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 13, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **DIB Management, LLC, Special Permit**
Record Number: PLN-2019-15621
Assessor's Parcel Number: 211-341-073
South side of Dyerville Loop Road, approximately 1,000 feet southeast from the intersection of Browns Road and Dyerville Loop Road, on the properties known as 10916 Dyerville Loop Road, 10920 Dyerville Loop Road, and 10924 Dyerville Loop Road, Myers Flat area

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 13, 2020	Special Permit	Christopher Alberts

Project Description: A Special Permit for 43,560 square feet of new outdoor cannabis cultivation. The applicant is also proposing to host an additional 43,560 square feet of outdoor cannabis cultivation under the Retirement, Remediation, and Relocation (RRR) program. The applicant is anticipating two cultivation cycles per year. Cultivation activities will extend from April to November. Propagation will occur in four 1,920-square-foot greenhouses. Propagation will also occur in two 320-square-foot connex containers. Irrigation water will be sourced from a proposed 1,000,000-gallon rainwater catchment pond that will be supplemented by onsite permitted groundwater well. Water for irrigation will be stored in five (5) 2,500-gallon tanks, one 250-gallon water tank, and in a 1,000,000-gallon rainwater catchment pond. Total water storage is 1,012,750 gallons. The anticipated maximum yearly water usage is 225,500 gallons annually for two acres of outdoor cannabis cultivation. The applicant anticipates on hiring a maximum of 20 people. Power will be provided by Pacific Gas and Electric (P. G. & E.).

Project Location: The project is located in Humboldt County, in the Whitlow area, on the south side of Dyerville Loop Road, approximately 1,000 feet southeast from the intersection of Browns Road and Dyerville Loop Road , on the properties known as 10916 Dyerville Loop Road, 10920 Dyerville Loop Road, and 10924 Dyerville Loop Road.

Present Plan Land Use Designation: Residential Agriculture (RA5-20), 2017 General Plan, Density: 5 to 20 acres per unit, Slope Stability: Moderate Instability (2).

Present Zoning: Unclassified (U)

Record Number: PLN-2019-15621

Assessor Parcel Number: 211-341-073

Applicant	Owner	Agent
DIB Management, LLC Jared Sandifer 71 Tip Top Ridge McKinleyville, CA 95519	Jared Sandifer & Tynel Humphreys 1433 11th Street Arcata, CA 95521	Ag Dynamix Teisha Mechetti PO Box 3255 Eureka, CA 95502

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

Major Issue: None.

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

DIB Management, LLC
Record Number: PLN-2019-15621
Assessor's Parcel Number: (APN): 211-341-073

Recommended Zoning Administrator Action:

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

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

Executive Summary

The proposed Special Permit would permit 43,560 square feet of new outdoor cannabis cultivation. The applicant is also proposing to host an additional 43,560 square feet of outdoor cannabis cultivation under the Retirement, Remediation, and Relocation (RRR) program. The applicant is anticipating two cultivation cycles per year. Cultivation will occur in the following structures:

Site 1 Cultivation Structures		
Number of Greenhouses	Dimension	Total Square Footage (sf)
3	20'x98	5,880
1	20'x76'	1,520
1	20'x72'	1,440
1	20'x62'	1,240
1	20'x78'	1,560
19	20'x84'	31,920
		43,560 sf

Site 1B Cultivation Structures		
Number of Greenhouses	Dimension	Total Square Footage (sf)
8	84'x20'	15,120
		15,120 sf

Site 2 Cultivation Structures		
Number of Greenhouses	Dimension	Total Square Footage (sf)
1	20'x67'	1,340
11	20'x96'	23,040
1	72'x20'	1,440
1	36'x20'	720
1	20'x95'	1,900
		28,440 sf

This Special Permit will allow for 43,560 square feet of new outdoor cannabis cultivation to occur on Cultivation Site 1. Cultivation Site 1B and Cultivation Site 2 will be processed as a separate permit under the RRR program. Cultivation activities will extend from April to November. Propagation will occur in four 1,920-square-foot greenhouses identified as 39, 41, 43, & 45 on the Site Map (see Attachment 4). Propagation will also occur in two 320-square-foot connex containers. Artificial lighting used in the ancillary propagation nursery will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO. Processing such as drying, curing, trimming, packaging, and testing is proposed to occur onsite in four 8'x20' shipping containers. No processing is authorized until the applicant obtains all required permits for the proposed commercial use structures. The applicant anticipates on hiring a maximum of 20 people. According to the Operations Plan, the proposed commercial building will have newly installed septic system to service ADA-compliant bathroom facilities in the building. The applicant will be utilizing portable ADA bathroom facilities until the proposed commercial building is constructed for employees engaged in cultivation activities. Processing will occur at an off-site, licensed processing facility until the structures are developed. The Department of Environmental Health has approved the project.

Irrigation water will be sourced from a proposed 1,000,000-gallon rainwater catchment pond that will be supplemented by onsite permitted groundwater well. Water for irrigation will be stored in five (5) 2,500-gallon tanks, one 250-gallon water tank, and in a 1,000,000-gallon rainwater catchment pond. Total water storage is 1,012,750 gallons. The anticipated maximum yearly water usage is 225,500 gallons annually for two acres of outdoor cannabis cultivation. Power is supplied by P. G. & E. via grid. As condition of approval, the applicant has to purchase renewable energy or install solar prior to using power for cultivation. Proof of continued use (e.g. power bills) are applied for during the annual inspection. The parcel is accessed from Dyerville Loop Road. Dyerville Loop Road is constructed to Category 4 Roads standards and is approved for use of commercial cannabis operations by the Department of Public Works.

According to the California Natural Diversity Database (CNDDB) there ae no mapped species of special concerns on the subject parcel. The project is within 0.56-miles southwest from the project site and Marbled murrelet habitat is located 1.44-miles southwest from the project site. A Biological Resource Assessment was prepared by Trinity Valley Consulting Engineers., dated June 6, 2020 for the subject project. According to the biological assessment, there are multiple documented spotted owl activity centers in the vicinity of the subject parcel. In order to reduce impacts upon NSO's in the area, the assessment suggest that all activities that elevate noise beyond 50 decibels from the edge of habitat will be restricted during the NSO breeding period (February 1-July 31). A condition of approval requires the applicant to develop and implement a Light Pollution Prevention Plan to prevent light impacts to wildlife. Also, as a condition of approval, any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100 feet from the noise source or edge of habitat, whichever is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. Planning staff thinks that use of supplemental lighting complying with dark-sky standards can adequately address any lighting impacts on NSO.

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

require major revisions to the previous mitigated negative declaration. An addendum to the Final EIR has been prepared for consideration per §15164 of the State CEQA Guidelines.

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

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

RESOLUTION OF THE ZONING ADMINISTRATOR

OF THE COUNTY OF HUMBOLDT
Resolution Number 20-

Record Number: PLN-2019-15621
Assessor's Parcel Number: 211-341-073

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

WHEREAS, DIB Management, LLC, submitted an application and evidence in support of approving the Special Permit to permit a new 43,560 square-foot outdoor cultivation area with on-site processing. The applicant is anticipating two cultivation cycles per year. Cultivation activities will extend from April to November. Propagation will occur in four 1,920-square-foot greenhouses identified as 39, 41, 43, & 45 on the Site Map. Propagation will also occur in two 320-square-foot connex containers. Irrigation water will be sourced from an onsite permitted groundwater well and a proposed 1,000,000-gallon rainwater catchment pond. Water for irrigation will be stored in five (5) 2,500-gallon tanks, one 250-gallon water tank, and in a 1,000,000-gallon rainwater catchment pond. Total water storage is 1,012,750 gallons. The anticipated maximum yearly water usage is 225,500 gallons annually for two acres of outdoor cannabis cultivation. The applicant anticipates on hiring a maximum of 20 people. Power will be provided by Pacific Gas and Electric (P. G. & E.).; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number: PLN-2019-15621); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on August 13, 2020.

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

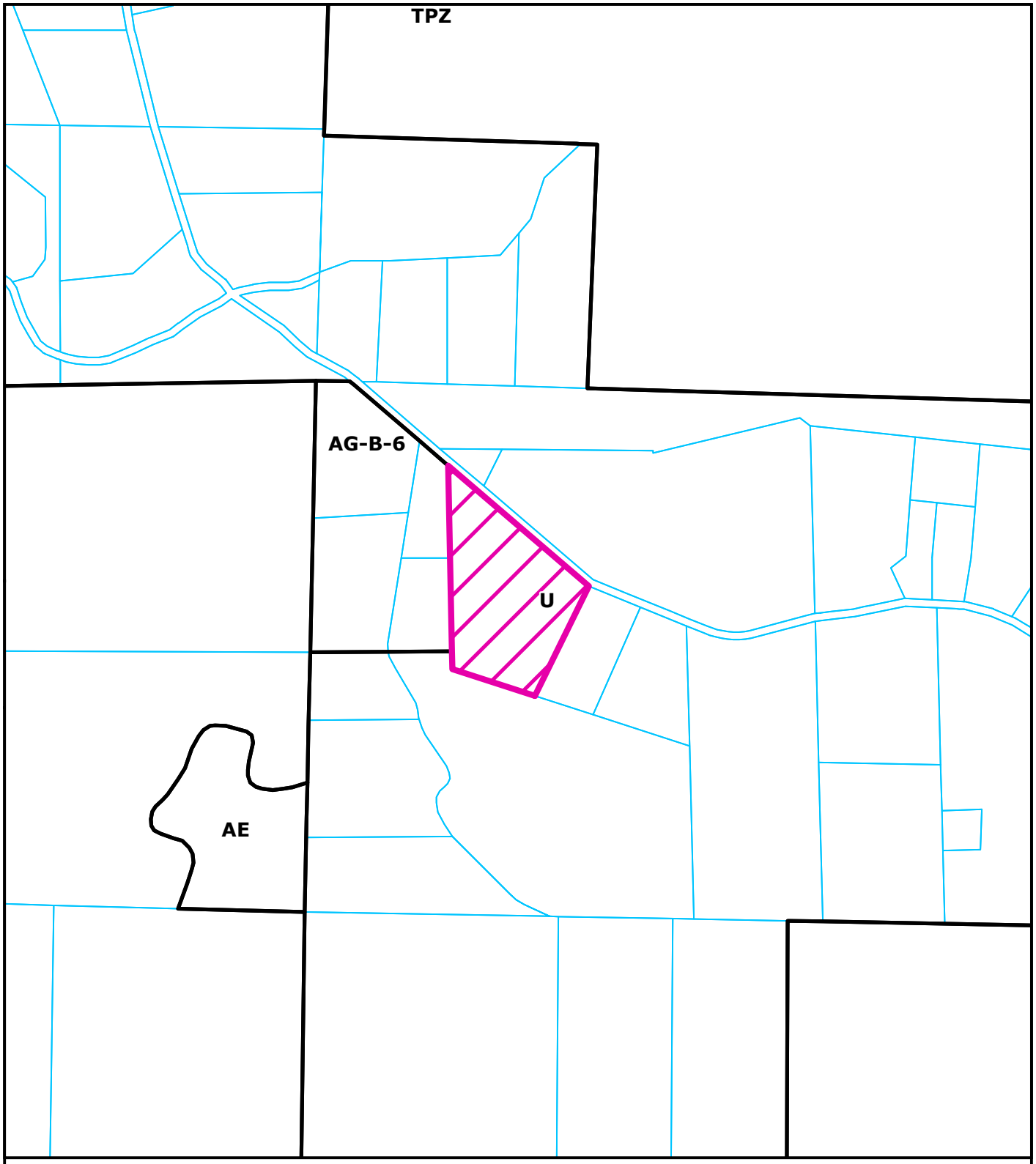
1. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Zoning Administrator makes the findings in Attachment 2 of the Zoning Administrator staff report for approval of Record Number: PLN-2019-15621 based on the submitted substantial evidence; and
3. Special Permit Record Number: PLN-2019-15621 is approved as recommended and conditioned in Attachment 1 for Record Number: PLN-2019-15621.

