



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: September 3, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Andy Stanbury, Special Permit**
Record Number: PLN-12207-SP
Assessor's Parcel Number (APN): 221-141-017
2233 Road B, Honeydew 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
September 3, 2020	Special Permit	Christopher Alberts

Project Description: A Special Permit (SP) for 7,500 square feet of existing outdoor cannabis cultivation. Irrigation for the project will be sourced from a 250,000-gallon off-stream pond located on APN 221-141-016 and a 30,000-gallon rainwater catchment tank. The applicant estimates 131,250 gallons of water will be required annually for two cultivation cycles. There is 281,500 gallons of water storage on the subject parcel. Processing, such as drying and curing, will occur in a 416-square-foot utility building and further processing will occur off-site by a licensed third-party processor. There will be two family members working onsite. Power is sourced from propane and solar with a backup generator.

Project Location: The project is located in Humboldt County, in the Honeydew area, on the South side of Lower Thomas Road, approximately 1 mile South from the intersection of Lower Thomas Road and Cisco Lane, and approximately .3 miles West from the intersection of Lower Thomas Road and a Private Drive, on the property known as 2233 Road B.

Present Plan Land Use Designations: Residential Agriculture (RA); 2017 General Plan; Density: 40 acres per unit; Slope Stability: Low Instability (2) & High Instability (3).

Present Zoning: Unclassified (U)

Record Number: PLN-12207-SP

Assessor Parcel Number: 221-141-017

Applicant
Andy Stanbury
PO Box 583
Miranda, CA 95553

Owner
Andrew Stanbury & Barbara King
PO Box 583
Miranda, CA 95553

Agent
Same as Applicant

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

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

Major Issues: None.

ANDY STANBURY

Record Number: PLN-12207-SP
Assessor's Parcel Number: 221-141-017

Recommended Zoning Administrator Action:

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

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

Executive Summary: A Special Permit for an existing 7,500-square-foot outdoor cultivation operation located on Assessor's Parcel Number (APN) 221-141-017, which is approximately 38.99 acres in size. Cultivation activities extend from April to September. The applicant is anticipating two cultivation cycles per year. The project involves an onsite relocation of one existing cultivation area to two environmentally superior locations on the subject parcel. There are two different cultivation areas located on the parcel, one on the northern portion of the parcel and one on the southern portion of the parcel. On the northern portion of the parcel, cultivation will occur in two (2) 640-square-foot greenhouses, three (3) 576-square-foot greenhouses, and two (2) 416-square-foot greenhouses, totaling 3,840 square feet. On the southern portion of the parcel cultivation will occur in three (3) 1,220-square-foot greenhouses, totaling 3,660 square feet. There are two 360-square-foot propagation greenhouses located near the northern cultivation site. Artificial lighting used in the propagation greenhouses will adhere to International Dark Sky standards as set forth in the CMMLUO. Processing, such as drying and curing, will occur in a 416-square-foot utility building. Trimming will occur offsite by a licensed processing facility. Further processing, such as trimming, will occur offsite at a licensed processing facility. The applicant does not anticipate on hiring any employees. There will be 2 family members working onsite.

Irrigation for the project will be sourced from a 250,000-gallon rainwater catchment pond located on APN 221-141-016 and a 30,000-gallon rainwater catchment tank. The applicant estimates 131,250 gallons will be required annually for irrigation. Water storage on the parcel consist of 250,000-gallon off-stream pond, a 30,000-gallon rainwater catchment tank, and one 1,500-gallon hard storage tank. There is a total of 281,500 gallons of water storage on the parcel. The project will be powered by propane and solar, with a backup generator. The generator will be kept in secondary containment and the project is conditioned for noise from the generator be kept at 50 decibels or less at 100 feet away from the generator and at the edge of habitat. The parcel is accessed via Upper Thomas Road, which is on the Public Works "APPROVED LIST" of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects (see Attachment 4). The applicant's private access is located at Upper Thomas Road at Mile Marker 0.8 and it does not serve other parcels.

According to the California Natural Diversity Database (CNDDB) there are no known rare or sensitive species on the subject parcel. The nearest Northern Spotted Owl (NSO) Activity Center is located 1.92 miles east of the cultivation site and nearest NSO sighting is located 1.7 miles southeast of the cultivation site. The nearest mapped Marbled murrelet habitat is located 3.7 miles west of the project site. According to the *Biological Resources Assessment* (see Attachment 4) prepared by Natural Resources Management Corporation, dated November 27, 2019, there were

no special status species detected during the biological survey. The survey also concluded the project is not expected to have impacts on the Northern Spotted Owls.

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

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

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

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

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

Resolution Number 20-

**Record Number: PLN-12207-SP
Assessor Parcel Number: 221-141-017**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves Andy Stanbury Special Permit request.

WHEREAS, Andy Stanbury, submitted an application and evidence in support of approving a Special Permit (SP) for 7,500 square feet of existing outdoor cannabis cultivation. Irrigation for the project will be sourced from a 250,000-gallon off-stream pond located on APN 221-141-016 and a 30,000-gallon rainwater catchment tank. The applicant estimates 131,250 gallons of water will be required annually for two cultivation cycles. There is 281,500 gallons of water storage on the subject parcel. Processing, such as drying and curing, will occur in a 416-square-foot utility building and further processing will occur off-site by a licensed third-party processor. There will be a maximum of two people working on-site. Power is sourced from propane and solar with a backup generator; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-12207-SP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on September 3, 2020.

