Down-Hole Hammer</u>	Drilling Fluid <u>Air</u>	Depth to Static _____	
Total Depth of Boring <u>200</u>	Feet	Water Level <u>29</u>	(Feet) Date Measured <u>07/22/2016</u>
Total Depth of Completed Well <u>200</u>	Feet	Estimated Yield* <u>10</u>	Test Type <u>Air Lift</u>
		Test Length <u>4.0</u>	Total Drawdown <u>160</u> (Feet)
		*May not be representative of a well's long term yield.	

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	2	Top Soil
2	16	Brown Clay
16	73	Brown Sandstone
73	89	Blue Sandstone
89	113	Blue Shale
113	163	Blue Sandstone
163	200	Blue Shale

Casings									
Casing #	Depth from Surface Feet to Feet	Casing Type	Material	Casings Specifications	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	Blank	PVC	OD: 4.500 in. SDR: 21 Thickness: 0.214 in.	0.214	4.5			
1	60	Screen	PVC	OD: 4.500 in. SDR: 21 Thickness: 0.214 in.	0.214	4.5	Milled Slots	0.032	
2	0	Conductor or Fill Pipe	Low Carbon Steel	Grade: ASTM A53	0.188	6			
2	60	Conductor or Fill Pipe	Low Carbon Steel	Grade: ASTM A53	0.188	6	Milled Slots	0.05	

ENTERED



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
Public Works/Land Use Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
NWIC	✓	Conditional Approval	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file with Planning
Humboldt County Sheriff	✓	Approved	On file
Department of Fish & Wildlife		No Response-staff sent out email requesting for comments on 6/26/2020	On file
Building Inspection Division	✓	Conditional Approval	Attached
Intertribal Sinkyone Wilderness Council			
RWQCB			
Humboldt County District Attorney			
CAL FIRE			



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-9540
445-7651
445-7421

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

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Rodney Yandell, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 06/19/2019

RE:

Applicant Name	HUMBOLDT LEAF INC
APN	211-372-007
APPS#	PLN-12601-CUP

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 4/24/2019, with Part A – Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

Although plot plan provides directions to the property from State Highway 254, the access road evaluation report is for access from Dyerville Loop Road, a paved County maintained road. There was no road evaluation for the access route using School Road to Barnum Road to driveway.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12601

☐ **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 – DYERVILLE LOOP ROAD)**

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

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

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

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**

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

// END //



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

6/7/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, **Building Inspections**,
Miranda Fire Response Area: FPD, RWQCB, NCUAQMD, Southern Humboldt JUSD: School District, Cal Fish & Wildlife,
CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyoue Wilderness Council

Applicant Name Humboldt Leaf Inc **Key Parcel Number** 211-372-007-000

Application (APPS#) PLN-12601-CUP Historic Planning **Assigned Planner** Rodney Yandell

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

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

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

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

Return Response No Later Than: 6/22/2019

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

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

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

Other Comments: Notes in Acceln

DATE: 10/29/19 PRINT NAME: Rudy Marengi