Adopted after review and consideration of all the evidence on August 13, 2020.

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

_____

John H. Ford
Zoning Administrator
Planning and Building Department



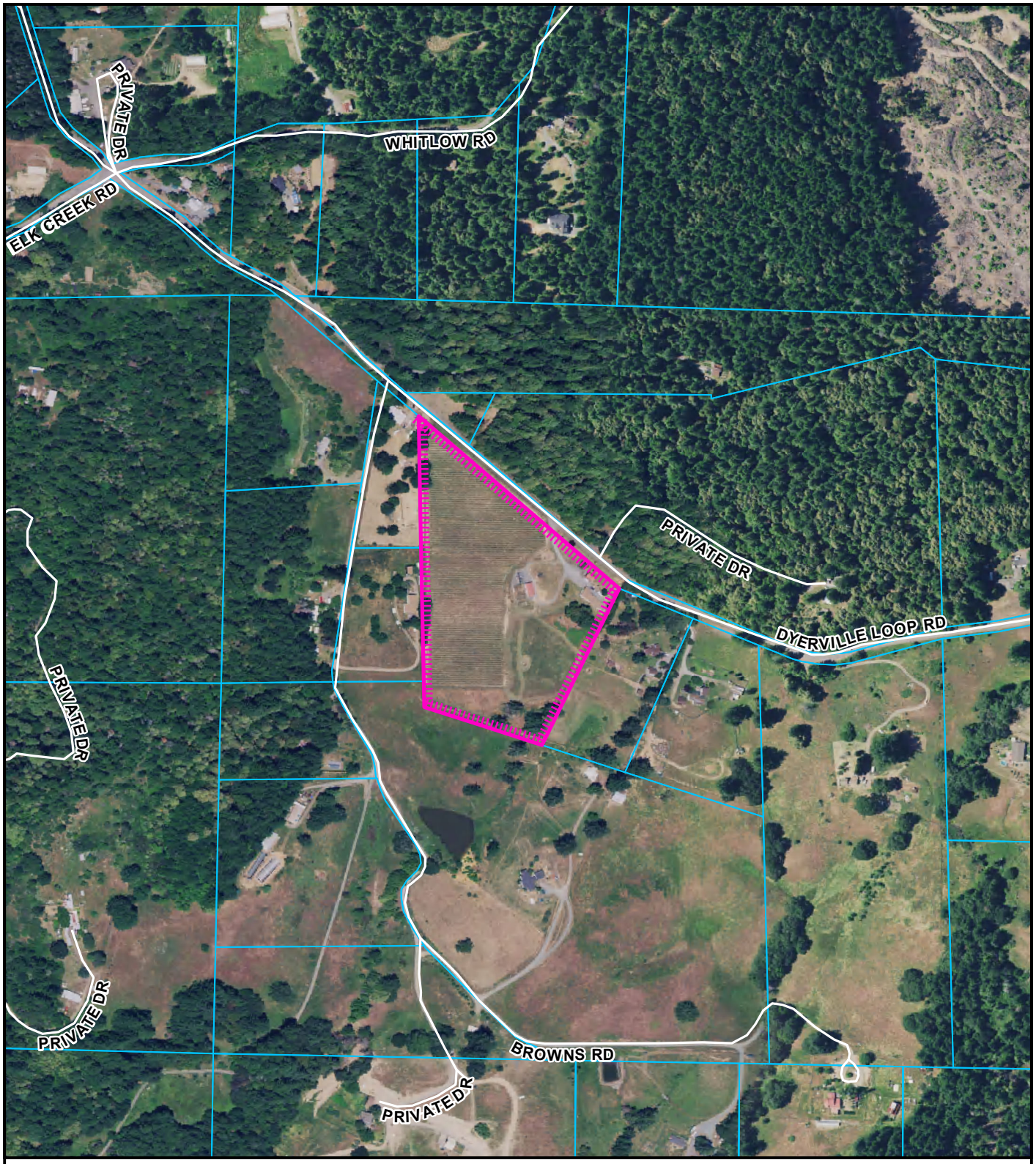
ZONING MAP
PROPOSED DIB MANAGEMENT, LLC
MYERS FLAT AREA
PLN-2019-15621
APN: 211-341-073
T02S R03E S14 HB&M (MYERS FLAT)

Project Area =

N

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

0 900 1,800 Feet



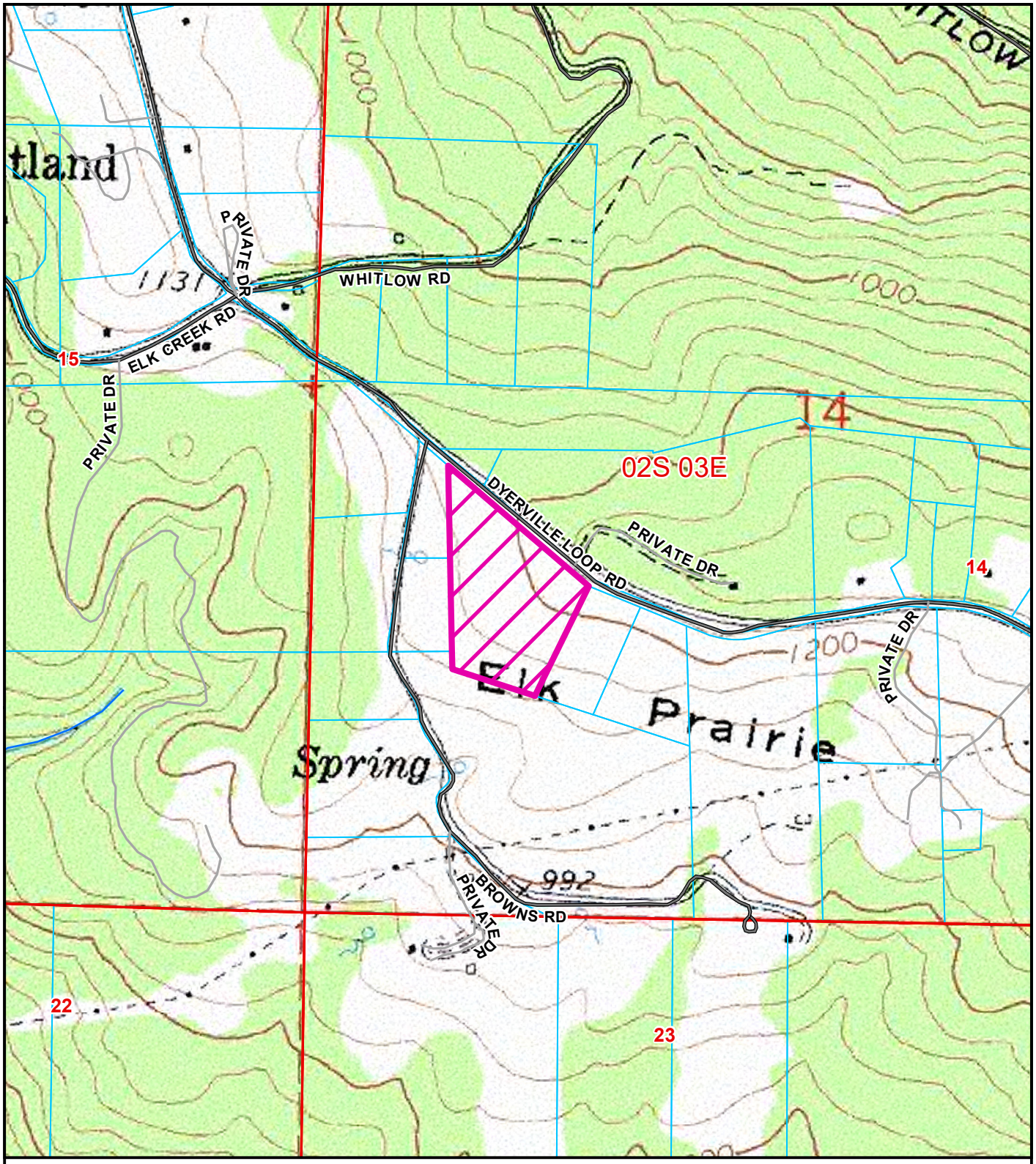
AERIAL MAP
PROPOSED DIB MANAGEMENT, LLC
MYERS FLAT AREA
PLN-2019-15621
APN: 211-341-073
T02S R03E S14 HB&M (MYERS FLAT)