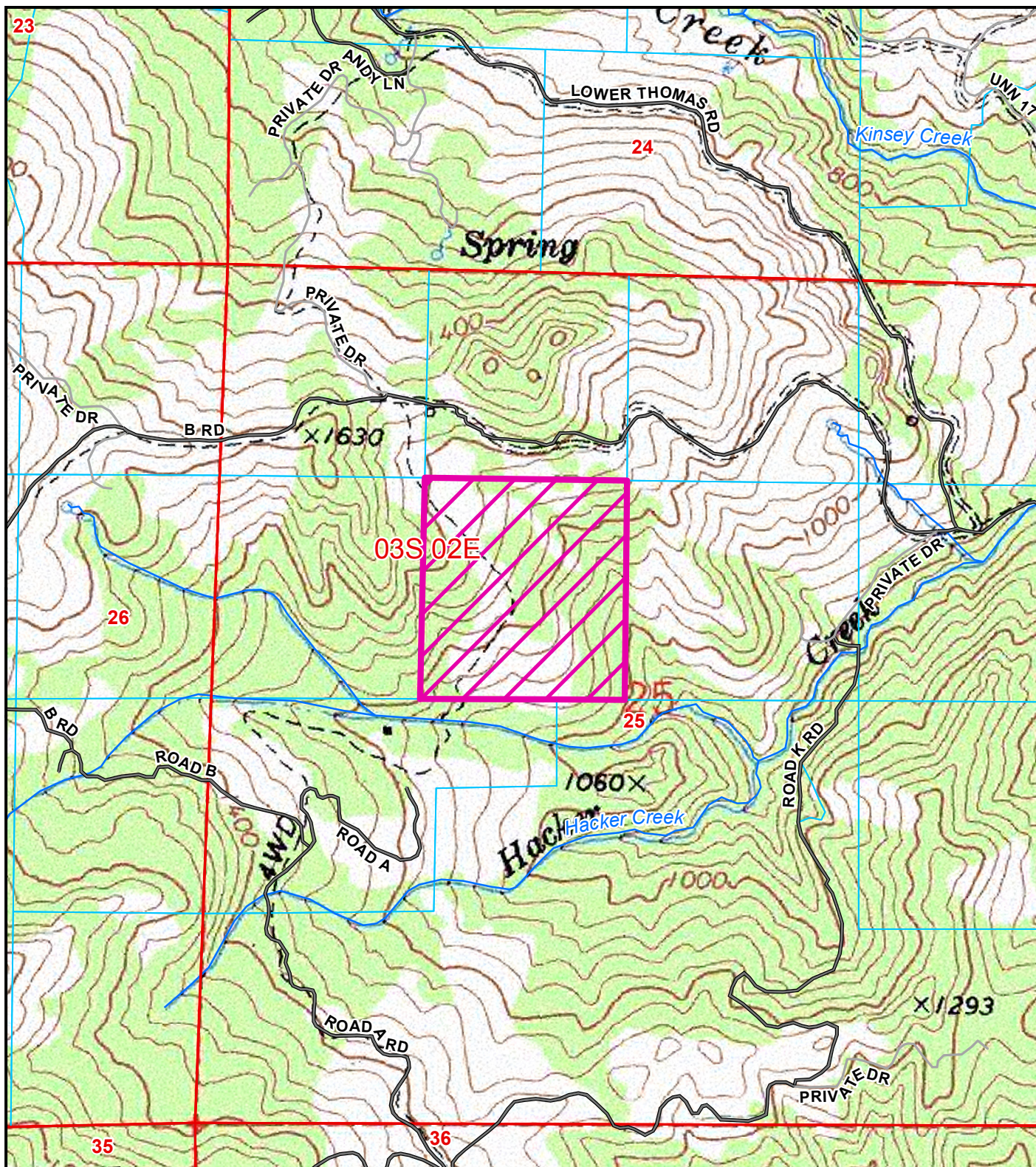
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes all the required findings in Attachment 2 of the Zoning Administrator staff report for the Special Permit (Record Number PLN-12207-SP) based on the submitted substantial evidence; and
3. The Special Permit (Record Number PLN-12207-SP) is approved as recommended and conditioned in Attachment 1 for Record Number PLN-12207-SP.

Adopted after review and consideration of all the evidence on September 3, 2020.

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

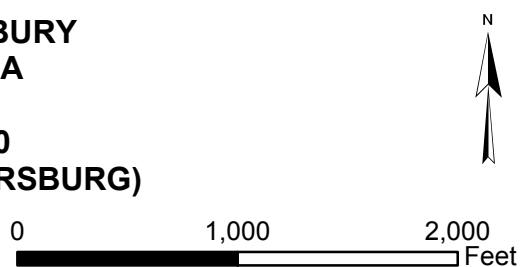
John Ford
Zoning Administrator
Planning and Building Department

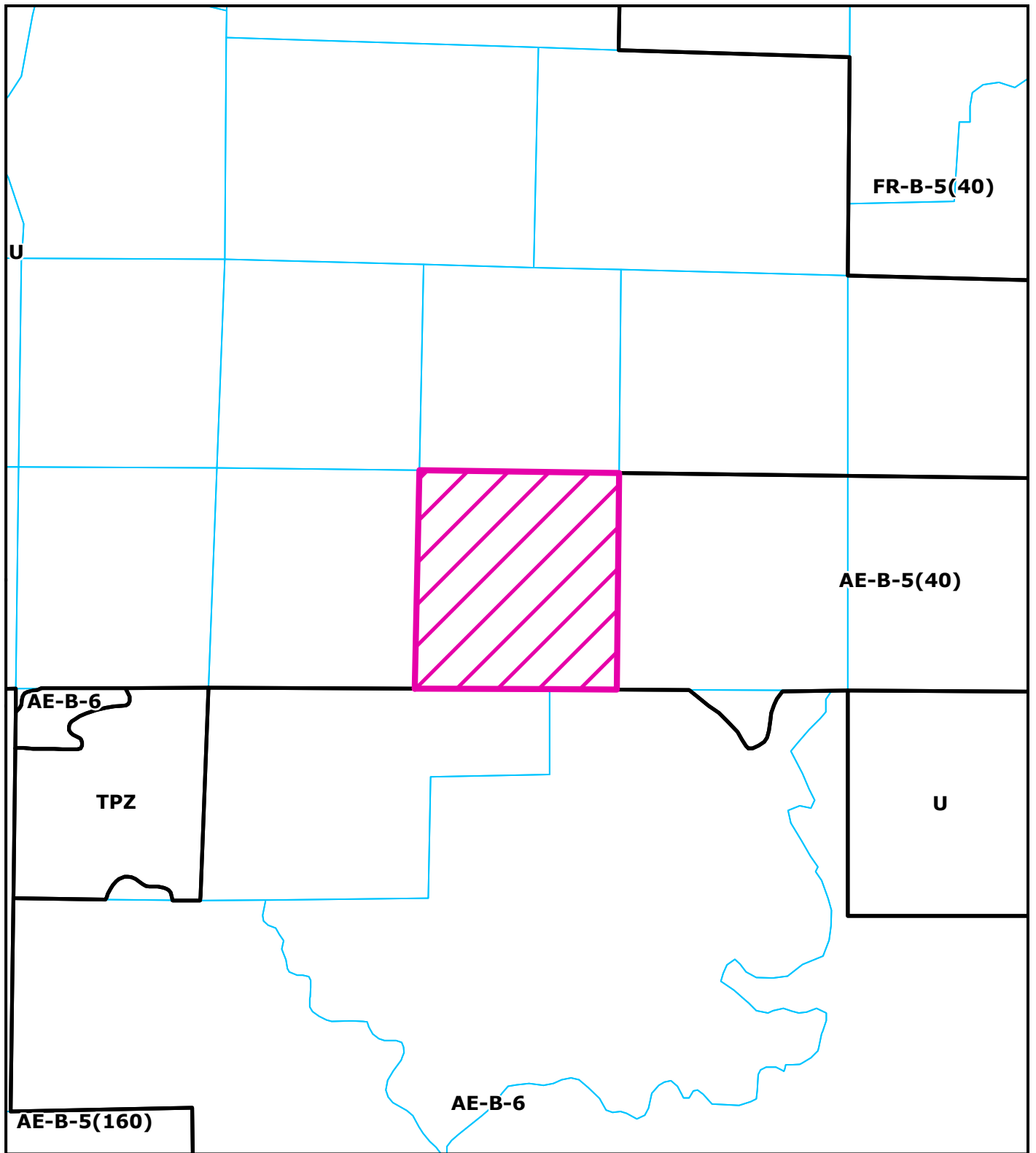


TOPO MAP
PROPOSED ANDY STANBURY
SALMON CREEK AREA
SP-16-441
APN: 221-141-017-000
T03S R02E S25 HB&M (ETTERSBURG)