Project Area =

N

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

0 650 1,300 Feet



TOPO MAP
PROPOSED DIB MANAGEMENT, LLC
MYERS FLAT AREA
PLN-2019-15621
APN: 211-341-073
T02S R03E S14 HB&M (MYERS FLAT)

Project Area =

N

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

0 900 1,800 Feet

SITE PLAN

PORTION OF SECTION 14 TOWNSHIP 2 SOUTH, RANGE 3 EAST, H.M
APN: 211-341-073
FOR

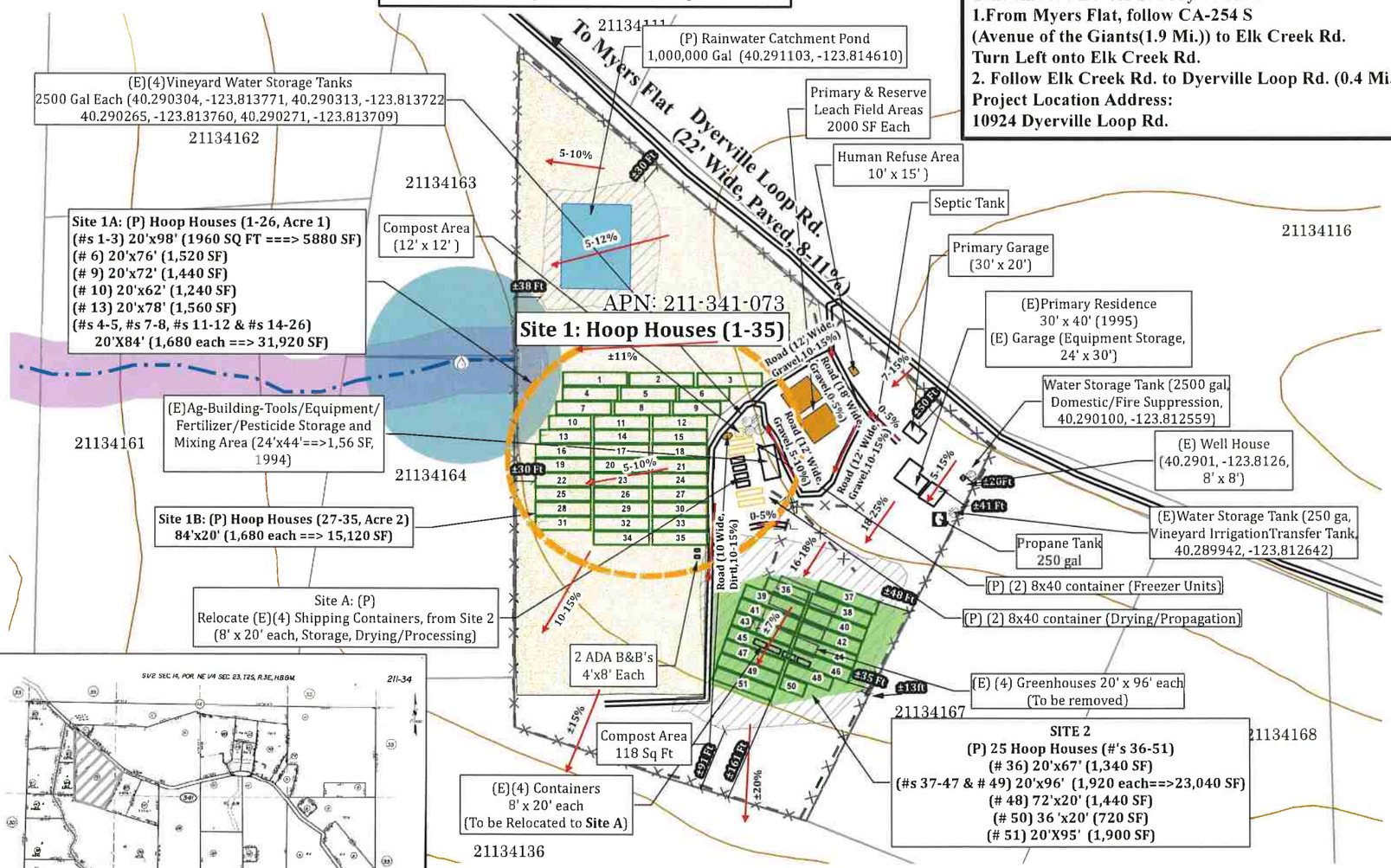
DIB MANAGEMENT
71 TIPTOP RIDGE RD
MCKINLEYVILLE, CA 95519

LEGEND

- Culvert
- Gate
- Propane Tank
- Spring
- Water Storage Tank
- Access Road
- Fence
- Stream- Class 3
- (P) Hoop House
- (E) Garden
- (P) Graded Area
- (E) Greenhouse
- (E) Human Waste
- (P) Rainwater Catchment Pond
- (E) Structure
- (P) Structure
- (E) Slope 15% or less (Site 2)
- 150 ft Waterboard Spring Setback
- 50 Ft Buffer
- 40 Ft Contours
- Property Line- NOT SURVEYED
- Nearby Parcels

Water totals
(E) Five 2,500 gal tanks
(E) 250 gal tank
Total Existing: 12,750 gal
(P) 1,000,000 Gal rain water impoundment structure
Total water storage (P+E): 1,012,750 gal

Directions:
Take exit 656 fro CA-254/Myers Flat.
1.From Myers Flat, follow CA-254 S (Avenue of the Giants(1.9 Mi.)) to Elk Creek Rd.
Turn Left onto Elk Creek Rd.
2. Follow Elk Creek Rd. to Dyerville Loop Rd. (0.4 Mi.)
Project Location Address:
10924 Dyerville Loop Rd.



1 " = 200 FEET
0 200

GREENHOUSE USE NOTES:

Greenhouses 39, 41, 43, and 45 to be dual use for nursery/ immature plans and mixed light cultivation.

Note: All easements not depicted and are pending title search. Parcel Information from Humboldt County GIS/Does not reflect exact locations of properties lines

LOCATION MAP
NTS

AREA MAP
NTS

GENERAL NOTES

Water: Well (1994)
Power: PG&E
Phone: (707) 599-5487
Septic: Onsite(Permitted)

NOTES:

ZONING: U
GENERAL PLAN USE: AR (FRWK)
COASTAL ZONE: NO
FIRE RATING: HIGH
FEMA FLOOD ZONE: NO
SEISMIC SAFETY: MODERATE INSTABILITY
EARTHQUAKE FAULTS OR HAZARDS: NOT ON PROPERTY, THERE IS A FAULT 250 FEET TO NORTH PER HUMBOLDT COUNTY GIS.
SETBACKS: 30 ft.
SLOPE: CALCULATED USING ELEVATION PROFILE TAB. ACCURACY ±5%
(PER HUM CO WEB PORTAL)
GRADING: TOTAL PROPOSED GRADING WILL DISTURB AN AREA OF 2.39 ACRES WITH TOTAL EARTHWORK QUANTITIES OF 8,623 YARDS

CULTIVATION NOTES

1. There are no schools, school bus stops, places of worship, public parks, or tribal cultural resources within 600' of cultivation areas.
2. There are no offsite residences within 300' of cultivation areas.

SRA REQUIREMENTS

Provide adequate water storage and delivery as outlined by SRA ordinance adn CalFire requirements.

Provide adequate turn around and pullouts as outlined by SRA ordinance and CalFire requirements.

Cultivation Totals
Acre One (Site 1A-Light Deprivation):
Hoop Houses 1-26:
(#s 1-3) 20'x98' (1960 SF ===> 5880 SF)
(# 6) 20'x76' (1,520 SF)
(# 9) 20'x72' (1,440 SF)
(# 10) 20'x62' (1,240 SF)
(# 13) 20'x78' (1,560 SF)
(#s 4-5, #s 7-8, #s 11-12 & #s 14-26) 20'X84' (1,680 SF each ==> 31,920 SF)
Site 1A Total = 43,560 SF
Acre Two (Site 1B & Site 2- Light Deprivation)
Hoop Houses 27-51:
Site 1B: North Area In Vinyard (Acre 2)
(#s 27-35) 84'x20 (1,680 each ==> 15,120 SF)
Site 1B Total = 15,120 SF
Site 2 (Acre 2)
(# 36) 20'x67' (1,340 SF)
(#s 37-47 & # 49) 20'x96' (1,920 each ==>23,040 SF)
(# 48) 72'x20' (1,440 SF)
(# 50) 36 'x20' (720 SF)
(# 51) 20'X95' (1,900 SF)
Site 2 Total 28,440 SF
Site 1B+Site 2 Total =43,560 SF
Total Cultivation (Light Deprivation) =87,120

TVCE
67 WALNUT WAY
P.O. BOX 1567
HUMBOLDT CREEK, CA 95573
PHONE: (530) 629-3000
FAX: (530) 629-3011

REV	DATE	DESCRIPTION	DRAWN BY	DES BY	CHK BY	APP BY

PLOT PLAN

JARED SANDIFER & TYNEL HUMPHREYS
211-341-073
10924 Dyerville Loop Rd Myers Flat, Ca 95554
Phone (707) 599-5487 email jared707@hotmail.com

SITE PLAN

DRAWN BY	DESIGNED BY	CHECKED BY	APPROVED BY
YLM	TVCE	JTM	JTM

DATE OF ISSUE 5/23/18
SCALE 1" = 200'
PROJECT NO 1211
DRAWING NO P1

RECEIVED JUN 6 2019 Humboldt Co Planning Division

ATTACHMENT 1
Recommended Conditions of Approval

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

1. The applicant will not be authorized to use any power to support operations until such time the project complies with the CCLUO for energy use. The applicant shall supply an energy use plan that demonstrates how the project will comply with CCLUO requirements for energy use. The plan should include estimated energy use and what percentage of the use will be provided by each energy source. The applicant shall provide evidence of installation of a solar power system (e.g. photographs) and/or enrollment into a program to purchase renewable energy to the Planning Department for review and approval prior to use of power to support operations.

2. The applicant shall secure permits for all existing and proposed structures related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures and grading related to cannabis cultivation are permitted will satisfy this condition.

3. The applicant shall secure permits and install an on-site sewage disposal system and restroom facility prior to processing on-site. Portable toilet and handwashing facilities may not be utilized during the construction of these improvements. 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.

4. The applicant shall submit an invasive species control plan to the Planning Department for review and approval. The plan shall include, but not be limited to, identification of types of invasive plant species, where they are located, and a plan to control their spread.

5. The applicant shall submit a submit a soils management plan to the Planning Department for review and approval. The plan shall include but not limited to, detailing the use of imported and native soil on the parcel. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.

6. The applicant shall submit a comprehensive Light Pollution Prevention Plan for the project including all measures necessary to adhere to International Dark Sky Association standards as set forth in the CCLUO, demonstrating that the proposed project would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, affecting fish and/or wildlife directly or from a distance. The plan shall include information about any outdoor lighting utilized and measures to down-shield this lighting. The plan shall be submitted to the satisfaction of the Planning Division within six months of the effective date of this permit, or prior to use of lighting, whichever occurs first.

7. The applicant shall ensure all fences and gates be relocated out of the County right-of-way; the applicant shall ensure Dyerville Loop Road is paved at the location of the driveway for a minimum width of 18 feet and length of 50 feet; the applicant shall ensure all driveways and private road intersections onto the County Road are maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

8. The applicant shall submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status.

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

10. Prior to initiating commercial cannabis cultivation or associated activities the applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

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

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

2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.

3. Provide a portable toilet to meet the needs of the farm operators. Annual contracts or invoices confirming the use of a portable toilet is required and will be provided to Humboldt county Health and Human Services, Department of Environmental Health (DEH). The portable toilet must not occupy the property outside of the cultivation season.

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 and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.

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

6. 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 10 feet from the side property lines and 20 feet from the front and rear property lines, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.6.4.4. The project is located within the Myers Flat Community area and the setbacks from property lines meet those of the underlying zone (FP). The allowance for a setback reduction of 600 feet from a Public Park is approved as part of this project. The adjacent property owned by Redwood State Park is managed for open space and/or wildlife habitat purposes, and no developed or designated recreational facilities are within 600 feet of the cultivation area.

8. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).

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

11. Pay all applicable application, review for conformance with conditions and annual inspection fees.

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

13. The recreational vehicle (RV) that is to be used as temporary housing during the cultivation season shall not occupy the site from December 1st to May 31st of any given year.

14. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products

without welded weaves to minimize the risk of ensnaring and strangling wildlife.

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

16. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

17. Any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.

18. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.

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

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

21. Participate in and bear costs for permittee's participation in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.

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

22. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."

23. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

24. Cultivators engaged in processing shall comply with the following Processing Practices:
    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.

25. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
   1) Emergency action response planning as necessary;
   2) Employee accident reporting and investigation policies;
   3) Fire prevention;
   4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
   5) Materials handling policies;
   6) Job hazard analyses; and
   7) Personal protective equipment policies, including respiratory protection.

II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
   1) Operation manager contacts;
   2) Emergency responder contacts;
   3) Poison control contacts.

III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

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

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

    If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may

request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permits, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CCLUO.

28. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #26, above, is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

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

    Permittee further acknowledges and declares that:

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

30. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

    (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
    (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
    (3) The specific date on which the transfer is to occur; and
    (4) Acknowledgement of full responsibility for complying with the existing permit; and
    (5) Execution of an Affidavit of Non-diversion of Commercial Cannabis.

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

Informational Notes:

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

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

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

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

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

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

ATTACHMENT 2

Required Findings for Approval

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

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8	**Residential Agriculture (RA5-20):** This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. RA5-20 and RA20 are rural residential designations for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access. RA40, RA60, and RA160 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses. Density range is 5 to 160 acres/unit.	The proposed project includes 43,560 square feet of new outdoor cannabis cultivation. The applicant is also proposing to host an additional 43,560 square feet of outdoor cannabis cultivation under the Retirement, Remediation, and Relocation program, which will be processed under separate permit(s). The subject parcel is 11.06 acres in size. General agriculture is an allowable use type for the RA 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.	According to the Road Evaluation Report prepared by the applicant, dated March 26, 2018, the property is accessed via Dyerville Loop Road from Elk Creek Road, which is developed to a Category 4 road standard (20 feet wide) or better. The Department of Public Works commented on this project and stated the applicant shall ensure all fences and hates are relocated out of the County right-of-way. All gates shall be setback sufficiently form 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; the applicant shall ensure Dyerville Loop Road is paved at the location of the driveway for a minimum width of 18 feet and a length of 50 feet; and 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). The project is conditioned to implement the referral comments made by the Department of Public Works into the project.
Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3) Related policies: CO-P1, Conservation and Open	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. The proposed project is consistent with the use of Open Space land for management and production of resources. See Section 10.3 Biological Resources for additional information.

	Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.	
Conservation and Open Space Chapter 10 Biological Resources Section 10.3	Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources) Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.	The subject parcel is located in an area that requires special noise attenuation measures. The project is within 0.56-miles southwest from the project site and Marbled murrelet habitat is located 1.44-miles southwest from the project site. A Biological Resource Assessment was prepared by Trinity Valley Consulting Engineers., dated June 6, 2020, for the subject project. According to the biological assessment, there are multiple documented spotted owl activity centers in the vicinity of the subject parcel. In order to reduce impacts upon NSO's in the area, the assessment suggest that all activities that elevate noise beyond 50 decibels from the edge of habitat will be restricted during the NSO breeding period (February 1- July 31). Power is supplied by P. G. & E. Potential noise disturbances resulting from this project will occur on an acute basis and will be less than significant in relation to existing ambient conditions. Conditions of approval require the applicant to submit an energy use plan for review and approval by the Planning Department prior to utilizing power at the subject parcel. There will be no generators used for this project. Processing such as drying, curing, trimming, packaging, and testing is proposed to occur onsite in four 8'x20' shipping containers. No processing is authorized until the applicant obtains all required permits for the proposed commercial use structures. The project is conditioned to comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and that any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100 ft from the noise source or to the edge of habitat, whichever is closer.

		Water for the project will be supplied by a proposed 1,000,000-gallon rainwater catchment pond. The project is also conditioned for the applicant to implement all Erosion Control Measures for Construction Activities found in Appendix 6 of the Biological Resource Assessment prepared for the subject project. The project was referred to CDFW on July 16, 2019. No response was received by the Department. Staff sent out an additional email to CDFW reaching out for comments on July 20, 2020. No response has been received.
Conservation and Open Space Chapter 10 Cultural Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources) Related policies: CU-P1, Identification and Protection; and CU-P2, Native American Tribal Consultation.	The project was referred to the Bear River Band of Rohnerville Rancheria. The Bear River Band of Rohnerville Rancheria recommended conditional approval of the project with the incorporation of the inadvertent language. A Cultural Resources Survey was prepared by Archaeological Research and Supply Company, dated March 2018. The survey concluded there were no historic or prehistoric era resources located during the survey with the exception of three (3) chert isolates. A condition of approval has been incorporated regarding inadvertent discovery protocol to protect cultural resources.

Conservation and Open Space Chapter 10 Scenic Resources Section 10.7	Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2) Related policies: SR-S4. Light and Glare.	The subject application is for 43,560 square feet of new outdoor cannabis cultivation. The applicant is also proposing to host an additional 43,560 square feet of outdoor cannabis cultivation under the Retirement, Remediation, and Relocation program. Propagation will occur in four 1,920-square-foot greenhouses identified as 39, 41, 43, & 45 on the Site Map (see Attachment 4). Propagation will also occur in two 320-square-foot connex containers. The lighting used for propagation will adhere to the CCLUO, which requires cultivation to comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto the neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. These standards are included in the conditions of approval for the project.
Water Resources Chapter 11 Stormwater Drainage	Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G, WR-G7, WR-G8, WR-G9) Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.	The project is conditioned for the applicant to submit evidence of full enrollment into the State Cannabis Discharge program. The applicant shall submit a Notice of Applicability and implement all site-specific requirements found in the found in the Notice of Applicability by the North Coast Regional Water Quality Control Board (NCRWQCB). The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status. The application shall submit a Site Management Plan (SMP) and adhere to all corrective actions found within the SMP.
Water	Goals and policies contained	The parcel will be serviced by a portable

Resources Chapter 11 Onsite Wastewater Systems	in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10) Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.	toilet that will be serviced once a month. As a condition of approval, the applicant will be required to provide an invoice, or equivalent documentation to the Department of Environmental Health to confirm the continual use of the portable toilet to serve the needs of the farm operators and no processing on-site is authorized by this permit until the applicant obtains all necessary permits for the processing facilities.
Noise Chapter 13	Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2) Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; and N-P4, Protection from Excessive Noise.	The CNDDB indicates that the nearest Northern Spotted Owl (NSO) activity center is approximately A Northern Spotted Owl (NSO) activity center located approximately 0.56-miles southwest from the project site and Marbled murrelet habitat is located 1.44-miles southwest from the project site. There will be no generators used onsite. Power is supplied by P.G.&E. The applicant will be enrolling into a renewable energy program with the Redwood Coast Energy Authority. The applicant will not be authorized to use any power to support operations until such time the project complies with the CCLUO for energy use. Any fans or dehumidifies 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.
Safety Element Chapter 14 Geologic & Seismic	Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary	The applicant is proposing to construct a 1,000,000-gallon rainwater catchment pond. The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The site is seismically classified as moderate instability. The cultivation area is located on slopes of less than 15%. Aerial imagery from the Humboldt County WebGIS indicates there are no historic landslides located on the subject parcel. The project does not pose a threat to public safety related from exposure to natural or manmade hazards. Conditions of approval require a grading permit for the

	exposure of people and property to risks of damage or injury. (S-G1, S-G2) Related policies: S-P11, Site Suitability; and S-P7, Structural Hazards.	pond.
Safety Element Chapter 14 Flooding	Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3) Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.	The subject project is outside the mapped flood hazard area for Elk Creek. The property boundary is approximately 3,718 feet north from the 100-year old 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.
Safety Element Chapter 14 Fire Hazards	Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential. Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.	The subject parcel is located within an area with high fire hazard severity. The subject project is located in within the Fruitland Ridge Fire Protection District and the State Responsibility Area (SRA). where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. All existing structures and proposed structures meet the 30-foot SRA setback from property lines. A maximum of twenty (20) employees are required during peak of operations. The water source for this project is a 1,000,000-gallon rainwater catchment pond supplemented by a permitted groundwater well and 1,012,750 gallons of water storage is proposed. The applicant will set aside 2,500 gallons of water labeled as "SRA" for fire suppression. All applicable referral agencies were referred and did not identify any issues relating to fire hazards. The project therefore complies with this section.