Project Area = 

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

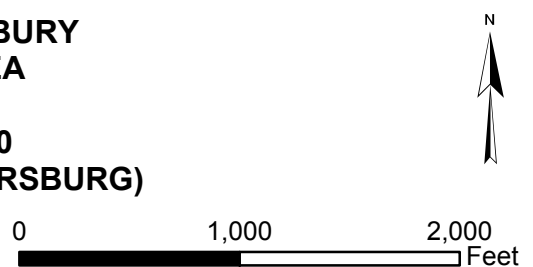


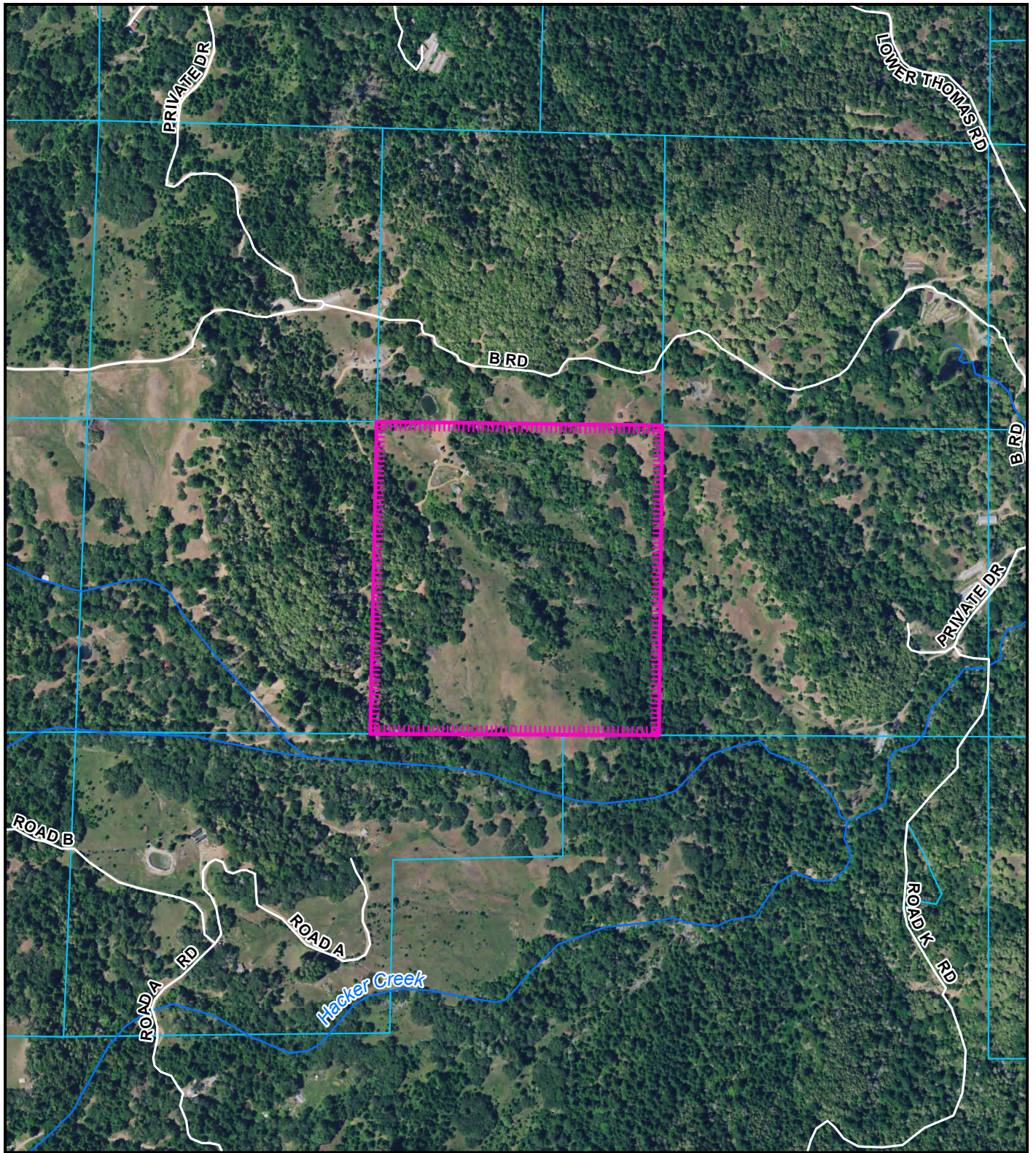


Project Area = 

ZONING MAP
PROPOSED ANDY STANBURY
SALMON CREEK AREA
SP-16-441
APN: 221-141-017-000
T03S R02E S25 HB&M (ETTERSBURG)

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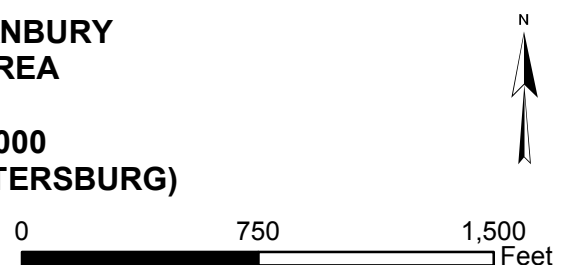