Community Infrastructure and Services Element, Chapter 5 Implementation Action Plan	IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.	The project is located within the Fruitland Ridge Fire Protection District boundary per the 2016 County Fire Plan.
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4) Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.	If grading is required for any future development on the site, the applicant will be required to obtain a permit from the Building Inspection Division and the North Coast Air Quality Management District (NCAQMD) as a condition of project approval. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

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 Requirements	Evidence that Supports the Required Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The subject parcel has been determined to be one legal parcel as shown on Parcel Map recorded in Book 24 of Parcel Maps page 106. There is no evidence indicating there have been any subsequent acts to merge or divide these parcels. Therefore, the subject parcels were lawfully created in its current configuration and can be developed as proposed.
§314-8.1 Unclassified (U)	Unclassified (U): The principal permitted uses in Unclassified zoning designation are general agriculture, one-family dwellings, rooming, and boarding of not more two persons, and manufactured home.	The applicant is seeking a Special Permit to cultivate 43,560 square feet of new outdoor cannabis cultivation. The applicant is also proposing to host an additional 43,560-square-feet of outdoor cannabis cultivation as part of the Retirement, Remediation, and Relocation program, which will be processed under separate permit(s). The subject parcel is 15.53 acres in area and is zoned U. The proposed use is specifically allowed in this zoning district under Section 314-55.4.6 of the CCLUO.
Minimum Lot Area:	6,000 square feet	11.06 acres
Minimum Lot Width:	50 feet	1,314 feet
Max. Lot Coverage:	Forty Percent (40%)	<40%
Min. Yard Setbacks (Through the SRA requirements):	Front: 20 feet Rear: 10 feet Side: 5 feet SRA: 30 feet, all sides	Front: 20 feet Rear: 200 feet Sides: 100 feet
Max. Building Height:	None specified	<35 feet

§314-61.1 Streamside Management Area (SMA)	Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance. Development within SMAs may include wildlife enhancement and restoration projects. The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.	According to the Humboldt County WebGIS, the proposed cultivation is not located within the Streamside Management Area (SMA) buffer.
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Commercial Cannabis Inland Land Use Regulation (CCLUO)		
§314-55.4.5.4 Permit Limits and Permit Counting	No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).	According to the records maintained by the Department, the applicant, DIB Management, LLC, applied for one cannabis activity permit consisting of one acre of cannabis cultivation, the application is also proposing to be a receiving site for up to one acre of cannabis cultivation. If approved, the applicant will be eligible to cultivate up to two acres of cannabis cultivation.
§314-55.4.6.0 Conversion of Timberland	Cultivation sites may only be located within a Non-Forested area that was in existence prior to January 1, 2016.	A review of aerial imagery on the Humboldt County WebGIS shows the parcel has a naturally open area where domestic activities have occurred. No tree removal that could constitute a timber conversion has occurred on the property, either prior to or subsequent to the adoption of the CCLUO. No trees considered as timber are proposed to be removed as part of the project.

§314-55.4.6.4.3 Limitation on Use of Prime Soils	The cumulative area of any Cannabis Cultivation Site(s) located in areas identified as having Prime Agricultural Soil shall not exceed 20 percent of the area of Prime Agricultural Soil on the Parcel. Where occurring in areas with Prime Agricultural Soil, Cultivation shall only occur within the native soil. Removal of native soil and replacement with manufactured soil is prohibited. Exceptions to the in native soil planting requirement may be considered with a Use Permit. Where an exception is sought, the Use Permit application shall include evidence demonstrating that in the circumstances of the particular cultivation site, it is better to not plant within the native soils. An exception shall only be approved if it can be demonstrated that the native soil will not be impaired or damaged.	There are no Prime Agricultural Sols located on the subject parcel.
§314-55.4.6.4.4 Standard Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.	The proposed project conforms to the 600-foot setback for schools, school bus stops, parks, places of religious worship. No nearby Tribal Cultural Resources or Tribal Ceremonial Sites were identified by the Bear River Band THPO. The project complies with these standards.

§55.4.5.1.4 Community Planning Areas	A Conditional Use Permit shall be required for any Commercial Cannabis Activity where located within the Sphere of Influence (SOI) of any incorporated city or within any of the following mapped Community Planning Areas (CPA's): Blue Lake, Fieldbrook-Glendale, Fortuna, Hydesville-Carlotta, McKinleyville, Rio Dell-Scotia, Shelter Cove, Trinidad-Westhaven, and Willow Creek. A Conditional Use Permit shall also be required for any Commercial Cannabis Activity where located within one thousand feet (1,000') of any incorporated city, Tribal Lands, or any of the Community Planning Areas (CPA's) identified herein. For purposes of determining the Trinidad Planning Area, the Trinidad General Plan shall be utilized.	The subject project is not located in a Community Planning Area.
§314-55.4.11 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.12 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities.	All the applicable performance standards are included as conditions of approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.12.1.8 Performance Standards– Road Systems	Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.	The property is accessed via Dyerville Loop Road, which is developed to a Category 4 road standard (20 feet wide) or better. The Department of Public Works commented on this project and stated the applicant shall ensure all fences and hates are relocated out of the County right-of-way. All gates shall be setback sufficiently form 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; the applicant shall ensure Dyerville Loop Road is paved at the location of the driveway for a minimum width of 18 feet and a length of 50 feet; and 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). The project is conditioned to implement the referral comments made by the Department of Public Works into the project.
§314-55.4.12.1.10 Performance Standards– Biological Resource Protection	Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1l, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.	The subject parcel is located in an area that requires special noise attenuation measures. The project is within 0.56-miles southwest from the project site and Marbled murrelet habitat is located 1.44-miles southwest from the project site. Power is supplied by P. G. & E. Conditions of approval require the applicant to submit an energy use plan for review and approval by the Planning Department prior to utilizing power at the subject parcel. There will be no generators used for this project. Processing such as drying, curing, trimming, packaging, and testing is proposed to occur onsite in four 8'x20' shipping containers. No processing is authorized until the applicant obtains all required permits for the proposed commercial use structures. The project is conditioned to comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and that any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft from the noise source or to the edge of habitat, whichever is closer. The project was referred to CDFW on July 16, 2019. No response was received by the Department. Staff sent out an additional email to CDFW reaching out for comments on July 20, 2020. No response has been received.
§314-55.4.12.2 Performance Standards– Commercial Cannabis Cultivation	Identifies the Performance Standards for Cannabis Cultivation Activities.	The project as proposed and conditioned meets all of the requirements stipulated in the cited section. In Attachment 1, these performance standards have been incorporated into the On-going Conditions of Approval that must be satisfied for the life of the project.

§314-55.4.12.4 Performance Standards– Light Pollution Control	a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise. b) Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.	The proposed project is for 43,560 square feet of outdoor cannabis cultivation. Propagation will also occur in two 320-square-foot connex containers, which are enclosed structures. The applicant will be utilizing light deprivation techniques for cultivation. All lights used for the project shall adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO.
§314-55.4.12.5 Performance Standards– Energy Use	All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards: • Grid power supplied from 100% renewable source; and • On-site renewable energy system with twenty percent net non-renewable energy use Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.	The proposed project is for 43,560-square-feet of commercial outdoor cannabis cultivation. The applicant is also proposing to be a receiving site for up to an additional 1-acre of cannabis cultivation, which will be analyzed under separate permits. Power is supplied by P. G. & E. Supplemental lighting is proposed in four 1,920-square-foot greenhouses identified as 39, 41, 43, & 45 on the Site Map (see Attachment 4). Propagation will also occur in two 320-square-foot connex containers. The applicant will be enrolling into a renewable energy program with the Redwood Coast Energy Authority. This permit does not authorize any use of power until such time that the applicant demonstrates energy use requirements are met. Any fans or dehumidifies use in the cultivation operation will be conditioned to operate at less than 50 dB at 100-foot from the noise source or the edge of habitat, whichever is closer, once operational.

§314-55.4.12.6 Performance Standards– Noise	Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.	The CNDDB indicates that the nearest Northern Spotted Owl (NSO) activity center is approximately A Northern Spotted Owl (NSO) activity center located approximately 0.56-miles southwest from the project site and Marbled murrelet habitat is located 1.44-miles southwest from the project site. There will be no generators used onsite. Power is supplied by P. G. & E. The applicant will be enrolling into a renewable energy program with the Redwood Coast Energy Authority. The applicant will not be authorized to use any power to support operations until such time the project complies with the CCLUO for energy use. Any fans or dehumidifies 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.
§314-55.4.12.7 Performance Standards – Cannabis Irrigation	A Special Permit shall be required where Irrigation of Commercial Cannabis Cultivation Activities occurs wholly or in part using one or more Diversionary sources of water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.	The anticipated maximum water usage is 225,500 gallons annually for two acres of outdoor cannabis cultivation (25 gallons/sf). Irrigation for the project will be sourced from a proposed 1,000,000-gallon rainwater catchment pond. The applicant states there is onsite well that will be used as a supplement to the 1,000,000-gallon rainwater catchment pond. According to the Well Completion Log, the well is drilled 160 feet in depth and Trinity Valley Consulting Engineers, Inc. states the well is greater than 600 feet from any surface water body and has determined the well is not connected to any surface water. Conditions of approval require the applicant to install water meters for both the well and the rain catchment pond to demonstrate sufficient water is available to meet operational needs.