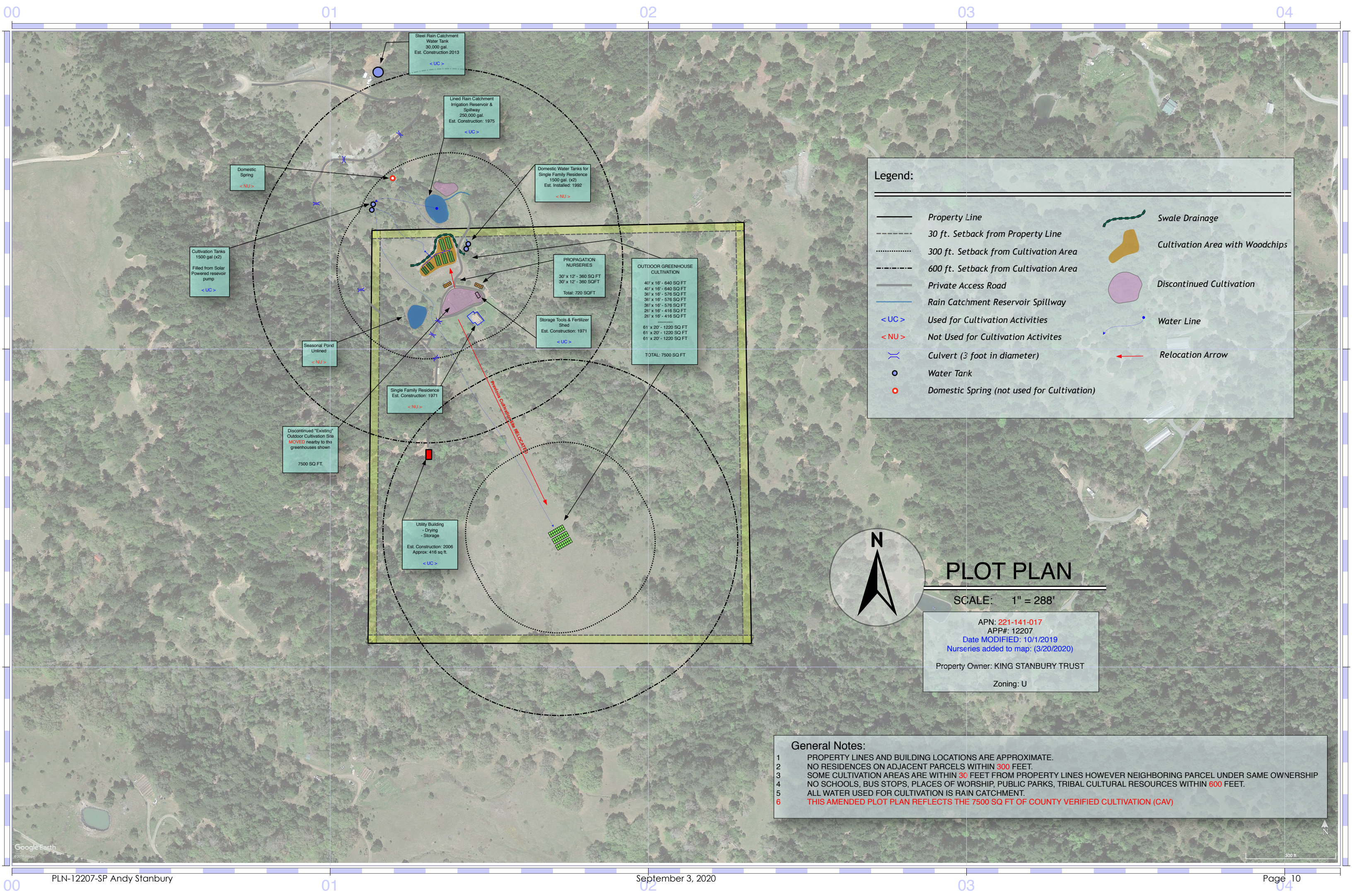


AERIAL MAP
PROPOSED ANDY STANBURY
SALMON CREEK AREA
SP-16-441
APN: 221-141-017-000
T03S R02E S25 HB&M (ETTERSBURG)

Project Area = 

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





Legend:

	Property Line		Swale Drainage
	30 ft. Setback from Property Line		Cultivation Area with Woodchips
	300 ft. Setback from Cultivation Area		Discontinued Cultivation
	600 ft. Setback from Cultivation Area		Water Line
	Private Access Road		Relocation Arrow
	Rain Catchment Reservoir Spillway		
	< UC >		
	< NU >		
	Culvert (3 foot in diameter)		
	Water Tank		
	Domestic Spring (not used for Cultivation)		



PLOT PLAN

SCALE: 1" = 288'

APN: 221-141-017
APP#: 12207
Date MODIFIED: 10/1/2019
Nurseries added to map: (3/20/2020)

Property Owner: KING STANBURY TRUST

Zoning: U

General Notes:

1 PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE.
2 NO RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET.
3 SOME CULTIVATION AREAS ARE WITHIN 30 FEET FROM PROPERTY LINES HOWEVER NEIGHBORING PARCEL UNDER SAME OWNERSHIP
4 NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES WITHIN 600 FEET.
5 ALL WATER USED FOR CULTIVATION IS RAIN CATCHMENT.
6 THIS AMENDED PLOT PLAN REFLECTS THE 7500 SQ FT OF COUNTY VERIFIED CULTIVATION (CAV)

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 6. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all unpermitted grading (including flats, cultivation area, pond) and structures (including greenhouses, processing facilities, storage buildings, water tanks and water tank foundations), related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. The applicant shall secure the approval from the Department of Environmental Health for the design and installation of the existing onsite sewage disposal system near the residence to be used for the northern processing facility and the proposed onsite wastewater treatment system for the southern processing facility. A letter or similar communication from the Department of Environmental Health indicating approval has been issued will satisfy this condition.
4. The applicant shall provide an invoice, or equivalent documentation, to the Department of Environmental Health to confirm the use of portable toilets to serve the needs of cultivation staff prior to annual renewal of the permit.
5. The applicant shall complete all recommendations in Segment 3, 4, and 5 found in the addendum by Stillwater Sciences dated October 5, 2018. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operation, final sign-off for a building permit, or public Works approval for a business license.
6. The applicant shall enroll in the State Cannabis Discharge program by July 2021. Conditions of approval require the applicant to 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. Final sign off by the Planning Department will satisfy this condition.
7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

8. The applicant shall record an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Final Sign off from the Planning Department will satisfy this condition.
9. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
10. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period and shall provide results prior to or during the annual inspection. The water use for cultivation is limited to the amount of water available in the 250,000-gallon rainwater catchment pond located on APN 221-141-016.
11. The applicant shall adhere to and implement all recommendations contained in the Biological Report prepared by Natural Resources Management Corporation dated February 5, 2020. A letter or similar communication from a qualified biologist or botanist stating the applicant adhered to and implemented the requirements in the report as recommended will satisfy this condition.
12. The applicant shall cause and record an easement for the use of the 250,000-gallon off-stream pond located on APN 221-141-016. Final sign off by the Planning Department will satisfy this condition.
13. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
14. For the life of the project, the applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW.
15. For the life of the project, artificial lighting used in the propagation greenhouses shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.
16. The applicant shall not use any synthetic netting or any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. To minimize the risk of wildlife entrapment, the applicant shall use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
17. 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.

18. The applicant shall ensure that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
19. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
20. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
21. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse

required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife, if applicable.
9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application and annual inspection fees.
12. The noise produced by any generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
13. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
14. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
15. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
16. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

17. Pursuant to the MAUCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
18. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
19. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
20. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
21. All cultivators shall comply with the approved Processing Plan as to the following:

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

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

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

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

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

26. Permittee further acknowledges and declares that:

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

- III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
27. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- Identifying information for the new Owner(s) and management as required in an initial permit application;
 - A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - The specific date on which the transfer is to occur;
 - Acknowledgement of full responsibility for complying with the existing Permit; and
 - Execution of an Affidavit of Non-diversion of Medical Cannabis.
28. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

- Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
- This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 of the On-Going Requirements /Development Restrictions, above.
- If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be

contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

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

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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

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

1. The proposed development is in conformance with the County General Plan, the Open Space Plan 2017, 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;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had a Mitigated Negative Declaration (MND) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan 2017, the Open Space Plan 2017, and the 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	<p>Residential Agriculture (RA-40): Large lot residential uses that typically rely upon on-site water and wastewater systems. The RA-40 designation applies to more remote, steep, and high hazard areas and is meant to ensure compatibility with adjacent resource production and open space uses.</p> <p>Allowable uses include single family residential, second residential unit, guest house, planned developments, and residential accessory uses.</p> <p>Density range is 40 acres/unit.</p>	<p>The Applicant is proposing to permit existing 7,500 square feet of existing outdoor cannabis cultivation. General and intensive agriculture and agriculture product processing are allowable use types for this designation.</p>
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible, and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,CT-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site is off of Upper Thomas Road, which is on the Public Works "APPROVED LIST" of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects issued by the Department of Public Works (see Attachment 4). From Upper Thomas Road at Mile Marker 0.8 is the applicant's private access, which does not serve other parcels.</p> <p>Humboldt County Department of Public Works recommended conditional approval. The Department of Public Works request the applicant to complete all recommendations in Segment 3, 4, and 5 found in the addendum by Stillwater Sciences dated October 5, 2018, and February 20, 2019, from the original report previously stamped and received by Humboldt County Building Division on January 8, 2018, which includes the road system past the County maintained road heading southerly. The project is conditioned for the applicant to adhere to all recommendations made by the Humboldt County Department of Public Works.</p>

Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The subject parcel was included in the 2019 Regional Housing Needs Allocation 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. The project is therefore consistent with the Housing Element.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The project is for the continued operation of cannabis cultivation and would not authorize any timber harvesting. The project would leave intact, the existing open space areas surrounding the cultivation areas as well as surrounding parcels. In addition, the project would remove existing cultivation from environmentally sensitive areas, allowing those areas to return to open space use, and relocate the cultivation to an environmentally superior upland site.</p> <p>The project can be found consistent with the Open Space Action Program because the project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation – an agricultural product – is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources. In addition, the project incorporates numerous conditions of approval related to the listed policies that would ensure resources are protected and is; therefore, consistent with the Open Space element.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p>	<p>The California Natural Diversity Database (CNDDB) did not show any known rare or sensitive species on the subject parcel. The nearest Northern Spotted Owl (NSO) Activity Center is located 1.92 miles east of the cultivation site and nearest NSO sighting is located 1.7 miles southeast of the cultivation site. The nearest mapped Marbled murrelet habitat is located 3.7 miles west of the project site. According to the Biological Resources Assessment (see Attachment 4) prepared by Natural</p>

	<p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>Resources Management Corporation, dated November 27, 2019, there were no special status species detected during the biological survey. The survey also concluded the project is not expected to have impacts on the Northern Spotted Owls. The project will be powered by propane and solar, with little use of generators. The survey recommends the applicant to keep noise levels at a minimum during the year-round operations in order to help maintain the quality of habitat for all wildlife species. All generators are kept in secondary containment. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat. Artificial lighting used in the propagation greenhouses will adhere to International Dark Sky standards as set forth in the CMMLUO. The project is also conditioned for the applicant to follow all recommendations found within the Biological Resources Assessment. As conditioned, the project therefore conforms with this section.</p> <p>The applicant is proposing to relocate an existing 7,500-square-foot cultivation area on the subject parcel to two environmentally superior locations. The applicant is relocating the cannabis due to the proximity of a class III watercourse. There are two different cultivation areas located on the parcel, one on the northern portion of the parcel and one on the southern portion of the parcel. On the northern portion of the parcel, cultivation will occur in cultivation will occur in two (2) 640-square-foot greenhouses, three (3) 576-square-foot greenhouses, and two (2) 416-square-foot greenhouses, totaling 3,840 square feet. On the on the southern portion of the parcel cultivation will occur in three 1,220-sqaure-foot greenhouses, totaling 3,660 square feet. There are two</p>
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		<p>360-square-foot propagation greenhouses located near the northern cultivation site. The Biological Resources Assessment states the pre-existing cultivation site is in a location that has been used as garden space since the 1970's. The applicants intend to use a portion of the pre-existing site for food production. The garden area will be outside the SMA setback requirements and there is no further restoration necessary.</p> <p>Irrigation water is sourced from a 250,000-gallon rainwater catchment pond located on APN 221-141-016. The applicant estimates 131,250-gallons will be required annually for irrigation. Water storage on the parcel consist of 250,000-gallon rainwater catchment pond, a 30,000-gallon rainwater catchment tank, and one 1,500-gallon hard storage tank. There is a total of 281,500 gallons of water storage on the parcel. The project is conditioned for the applicant to obtain an easement for the use of the 250,000-gallon rainwater catchment pond located on APN 221-141-016.</p> <p>According to the Biological Resource Assessment, the 1250,000-gallon rainwater catchment pond was observed to have at least 8 adult non-native bullfrogs present during a site inspection. As an ongoing condition for the life of the project, the applicant is required to comply with the attached "Bull Frog Management Plan" (see Attachment 4). The Biological Resource Assessment also recommends strict adherence Riparian Setback Requirements for Humboldt County and State Water Board and maintain quality habitat for amphibians and anadromous fish; drain the line rainwater catchment pond at the end of each growing season; no use of plastic support netting; and take appropriate measures to avoid any sediment runoff from the parcel to receiving waters. The project is conditioned for the applicant to follow all recommendations found within the Biological Resources Assessment prepared</p>
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		<p>by Natural Resources Management Corporation, dated November 27, 2019.</p> <p>CDFW was sent a project referral on February 7, 2020, however, no response was received. Staff reached out directly to CDFW staff on August 7, 2020. Describe outcome or conditions added to address typical CDFW comments.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>The subject project was referred to the Bear River Tribe on February 28, 2020. The Bear River Band of Rancheria commented on the project on May 12, 2020. No Cultural Resource Evaluation was requested. Standard Inadvertent Archaeological Discovery Protocol will be implemented during any project construction activities. As conditioned, the project therefore conforms to this section.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The subject application is for 7,500-square-foot of existing outdoor cannabis cultivation. Cultivation does not involve any lighting. Supplemental lighting will be used in the two proposed 360-square-foot greenhouses. The proposed light shields would ensure that light will not be visible from neighboring properties. As part of the Cultivation and Operations Plan compliance with the International Dark Sky Association standards for lighting Zone 0 and Lighting Zone 1 is included in project operations and also included as a condition of approval. The proposed project is not located in proximity to any scenic highway or roadway and, accordingly, light generated by the proposed project would not decrease the enjoyment of any user of a scenic highway or other scenic area within the vicinity of the proposed project. Therefore, as conditioned, the proposed project is consistent with this section.</p>
<p>Water Resources Chapter 11</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use</p>	<p>The applicant was required to enroll in the State Cannabis Discharge program by July 2021. Conditions of approval require the applicant to submit evidence of</p>

Stormwater Drainage	<p>decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>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. The project is consistent with the Water Resource policies of the General Plan.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.</p>	<p>The applicant is proposing to construct a permitted ADA restroom and hand washing facility. The project is conditioned for the applicant to utilize portable toilets to serve the cannabis operations until a permitted ADA restroom is constructed. The applicant shall 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 commercial facilities are constructed.</p>
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures. The nearest Northern Spotted Owl (NSO) Activity Center is located 1.92 miles east of the cultivation site and nearest NSO sighting is located 1.7 miles southeast of the cultivation site. The nearest mapped Marbled murrelet habitat is located 3.7 miles west of the project site. According to the Biological Resources Assessment (see Attachment 4) prepared by Natural Resources Management Corporation, dated November 27, 2019, there were special status species detected during the biological survey. The survey also concluded the project is not expected to</p>

		<p>have impacts on the Northern Spotted Owls. The project will be powered by propane and solar, with little use of generators. The survey recommends the applicant to keep noise levels at a minimum during the year-round operations in order to help maintain the quality of habitat for all wildlife species. All generators are kept in secondary containment. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat. As conditioned, the project therefore conforms with this section. The project is also conditioned for the applicant to follow all recommendations found within the Biological Resources Assessment.</p>
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The cultivation areas occur on slopes less than 15% and is seismically classified as high instability. There are no historic landslides located on the subject parcel. Staff does not believe the project will pose a threat to public safety related from exposure to natural or manmade hazards.</p>