314-55.4.12.10 Performance Standards – Soils Management	A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.	Conditions of approval require the applicant to submit a soils management plan to the Planning Department for review and approval. The plan shall include but not limited to, detailing the use of imported and native soil on the parcel. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed. Upon approval of the soils management plan by the Planning Department, the applicant is required to adhere to the soils management plan for the life of the project.
314-55.4.12.16 Performance Standards – Invasive Species Control	It is the responsibility of a certificate or permit holder to work to eradicate invasive species.	The project is conditioned for the applicant to submit an invasive species control plan to the Planning Department for review and approval. The plan shall include, but not be limited to, identification of types of invasive plant species, where they are located, and a plan to control their spread. The plan shall also include monitoring and reporting requirements that must be submitted during the annual inspection. Upon approval of the invasive species plan by the Planning Department, the applicant is required to adhere to the invasive species plan for the life of the project.

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

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4 Required Findings for all Projects	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have reviewed the proposed project and none have any comments that the project would be detrimental to the public health, safety and welfare, or injurious to other properties. The project as proposed and conditioned is consistent with the general plan and zoning ordinance;

		and the proposed project is not expected to cause significant environmental damage.

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

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. The proposed project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

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

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is for 43,560-square-foot new outdoor cannabis cultivation operation, development of a 1,000,000-gallon rainwater catchment pond, processing such as drying, curing, trimming, packaging, and testing is proposed to occur onsite in four 8'x20' shipping containers, and an additional 43,560-square-feet of outdoor cannabis cultivation under the Retirement, Remediation, and Relocation (RRR)

program. Although the Special Permit being considered by this permit would only authorize 43,560 square feet of cultivation area, the addendum analyzes the project as whole. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

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

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

APN 211-341-073,* Southwest quarter of the northwest quarter of Section 24 of Township 04 South, Range 03 East, Humboldt Base & Meridian., *County of Humboldt

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

August 2020

Background

Modified Project Description and Project History -

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

The proposed Special Permit would permit 43,560 square feet of new outdoor cannabis cultivation. The applicant is also proposing to host an additional 43,560 square feet of outdoor cannabis cultivation under the Retirement, Remediation, and Relocation (RRR) program that will be evaluated under a separate permit. The applicant is anticipating two cultivation cycles per year. Cultivation activities will extend from April to November. Propagation will occur in four 1,920-square-foot greenhouses identified as 39, 41, 43, & 45 on the Site Map (see Attachment 4). Propagation will also occur in two 320-square-foot connex containers. Artificial lighting used in the ancillary propagation nursery will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO. Processing such as drying, curing, trimming, packaging, and testing is proposed to occur onsite in four 8'x20' shipping containers. The applicant anticipates on hiring a maximum of 20 people.

Irrigation water will be sourced from a proposed 1,000,000-gallon rainwater catchment pond that will be supplemented by onsite permitted groundwater well. Water for irrigation will be stored in five (5) 2,500-gallon tanks, one 250-gallon water tank, and in a 1,000,000-gallon rainwater catchment pond. Total water storage is 1,012,750 gallons. The anticipated maximum yearly water usage is 225,500 gallons annually for two acres of outdoor cannabis cultivation. Power is supplied by P. G. & E. via grid.

According to the California Natural Diversity Database (CNDDB) there ae no mapped species of special concerns on the subject parcel. The project is within 0.56-miles southwest from the project site and Marbled murrelet habitat is located 1.44-miles southwest from the project site. A Biological Resource Assessment was prepared by Trinity Valley Consulting Engineers., dated June 6, 2020, for the subject project. According to the biological assessment, there are multiple documented spotted owl activity centers in the vicinity of the subject parcel. In order to reduce impacts upon

NSO's in the area, the assessment suggest that all activities that elevate noise beyond 50 decibels from the edge of habitat will be restricted during the NSO breeding period (February 1-July 31).

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

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (EIR) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous EIR; B) significant effect previously examined will be substantially more severe than shown in the previous EIR; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The environmental analysis for the proposed project finds there are no new impacts not previously analyzed in the EIR. The project impact analysis conforms to the Final Environmental Impact Report Mitigation Monitoring and Reporting Program.

Aesthetics

Impact 3.1-1: Have a substantial adverse effect on a scenic vista or scenic resources (Less than Significant).

Impact 3.1-2: Substantially degrade the existing visual character or quality of the project area (Less than Significant).

Impact 3.1-3: Create a new source of substantial light or glare that would adversely affect views (Less than Significant).

Mitigation Measures 3.1-1-3.1-3: None.

Discussion: The project is for outdoor cannabis cultivation in an existing agricultural field. The project will not impact scenic vistas or public views. The project is consistent with the visual character of the area. The project will not create a source of light or glare. No impact.

Agriculture and Forest Resources

Impact 3.2-1: Conversion of farmland to nonagricultural use or conflict with existing zoning for agricultural use or a Williamson Act contract.

Impact 3.2-2: Convert substantial forest land, conflict with or cause rezoning of forest land or Timberland Production Zone, or involve other changes in the existing environment which, because of their location or nature, could result in substantial conversion of forest land to a non-forest use.

Mitigation Measures: None.

Discussion: The project will utilize agricultural land for agricultural purposes. The prime agricultural is utilized for cannabis cultivation. No impact.

Air Quality and Greenhouse Gas Emissions

Impact 3.3-1: Construction-generated emissions of criteria air pollutants and precursors.

Impact 3.3-2: Long-term operational emissions of criteria pollutants and precursors.

Impact 3.3-3: Generation of greenhouse gas emissions.

Impact 3.3-4: Exposure of people to objectionable odors (less than significant with mitigation)

Mitigation Measure 3.3-4: Prohibit burning of cannabis and other vegetative material is a condition of project approval.
Project is conditioned on not burning cannabis or other vegetative material.

Impact 3.3-5: Impacts of climate change on the project.

Mitigation Measures 3.3-1-3, 5: None.

Discussion: No construction activities are associated with the project. The project will not expose sensitive receptors to pollutants or create objectionable odors affecting a substantial number of people. The project would not result in significant sources of greenhouse gas emissions. The site uses Pacific Gas and Electric grid electricity and is required to show the purchase of 100% renewable power. Less than significant impact.

Biological Resources

Impact 3.4-1: Disturbance to or loss of special-status wildlife species and habitat (less than significant after mitigation).

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

Biological Resource Assessment Report prepared by Trinity Valley Consulting Engineers, June 2019, included in attachment 4. Adherence to and implementations of the Management Recommendations detailed in the Report is a condition of project approval.

Mitigation Measure3.4-1b: Special-status amphibian preconstruction surveys.
Habitat for foothill yellow-legged frog was identified in the vicinity of the project, however according to the site plan for the proposed project, no construction is proposed within riparian areas. Furthermore, the Management Recommendations detailed in the Biological Assessment Report call for strict adherence to Riparian Setback Requirements for Humboldt County and State Water Board and the requirement to maintain quality habitat for amphibians.

Mitigation Measure3.4-1c: Western pond turtle preconstruction surveys and relocation.
The western pond turtle occurs within the Eel River, using adjacent upland habitats for reproduction. Due to the historic agricultural use of project area flat and the current impact by cows, it is assumed turtles avoid this area for nesting. However, if construction on the flat occurs during nesting season (typically April to June), per Management Recommendations detailed in the Biological Assessment Report, preconstruction surveys for western pond turtle nests will be conducted within the project footprint. If nests are found, they will be buffered and undisturbed until turtles have hatched and left the nest. As is standard practice CDFW will be consulted to help with buffer sizing.

Mitigation Measure3.4-1d: Nesting raptor preconstruction survey and establishment of protective buffers.
Habitat for Cooper's hawk, golden eagle, bald eagle, and osprey was identified in the vicinity of the project, however the Biological Assessment Report determined that there would be no impact and offered the following comments: Any nest or cavities will be monitored for activity and if found a 500-foot buffer will be placed around each nest tree; If any construction is planned during nesting bird season, the area will be surveyed for raptor activity and nesting within one week of construction; Any tree removal planned will occur outside of nesting season (September 1-January 31).

Mitigation Measure3.4-1e: Northern spotted owl preconstruction habitat suitability surveys and determination of presence or absence.
Habitat for northern spotted owl was identified in the vicinity of the project. No tree removal is proposed as part of the project. In addition, the project is conditioned to limit noise generated from the project to 50db at 100' or at the nearest tree line, whichever is closer. Also, the Management Recommendations detailed in the Biological Assessment Report require that if project construction uses heavy equipment and it occurs during the breeding season (March 15-August). If heavy equipment for construction and planting will be used during the breeding season (March- August), then the project should do one year of "disturbance only" surveys to ensure no NSO are nesting within 0.25 miles of the project area. Alternatively, the project construction could not use any heavy equipment, or construction could take place outside of the breeding season. Propagation hoop houses utilizing early-season, low impact lighting will require tarps to block all potential light pollution from at least one hour prior to sunset through at least one hour past sunrise. Lastly, generators will not supply greater than 20% of the cultivation sites overall energy demands.

Mitigation Measure3.4-1f: Special-status nesting bird surveys and establishment of protective buffers.
No presence or habitat was identified in the vicinity of the proposed project per the Biological Assessment Report. Recommendations from the Biological Assessment Report require that vegetation removal and ground disturbance that occur within Nesting bird season (February 1-August 31) will require a biological survey within two weeks of planned disturbance. If active nest

are found, they will be given a minimum of 100 feet of buffer until nest fledges or is no longer active. Any nests or cavities will be monitored for activity and if found active no construction activity will occur within 200 feet during nesting bird season.