<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at over 12 miles distance from the coast and elevation at approximately 1,380 feet above mean sea level and is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a high fire hazard severity. The subject property is located outside of the Briceland Fire Protection District boundary; however, the project is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires.</p> <p>The subject property contains an 250,000-gallon rainwater catchment pond, a 30,000-gallon rainwater catchment tank, and one 1,500-gallon hard storage tank. The applicant proposes to implement a 2,500-gallon water tank dedicated to fire suppression. The rainwater catchment pond and tank will also provide additional fire protection on site. The project would provide adequate site access and driveways, setbacks, turn-a-rounds, and signing and building numbers to conform with standards conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The subject parcel is located outside the Briceland Fire Protection District boundary and it is assumed that no service would be available from the District, and that no acknowledgment would be received. For this reason, conditions of approval for the proposed project require the applicant to record an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>

	For discretionary permits findings shall be made that no service is available, and the project shall be conditioned to record acknowledgment of no available emergency response and fire suppression services.	
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G3) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.	Applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The subject parcel has been determined to be one legal parcel (lot 3) as shown on Parcel Map recorded in Book 3 of Parcel Maps page 5.
§314-8.1 Unclassified Zone	This area has not been sufficiently studied to justify precise zoning classifications.	The applicant is seeking a Special Permit for 7,500-square-feet of outdoor cannabis cultivation. The existing cultivation is specifically allowed with a Special Permit in this zoning district and under Section 314-55.4.8.2 of the CMMLUO.
Minimum Lot Size:	6,000 square feet	38.99-acres

Maximum Ground Coverage:	Forty percent (40%)	<10%
Minimum Lot Width:	Fifty feet (50')	1,250 feet
Maximum Lot Depth:	One Hundred Feet (100')	1,352 feet
Minimum Yard Setbacks: (Through the SRA setbacks)	Front: 20 feet Rear: 20 feet Side: 30 feet SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Sides: >30 feet
Max. Building Height:	None Specified	<35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	The parcel is situated above Hacker Creek. The project site is located approximately 1,147 feet north from the Streamside Management Area. The applicant will be utilizing a 250,000-gallon rainwater catchment pond located on APN 221-141-016 as the source for irrigation. According to the Biological Report prepared by Natural Resources Management Corporation, dated November 27, 2019, the applicant will be relocating two existing cultivation sites that are in close proximity to a Class III watercourse. Cannabis will be located in two different areas on the parcel. There will be 3,660 square feet of cannabis located on the southern side of the parcel and 3,840 square feet of cannabis will be located on the north side of the parcel. The applicant will be utilizing timed irrigation and watering techniques that will help prevent runoff. Straw wattle will also be placed around the cultivation sites. Because most of the cultivation is located on slopes less than 15% and the applicant will be implementing a site drainage and runoff plan, staff does not believe the project will have an impact on any Streamside Management Areas (SMA).
§314-109.1	Off Street Parking for Agricultural use*: Parking	5 spaces

Off-Street Parking	<p>space per employee at peak shift. A minimum of three parking spaces are required.</p> <p>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</p>	
314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2 Timber Conversion	Commercial cannabis cultivation is allowed on parcels zoned U, with no parcel size limitation. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area.	A review of aerial imagery on the Humboldt County WebGIS shows the parcel has a naturally open area where domestic and cultivation activities have occurred. Tree removal that could constitute a timber conversion does not appear to have occurred because the existing stands of trees appear to be the same that are currently only the site. No observed conversion has occurred since the adoption of the CMMLUO. No trees are proposed to be removed as part of the project.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	<p>On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation.</p> <p>A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1-acre, zoned U.</p>	The proposed action is for a Special Permit for an existing 7,500 square foot cannabis cultivation operation on APN 221-141-017, which is a 38.99-acre parcel zoned U. Aerial imagery on TerraServer® indicate that existing cultivation operations on the property prior to January 1, 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Special Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, Andy Stanbury, has applied for two other cannabis activity permits, and is entitled to four. This application is for one permit (existing

		cultivation). The applicant has applied for a total of three permits.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Drying and curing of cannabis will occur in a 416-square-foot utility building. Trimming will occur offsite by a licensed processing facility.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	The applicant estimates a maximum of 131,250 gallons of stored rainwater will be required annually for irrigation. The water source for the irrigation is a 250,000-gallon rainwater catchment pond located on APN 221-141-016. There is 281,500 gallons of water storage on the parcel. the project complies with the referenced section.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The site plan illustrates that all cannabis cultivation areas are set back at least 30 feet from property lines. The site plan notes, and review of aerial imagery verifies, that there are no schools, school bus stops, public parks, places of worship, or tribal cultural resources within 600 feet of the project site. Based on Tribal review there are no TCRs present on the site.
§314-55.4.11.o Performance Standards-Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must	The nearest Northern Spotted Owl (NSO) Activity Center is located 1.92 miles east of the cultivation site and nearest NSO sighting is located 1.7 miles southeast of the cultivation site. The nearest mapped Marbled murrelet habitat is located 3.7 miles west of the project site. According to the Biological Resources Assessment (see Attachment 4) prepared by Natural Resources Management Corporation,

	also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.	dated November 27, 2019, there were special status species detected during the biological survey. The survey also concluded the project is not expected to have impacts on the Northern Spotted Owls. The project will be powered by propane and solar, with little use of generators. The survey recommends the applicant to keep noise levels at a minimum during the year-round operations in order to help maintain the quality of habitat for all wildlife species. All generators are kept in secondary containment. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat. As conditioned, the project therefore conforms with this section. The project is also conditioned for the applicant to follow all recommendations found within the Biological Resources Assessment.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 21, 2016.

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

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4 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 approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause 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 Requirement	Evidence that Supports the Required Finding
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 subject parcel was included in the 2019 Regional Housing Needs Allocation Land Inventory. The proposed project does not preclude future residential development on the subject parcel.

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

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

ATTACHEMENT 3
CEQA Addendum

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

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

APN 221-141-017, 2233 Road B, Honeydew, County of Humboldt

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

September 2020

Background

Modified Project Description and Project History - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting."

A Special Permit for an existing 7,500-square-foot outdoor cultivation. Cultivation activities extend from April to September. The applicant is anticipating two cultivation cycles per year. The project involves an onsite relocation of one existing cultivation area to two environmentally superior locations on the subject parcel. There are two different cultivation areas located on the parcel, one on the northern portion of the parcel and one on the southern portion of the parcel. On the northern portion of the parcel, cultivation will occur in two (2) 640-square-foot greenhouses, three (3) 576-square-foot greenhouses, and two (2) 416-square-foot greenhouses, totaling 3,840 square feet. On the southern portion of the parcel cultivation will occur in three 1,220-square-foot greenhouses, totaling 3,660 square feet. There are two 360-square-foot propagation greenhouses located near the northern cultivation site. Artificial lighting used in the propagation greenhouses will adhere to International Dark Sky standards as set forth in the CMMLUO. Processing, such as drying and curing, will occur in a 416-square-foot utility building. Trimming will occur offsite by a licensed processing facility. Further processing, such as trimming, will occur offsite at a licensed processing facility. There will be a maximum of two people working on-site.

Irrigation for the project will be sourced from a 250,000-gallon off-stream pond located on APN 221-141-016 and a 30,000-gallon rain catchment tank. The applicant estimates 131,250 gallons will be required annually for irrigation. Water storage on the parcel consist of 250,000-gallon off-stream pond, a 30,000-gallon rainwater catchment tank, and one 1,500-gallon hard storage tank. There is a total of 281,500 gallons of water storage on the parcel. The project will be powered by propane and solar, with a backup generator.

According to the California Natural Diversity Database (CNDDB) there are no known rare or sensitive species on the subject parcel. The nearest Northern Spotted Owl (NSO) Activity Center is located 1.92 miles east of the cultivation site and nearest NSO sighting is located 1.7 miles southeast of the cultivation site. The nearest mapped Marbled murrelet habitat is located 3.7 miles west of the project site. According to the *Biological Resources Assessment* prepared by Natural Resources Management Corporation, dated November 27, 2019, there were no special status species detected during the biological survey. The survey also concluded the project is not expected to have impacts on the Northern Spotted Owls.

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

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section

15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize 7,500 square feet of outdoor cultivation processing and remediation of a historic cultivation area to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

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

- Operations Plan for Andy Stanbury; APN 221-141-017 prepared by the Applicant, August 8, 2019.
- Site Plan for Andy Stanbury; APN 221-141-017 prepared by the Applicant, June 5, 2020.
- Biological Report for Andy Stanbury; APN 221-141-017 prepared by Natural Resources Management Corporation, February 5, 2020.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact, address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet (Attached).
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (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. (Not Applicable)
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. DEH Worksheet (On file)
16. Road Evaluation Report prepared by Stillwater Sciences dated May 31, 2019. (Attached)
17. Biological Report prepared by Natural Resources Management Corporation dated January 14, 2020. (Attached)

Cultivation and Operations Plan

Project Description: Application for outdoor cultivation of 7,500 square feet.

Water

Source and Storage

Water for cultivation is obtained entirely through winter Rain Catchment on the neighboring 40 acre parcel under the same ownership, and is stored as follows:

Storage Type	Quantity	Capacity	TOTAL
Rain catchment lined reservoir	1	250,000	250,000 gallons
Rigid steel rain catchment water tank	1	30,000	30,000 gallons
Poly water tank	1	1,500	1,500 gallons
			281,500 gallons

Irrigation Plan

Cultivation irrigation is through a timer controlled dripper/emitter system for precision watering. Emitters produce 0.21gpm at 25psi; the water pressure on the cultivation site is approximately 10psi. This system conserves water and prevents run off. Water from the lined reservoir or rain catchment tank is pumped to an elevated irrigation tank in the cultivation area via a solar powered electric pump that automatically shuts off when the irrigation tank is full, thus preventing overflow.

Projected Water Usage

Estimations are based on approximately 10psi of water pressure on the cultivation site.

Total Usage: 937.5 gallons per day or approximately 28,125 gallons per month.

Approximate total annual usage (two 70-day growing periods) would be 131,250 gallons of stored rainwater. Water usage will be recorded monthly and annual totals made available to the State Water Quality Control Board.

Site Characteristics

Site drainage

The cannabis cultivation area is designed around a swale drainage system that captures storm water flows.

Runoff and Erosion Control Measures

Due to the dripper system (see above) there is no runoff, and no erosion issues from cultivation activity in the area. No water will enter the precautionary swale drainage system from the cultivation area. There is no erosion on the cultivation site and there are buffers of native vegetation maintained around area. The rainwater catchment reservoir is lined and has a rock-lined overflow spillway.

Watershed & Habitat Protection / Sustainable Farming Practices

Measures taken to improve watershed conditions and protect habitat on this property include:

1. Water is collected for irrigation in a rain catchment reservoir and in tanks; springs and streams on the property are not used for irrigation in cannabis cultivation. The applicant is enrolled in the Regional Water Board's Cannabis Discharge Waiver Program, and the California State Cannabis General Order.
2. Rainwater is collected in the winter months for summertime use.
3. Soil is kept moist at all times by minimal daily watering via drippers for efficient soil water retention and run off prevention.
4. Sustainable composting practices are in place.
5. Soil recycling and revitalization practices are in place using beneficial bacteria, compost and other organic material.
6. Organic farming practices are implemented using only OMRI certified nutrients, fertilizers and soil.
7. Wildlife fencing is in place around the rainwater catchment reservoir.
8. A layer of wood chips will be spread in the cultivation areas to promote microbial health, reduce ground temperature and deter pests.
9. Since the parcel was acquired in the early 70's, wooded areas on the property have not been modified for the purpose of cannabis cultivation. In the past trees have been felled in order to maintain the land, reduce fire hazard and manage sudden oak death. Thus, a less-than 3-acre conversion exemption is not needed.

10. Roads and pathways are monitored and maintained to reduce land impact. Ditches and rolling dips are in place and maintained regularly.
11. All culverts are cleared of debris each fall and spring.
12. Generators with decibel levels of less than 59 are used.
13. If lighting is used to work under, the greenhouse area is covered with a tarp to ensure no impact on surrounding wildlife. All bulbs used are low wattage (13 watt) fluorescents.
14. Consolidation plan: Previous outdoor cultivation area decommissioned and relocated nearby to improve control over water usage. This also reduced road use. Cultivation is now in natural light greenhouses to establish better water and fertilizer management and minimize impact on the landscape. Cultivation sites are now isolated from the immediate homestead area, allowing for better security. Agricultural Exempt Building Permits will be obtained for this structures

Description of Cultivation Activities

Eight outdoor natural light greenhouses of varying sizes are in cultivation areas totaling approximately **7,500** square ft.

Two grow cycles take place per season.

Schedule of activities during each month of the growing and harvesting season:

- January – Winter monitoring of site.
- February - Winter monitoring of site.
- March - Amend soil and prepare garden space.
- April - Propagate plants, Plant crop, water and maintain crop
- May - Water and maintain crop
- June - Water and maintain crop. Propagate new plants.
- July - Harvest crop, dry and cure, amend soil and replant, water and maintain crop
- August - Water and maintain crop
- September - Harvest crop, dry and cure.
- October - Prepare cultivation area for winter
- November- Prepare the cultivation area for winter.
- December- Winter monitoring of site.

Description of projected generator use, power source and storage

A Honda 2000 low decibel (less than 59 decibel) gasoline generator is used minimally (approximately ten hours per week) to support cultivation related work such as tilling of soil using a small handheld tiller. The generator is regularly checked and

maintained by RazurSharp Power Equipment, Eureka, California. Safe gasoline handling practices are in place, fuel is kept secure in secondary containers and personal protective equipment is used when handling fuel. There is a fire extinguisher present in the cultivation area.

Protocols for storage and use of fertilizers, nutrients and other products

All products used in cannabis cultivation are stored within a covered shed and are kept in secure containers. All liquid material is safely contained within secondary containers. For soil revitalization and recycling, non-synthetic organic amendments are used (Roots Organic). These are tilled within contained soil bags using a small hand tiller. All soil is recycled; no soil is allowed to enter the environment outside of the cultivation area. Only OMRI certified organic materials are used (Doctor Earth All Purpose Fertilizer, Aurora Innovations Buddha Bloom, Nuke 'Em Organic Insecticide, Earth Juice Rainbow Mix Pro Grow, Xtreme Gardening Mykos Organic Root Enhancer; Safety data sheets of these materials are attached below). These materials come only into contact with the plants themselves and the soil inside soil bags in the cultivation areas. Compostable materials such as leaves and other plant materials are composted in a designated area.