Mitigation Measure3.4-1g: ***Marbled murrelet preconstruction habitat suitability surveys and establishment of protective buffers.***
No presence or habitat was identified in the vicinity of the proposed project per the Biological Assessment Report. The closest optimal habitat exists 1.44-miles southwest from the project site.

Mitigation Measure3.4-1h: ***Generator noise reduction.***
Pacific Gas and Electric supplies power the site. There is one generator on site for emergency use only that is not proposed to be used as part of the project.

Mitigation Measure 3.4-1i: ***American badger preconstruction survey and establishment of protective buffers.***
No presence or habitat was identified in the vicinity of the proposed project per the Biological Assessment Report.

Mitigation Measure 3.4-1j: ***Fisher and Humboldt marten preconstruction survey and preservation of active den sites.***
Habitat for fisher was not identified in the vicinity of the project. No tree removal is proposed as part of the project. The Biological Assessment Report determined that the project would have a less than significant impact stating that the project area is in proximity to potential, but less than optimal, upland foraging habitat and that denning habitat is likely in vicinity of NSO Activity Centers, the nearest approximately 0.56-miles southwest. Light and noise impacts form this project are non-existent to minimal and will not impact possible denning habitat.

Mitigation Measure 3.4-1k: ***Preconstruction bat survey and exclusion***
No presence or habitat was identified in the vicinity of the proposed project per the Biological Assessment Report. If found to be roosting, a mitigation program will be established in consultation with CDFW, which will include establishing a buffer around maternity colonies, and reducing noise and ground disturbance on the property.

Mitigation Measure 3.4-1l: ***Preconstruction vole survey and relocation.***
Habitat for Sonoma tree vole was identified in the vicinity of the project. The Biological Assessment Report determined that the project would have no impact stating that the project site is annual grassland and lacks habitat for the Sonoma tree vole and is greater than 500 feet from dense Douglas fir habitat (preferred food). Light and noise impacts from this project are non-existent to minimal and will not impact possible habitat. If vole nests are found, they will be given a buffer of a minimum of 100 feet, and project location may be adjusted if it will result in vole disturbances.

Impact 3.4-2: **Disturbance to or loss of special-status fisheries**

Mitigation Measure: *Implement water diversion restrictions and monitoring and reporting requirements.*

Impact 3.4-3: Disturbance to or loss of special-status plant species and habitat.

Mitigation Measure 3.4-3a: ***Special-status plants.***
A plant survey was conducted on the Sandifer property during June of 2018 during peak inflorescence. No special status plant species or sensitive natural communities were found within

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

Mitigation Measure 3.4-3b: ***Invasive plant species.***
The Operations Manual (Attachment 4) for the project includes an Invasive Species Control Plan that satisfies the requirements of this mitigation measure.

Impact 3.4-4: Disturbance to or loss of riparian habitat, old growth habitat, or other sensitive natural communities.

Mitigation Measure 3.4-4: ***Sensitive natural communities, riparian habitat, and wetland vegetation.***
No special sensitive natural communities were found within the project area. According to the Biological Resource Assessment the property has a very small portion of oak savannah, which is protected under California Oak Woodlands Protection Act (AB 2162). Any remaining oak trees will be retained. The parcel contains some class III watercourses and a few seasonally wet areas, which provide high biodiversity and valuable wildlife habitat. Development plans will avoid these areas to the extent possible and must mitigate in instances where they are impacted.

Impact 3.4-5: Disturbance to or loss of waters of the United States.

Mitigation Measure 3.4-5: ***Waters of the United States.***
The Humboldt County WebGIS indicates there are no mapped wetlands located on the subject parcel.

Impact 3.4-6: Interference with resident or migratory wildlife corridors or native wildlife nursery sites.

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

Mitigation Measure 3.4-6b: ***Retention of fisher and Humboldt marten habitat features.***
See Mitigation Measure 3.4-1j above.

Discussion: The project is in the Whitlow area, on a 11.06-acre parcel on Dyerville Loop Road, which follows Mail Ridge above Myers Flat, California. It is located within a small agricultural neighborhood situated above the Eel River known as Elk Prairie. The proposed project will occur in fields that have been in active agricultural operation for over a decade. A *Biological Resource Assessment* was prepared for the site by Trinity Valley Consulting Engineers dated June 6, 2019. The biologist evaluated the site for the presence of sensitive plant and wildlife species. Potential habitat exists for numerous special status species. None were detected during the seasonally appropriate survey. There are five (5) Northern Spotted Owl (NSO) activity centers within 1.86 miles of the project site. The nearest Northern Spotted Owl activity center is approximately 0.56 miles southwest of the cultivation area. Marbled murrelet activity is located approximately 1.44 miles southwest of the site. There is no suitable habitat on the site for NSO or Marbled murrelet. The optimal habitat is located in the dense forest surrounding the parcel. The project as conditioned to limit noise and light will have a less than significant impact.

Cultural Resources

Impact 3.5-1: Change in the significance of a historic resource.

Mitigation Measure 3.5-1: ***Protection of historic resources.***

The existing structures on the property consist of one Ag building used for storing tools, equipment fertilizer and pesticide storage; one residence, and two garages. As there is no proposal to remove or modify the residence, no impact is anticipated. Archaeological Research and Supply Company conducted a cultural resources investigation for the project site. The investigation did not identify any archaeological or cultural resources within the project area and concluded that the project is therefore not anticipated to have an adverse effect on significant cultural or archaeological resources. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural and archaeological resources.

Impact 3.5-2: Disturb unique archaeological resources (Less than Significant with Mitigation)

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

Impact 3.5-3: Discovery of human remains (Less than Significant).

Impact 3.5-4: Change in the significance of a tribal cultural issue (Less than Significant).

Mitigation Measure 3.5-1, 3.5-3, 3.5-4: None

Discussion: No cultural resources were identified on the site according to a Cultural Resource Investigation prepared by Archaeological Research and Supply Company dated June 2019. The project will adhere to the Inadvertent Discovery Protocol. Less than significant impact.

Geology and Soils

Impact 3.6.1: Exposure of people or structures to risk of loss, injury or death resulting from rupture of a known earthquake fault or strong seismic shaking (less than significant).

Impact 3.6-2: Potential to result in off-site landslide, lateral spreading, subsidence, liquefaction, or collapse due to unstable soil conditions or risk of life due to siting on expansive soil (less than significant).

Impact 3.6-3: Potential of substantial soil erosion or loss of topsoil.

Impact 3.6-4: Create adverse soil conditions resulting from use of septic tanks or alternative wastewater disposal systems.

Impact 3.6-5: Damage to or destruction of undiscovered paleontological resources (less than significant with mitigation)

Mitigation Measure 3.6-5 Protection of discovered paleontological resources.
See Mitigation Measure 3.5-2 above.

Discussion: No new structures are proposed that would expose people to risk of life from earthquakes. The project occurs on flat land that has historically been used for agriculture. The applicant is proposing to construct a 1,000,000-gallon rainwater catchment pond. The applicant will obtain all necessary permits in order to construct the pond.

Hazards and Hazardous Materials

Impact 3.7-1: Create a significant hazard through transport, use, or disposal of hazardous materials

Impact 3.7-2: Create potential human hazards from exposure to existing on-site hazardous materials.

Mitigation Measure 3.7-2a: Prepare Environmental Site Assessments.
Project does not propose development of commercial cannabis facilities on existing commercial, business park, or industrial sites.

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

Impact 3.7-3: Create a significant hazard to the public or environment due to upset and accident conditions.

Impact 3.7-4: Emit hazardous emissions or handle hazardous materials within 0.25 mile of a school.

Impact 3.7-5: Result in a safety hazard for people residing or working in a project area that is located within 2 miles of a public airport or private use airport.

Impact 3.7-6: Impair emergency response or evacuation plans.

Impact 3.7-7: Create a significant risk from wildfires.

Mitigation Measures 3.7.3-7: None

Discussion: The project will store fertilizers, herbicides and fuel for use in farm equipment in an existing agricultural structure. All hazardous materials are stored in a locked area with secondary containment in accordance with applicable regulations. The project does not expose the public to hazards. The project is in a rural area rated as a moderate fire risk area. The project would not impair emergency response or create a significant risk from wildfire. Less than significant impact.

Hydrology and Water Quality

Impact 3.8-1: Construction water quality impacts.

Impact 3.8-2: Operational water quality impacts.

Mitigation Measure 3.8-2: Minimum Size of Commercial Cultivation Activities.
The subject parcel exceeds the minimum parcel size for the proposed project at full buildout per Section 55.4.6.5.9(d) of the CCLUO.

Impact 3.8-3: Groundwater supply impacts.

Mitigation Measure 3.8-3: Annual groundwater monitoring and adaptive management.
The subject parcel exceeds 10 acres in size and is not subject to the requirements of Section 55.4.12.9 of the CCLUO regarding well drawdown testing.

Impact 3.8-4: Surface drainage impacts on on-site and offsite flooding.

Mitigation Measure 3.8-4: Provision of drainage facilities to attenuate increases in drainage flows.
A Site Management Plan that will detail erosion control and sediment capture mechanisms, as well as road maintenance and runoff activities is to be submitted by the applicant. The project is

conditioned for the applicant to submit a Site Management Plan and adhere to all corrective actions found within the plan.

Impact 3.8-5: Effects of diversion of surface water.

Mitigation Measure 3.8-5: Implement water diversion restrictions and monitoring and reporting requirements.
No water diversion will be utilized for the proposed project. Water will be supplied by rainwater catchment and supplemented by a groundwater well.

Discussion: The project is for 1 acre of cannabis cultivation in an agricultural field. The applicant is proposing an additional acre of cannabis cultivation in the future under the Retirement, Remediation, and Relocation (RRR) program. The project will not degrade any water sources or contribute to sedimentation. Minimal amounts of water for propagation will be supplied via rainwater catchment and a permitted groundwater well.