Processing Plan

Processing activities that occur onsite are removal of cannabis flower from plants in the cultivation area, and drying and curing of the product.

Processing location

Drying and curing takes place in a drying shed noted on the map.

Employees

There are no employees as this is an owner family operated farm. There will be four to five individuals on the property carrying out cultivation and drying activities.

Summary of Processing Practices

1. A clean working environment is maintained during all stages. Work surfaces and equipment are kept in a sanitary condition. Protocols to prevent contamination in place include sanitation standards and correct drying techniques. All individuals conducting processing follow hand washing procedures and use gloves.
2. Harvested plants are transported from the cultivation area to the drying shed where the plants are inspected and processed. All wet processing work is performed using gloves and clippers cleaned with isopropyl alcohol.
3. Material is hung in the drying shed for approximately 10 days. Drying is achieved via natural heat retention of the drying shed. During the drying process material is monitored for moisture content and microbial issues.
4. Once the product has reached the desired moisture content it is placed in sealed containers to cure for approximately two weeks, to ensure even moisture content and avoid contamination.

5. Post drying, containers are moved to an offsite processing/trimming facility. The product is then stored in sterile sealed containers to await distribution.

Equipment in cultivation and drying area

Personal protective equipment including gloves and respiratory protection masks are available for use where needed.

Scissors, clippers and reusable gloves are used in harvesting and curing.

There is a fire extinguisher located in the cultivation area

First aid and eye washing kits are located on the property.

There is an emergency contact list available which is visibly posted in the cultivation and drying areas including:

Salmon Creek Volunteer Fire Department Chief Dan Gribi (707) 358-0000

Cal Fire Weott (707) 946-2215

Jerald Phelps Community Hospital (707) 923-3921

California Poison Control Centre 1800-222-1222

Humboldt County Sheriff's Department (707) 923-2761

Road Use

Roads and culverts are monitored and maintained all year round. Roads are inspected regularly to ensure there are no structural changes occurring. No increased road use is expected from cannabis cultivation activities as this is a family operated farm and there are no employees. There are appropriate road exits from the property in case of fire, and a fire escape plan is in effect. There is a Salmon Creek volunteer fire engine stationed within a mile of the cultivation areas. There is an appropriate fire prevention plan in effect including fuel safety and secondary containment, emergency fire water storage and a fire extinguisher located in cultivation area.

Security Plan

As the cultivation is family owned and operated only four to five individuals have access to the property and cultivation area. There are three full time residents living on the property. A locked security gate is located at the entrance to the property to prevent public access. A neighborhood watch program is in place in Salmon Creek to alert to possible suspicious activity or vehicles. 'No Trespassing' signs, a motion sensor camera and lights will be posted on the single-access road to deter and alert to any incoming traffic. The property is located at the end of a single lane private road, which is visually obscured from the main road. The drying facility is located in a secure shed with lockable doors and windows. Operations are discreet, are conducted within the cultivation and drying areas, and are not visible from the main road.

Department of Environmental Health Information

Hand washing, Toilet and Onsite Wastewater

Hand washing: There is a sink for hand washing inside the dwelling.

Toilet: During the cultivation season March- September there will be a portable toilet (BB Portable Toilets company) located on the site.

Onsite wastewater: Not applicable

Plans for the construction of a permanent to-code toilet and hand washing facility for the farm are in progress.

Water use

The water sources on the property are spring water for drinking and household use and rainwater collected in a reservoir during winter months for agriculture (see above). The projected water usage during operational periods is as described above.

Hazardous Materials

Soil amendments, nutrients, beneficial bacteria and insecticide: All products used are correctly stored on shelves in a wildlife proof secure shed with a painted wooded floor. All containers used are approved and secondary containment is used for all liquid products. All products used are organic OMRI certified (Products used: Doctor Earth All Purpose Fertilizer, Aurora Innovations Soul and Buddha Bloom, Nuke 'Em Organic Insecticide, Earth Juice Rainbow Mix Pro Grow, Xtreme Gardening Mykos Organic Root Enhancer. Safety data sheets are attached below).

Fuel: Gasoline is stored in approved hazardous material containers inside a covered shed. Approved handling procedures are in place to prevent spillage. All gasoline containers are placed in secondary HazMat containment trays.

Cleaning products: Alcohol and natural cleaning products are used to clean small hand tools and surfaces. These are stored on a high shelf in a covered shed in small secure containers, with secondary containment.

Solid Waste/Recycling

Storage: Waste is separated for recycling and stored in secure lidded containers in a garden shed (see site plan). At the cultivation area there are secure lidded waste collection containers.

Disposal Facility: Solid waste is disposed of at Eel River Disposal on a weekly basis.

Soil and biological materials: All soil is tilled and revitalized for the next season. All biological waste is composted in an environmentally protective manner.

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
Department of Public Works Land Use Division	✓	Conditional Approval	Attached
Bear River Band Rohnerville Rancheria	✓	Conditional Approval	On file
NWIC	✓	Conditional Approval	On file
Humboldt County Sheriff's Office	✓	Approved	On file
Division of Environmental Health		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 August 7, 2020.
Intertribal Sinkyone Wilderness Council		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 & I 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: Chris Alberts, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 02/24/2020

RE:

Applicant Name	ANDY STANBURY
APN	221-141-017
APPS#	PLN-12207-SP

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

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

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

No re-refer is required.

Additional comments/notes:

Applicant has submitted a road evaluation report, stamped received by the Humboldt County Planning Division on May 31, 2019, with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed.

The addendum by Stillwater Sciences dated October 5, 2018 and February 20, 2019 from the original report previously stamped received by Humboldt County Building Division on January 8, 2018 includes the road system past the County maintained road heading southerly.

The Department requires all recommendations in Segment 3, 4, and 5 be completed.

Each road evaluation form provided with the addendums are completed for multiple parcels, none of which are the subject parcel. The County does not see the subject parcel in any of the road evaluation forms. Advise that the Planning Division obtain acknowledgement from the Engineer stating that this project is covered under this report or provide an addendum to the report for the additional project site.

Note: The requirement to surface the end of Thomas Road (County maintained portion) was recently completed by the local community. Donations are being accepted by the applicant that coordinated the work. Applicant should contact the road maintenance association if they did not participate in completing this requirement.

// END //

From: [Alberts, Chris](#)
To: [Hollis, Jonathan@Wildlife](mailto:Hollis_Jonathan@Wildlife)
Cc: [Bocast, Kalyn@Wildlife](mailto:Bocast_Kalyn@Wildlife)
Subject: 12207-Referral Comments- APN 221-141-017
Date: Friday, August 7, 2020 11:16:00 AM
Attachments: [12207 Biological Report 02.05.2020.pdf](#)
[image001.png](#)

Good Morning,

I am anticipating on scheduling the subject project for the September 17, 2020 Zoning Administrator Hearing. I am reaching out for any comments or concerns you may have for the project. I attached the Biological Resources Assessment that was prepared for the project. Please let me know if I can provide you with anything else.

Best,



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



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