Land Use and Planning

Impact 3.9-1: Potential for physical division of an established community.

Impact 3.9-2: Conflict with relevant plans, policies, and zoning adopted for the purpose of avoiding or mitigating an environmental effect.

Mitigation Measures: None

Noise

Impact 3.10-1: Short-term, construction-related noise.

Mitigation Measure 3.10-1: Implement construction-noise reduction measures.
Condition of project approval.

Impact 3.10-2: Long-term non-transportation operational noise.

Mitigation Measure 3.12-2: Proper design of highway access points.
Project is accessed off a County Road.

Impact 3.10-3: Long-term traffic noise levels.

Mitigation Measure: None

Discussion: The project is located in actively managed agricultural land. The area has been in agricultural production for more than 10 years. Noise sources from the operation will include typical farm equipment such as tractors. The construction and dismantling of temporary hoop houses would create noise. The applicant is proposing to process on-site in the connex containers which would involve the use of dehumidifiers. The temporary noise impacts from these activities would not create a substantial increase in noise levels. The operation will be planting directly in the ground without the use of fans. The power source for the project is P.G.&E. There is no reason to believe a noise source will be doubled onsite.

Public Services

Impact 3.11-1: Result in substantial adverse physical impacts associated with the need for new or physically altered fire protection facilities.

Impact 3.11-2: Result in substantial adverse physical impacts associated with the need for new or physically altered law enforcement facilities.

Mitigation Measures: None

Discussion: The project is for 5 acres of cannabis cultivation on a site where seasonal agriculture is the dominant use. The project will not increase the need for fire or law enforcement services.

Transportation and Circulation

Impact 3.12-1: Construction-related increase in traffic.

Impact 3.12-2: Long-term increase in traffic

Impact 3.9-3: Potential for inadequate emergency access

Mitigation Measures: None

Discussion: Harvest activities for 2 acres of cannabis cultivation will require 20 temporary workers. The access road Dyerville Loop Road is a paved road with a Category 4 functional capacity capable of meeting the 2-way traffic needs of the project at peak harvest. The paved road is accessed off a County-maintained portion of Dyerville Loop Road. The project is conditioned for the applicant to make road improvements at the intersection of the driveway and Dyerville Loop Road.

Utilities and Service Systems

Impact 3.13-1: Exceed wastewater treatment requirements or wastewater treatment capacity and related infrastructure.

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

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

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

The property is not serviced by a public wastewater system.

Impact 3.13-2: Provision of sufficient water supplies and infrastructure needs.

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

The property is not serviced by a municipal water service.

Impact 3.13-3: Potential to be served by a landfill with insufficient capacity or violate existing statutes related to solid waste.

Mitigation Measure: None

Solid waste is taken to the Eel River Transfer Station in an amount the service station is capable of handling. The project will provide portable toilets and handwashing stations for cultivation staff. Water for propagation is sourced from a proposed 1,000,000-gallon rainwater catchment pond and an onsite groundwater well. Less than significant impact.

Energy

Impact 3.14-1: Wasteful, inefficient, and unnecessary consumption of energy

Impact 3.14-2: Demand for energy services and facilities.

Mitigation Measure: None required.

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

Wildfire

The project will not interfere with any evacuation plan. There will be no new structures that will increase the risk of wildfire. Less than significant impact.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original EIR recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the original EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the EIR. Compliance with the CCLUO ensures consistency with the adopted EIR and provides for mitigation of all project related impacts to a less than significant level.

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

- Operations Plan for DIB Management, LLC; APN 211-341-073 prepared by the AgDynamix, LLC, June 2019.
- Site Plan for DIB Management, LLC; APN 211-341-073 prepared by Trinity Valley Consulting Engineers, June 2019.
- Biological Assessment Report for DIB Management, LLC; APN 211-341-073 prepared by Trinity Valley Consulting Engineers, June 2019.
- Cultural Resource Study for DIB Management, LLC; APN 211-341-073 prepared by Archaeological Research and Supply Company, March 2018.

Other CEQA Considerations

Staff suggest no changes to the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.

3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted as complete.

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact, address and phone number(s) of the applicant. (Application form on file)

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

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

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

5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file)

6. Description of water source, storage, irrigation plan, and projected water usage. (On file)

7. Evidence of enrollment into the State Cannabis Cultivation Discharge Program, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)

8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Not Applicable)

9. If the source of water is a well, a copy of the County well permit, if available. (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. Biological Scoping Study prepared by Trinity Valley Consulting Engineers, received June 6, 2019. (Attached)

16. Road Evaluation Report prepared by the Applicant, dated March 25, 2018. (Attached)

17. Cultural Resource Study prepared by Archaeological Research and Supply Company dated March 2018. (On file and confidential)

BOLDT COUNTY HEALTH DEPARTMENT
DIVISION OF ENVIRONMENTAL HEALTH

RECEIVED
APR 1993
HUMBOLDT CO. HEALTH DEPT.

529 "I" Street
Eureka, CA 95501

Phone: 707-445-6215

APPLICATION TO CONSTRUCT, REPAIR OR DESTRUCT A WATER WELL

OWNER Richard E. Ballester ADDRESS 1433 Westridge Way Chino CA. 91710

APPLICANT CAMPBELL DRILLING ADDRESS 1876 CARSON WOODS DR. FORTUNA
(if other than owner)

SITE LOCATION DYER VILLE LOOP RD - A.P.# 211-341-73

DIRECTIONS ELK CK. RD TO Dyerville Loop L PHONE # 725-1766

DRILLING CONTRACTOR CAMPBELL DRILLING LICENSE # 525763

ATTACH PLOT PLAN TO THIS APPLICATION

DESIGN SPECIFICATIONS: Construction ☒ Repair ☐ Destruction ☐

Intended Use	Distance From Well Site To:	Type of Well
Domestic, private ☒	Septic Tank Systems (ft.)	Rotary ☒
Domestic, public ☐		Cable ☐
Irrigation ☐	Sewer (ft.)	Dug ☐
Industrial ☐	Casing	Other
Other ☐	Single ☒ Double ☐	
Construction	Material F480 PVC 5"	Estimated Work Dates
Depth (ft.) 100'	Type of Joint GLUE	Start 4-9-93
Diameter (in.) 8"	Gravel Pack ☒	Completion 4-12-93
Depth of Seal (ft.) 20'		

I hereby agree to comply with all laws and regulations of the County of Humboldt and State of California pertaining to water well construction. I will contact the County Health Department when I commence the work. Within fifteen days after completion of work I will furnish the Humboldt County Health Department a report of the work performed and notify them before putting the well into use. All well work will be completed in accordance with Department of Water Resources Bulletin 74.

Signed: Theba Campbell

FOR OFFICE USE ONLY

Permit #

Approved By

Date 4-7-93

FEE $19.00 RECEIPT 30463

DATE ck #1980

Site:

Inspections: (initial) 6-14-93 (date)

Final: (initial) 6-28-93 (date)

-1-

WP-5 11/77

RECEIVED
JUN 6 2019
Humboldt County
Planning Division

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: DIB Management LLC./ Jared Sandifer APN: 211-341-073

Planning & Building Department Case/File No.: Not Available at this time.

Road Name: Dyerville Loop Rd. *(complete a separate form for each road)*

From Road (Cross street): Elk Creek Rd.

To Road (Cross street): HWY 254

Length of road segment: 5.1 Miles miles Date Inspected: 3/26/18

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

Check one of the following:

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

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

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

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

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature 3/26/18 Date

Jared Sandifer
Name Printed

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

ATTACHMENT 5

Referral Agency Comments and Recommendations

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

Referral Agency	Response	Recommendation	Location
Division of Environmental Health	✓	Approved	On file
Public Works Land Use Division	✓	Conditional Approval	Attached
Bear River Band Rohnerville Rancheria	✓	Conditional Approval	On file
Humboldt County Sherriff's Office	✓	Approved	On file
Building Inspections	✓	Conditional Approval	On file
CAL FIRE	✓	Conditional Approval	On file
NCUAQMD		No Response	
Southern Humboldt Joint Unified School District		No Response	
California Department of Fish and Wildlife		No Response	Attached- staff email comments from CDFW dated July 20, 2020.
Intertribal Sinkyone Wilderness Council		No Response	
Regional Water Quality Control Board		No Response	
District Attorney		No Response	
AG Commissioner		No Response	

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

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

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

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

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

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Rodney Yandell, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 07/18/2019

RE:

Applicant Name	**DIB MANAGEMENT LLC -SANDIFER**
APN	**211-341-073**
APPS#	**PLN-2019-15621**

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:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply) APPS #15261

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

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

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

_____

_____

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

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

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

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

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

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

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

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

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

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

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

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

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

// END //

From:	Alberts, Chris
To:	Bocast, Kalyn@Wildlife
Cc:	Bauer, Scott@Wildlife
Subject:	15621- Referral Response (APN 211-341-073)
Date:	Monday, July 20, 2020 11:41:00 AM
Attachments:	image001.png 15621 Biological Report 06-06-19.pdf

---

Hey Kalyn,

I attached the Biological Survey for the subject project and the project description is below. I would really appreciate your professional input on this project before I continue to move it forward. The project is scheduled for the August 13, 2020 Zoning Administrator Meeting.

"A Special Permit for one acre of new outdoor light-depravation cannabis cultivation and a receiving site for up to one acre of outdoor light-depravation Retirement, Remediation and Relocation (RRR) entitlements. Water for irrigation will be sourced from a proposed one-million gallon rainwater catchment pond and supplemented by a permitted well on site. The anticipated annual water demand is approximately 213,500 gallons. A portion of the mature cannabis will be flash frozen on site and sent off site for manufacturing. The remaining cannabis will be processed on site. There will be up to 20 employees utilized at peak operations. Power for the project will be supplied by PG&E."

Best,

Christopher Alberts
Planner I
Planning and Building Department
County of Humboldt
(707) 268-3771

Please consider your environmental responsibility before printing this e-mail