



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: September 3, 2020

To: Humboldt County Planning Commission

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

Subject: **Adesa Organic, LLC, Conditional Use Permit**
Application Number 11923
Case Number PLN-11923-CUP
Assessor's Parcel Numbers (APNs) 315-145-002, 315-211-003 and 315-211-004
23550 Maple Creek Road, Korbel, Maple Creek area

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Please contact Cliff Johnson, Supervising Planner, at 707-268-3721 or by email at cjohnson@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 | Conditional Use Permit | Cliff Johnson |

Project Description: Conditional Use Permits for 86,400 square feet of new mixed-light cannabis cultivation with proposed rainwater catchment ponds and on-site processing on one parcel consisting of Assessor's Parcel Numbers (APNs) 315-145-002, 315-211-003, and 315-211-004, which will be approximately 443 acres in size after recording of a Notice of Merger. Two mixed-light greenhouses cultivation areas of 43,200 square feet each are proposed within a single consolidated site. Annual water use is expected to be approximately 1,864,000 gallons for irrigation needs and approximately 468,000 gallons for restroom facilities, for a total of approximately 2,332,000 gallons. Two rainwater catchment ponds totaling 4,330,000 gallons are proposed to provide the primary sources of irrigation. Power is proposed to be provided by a combination of solar power and diesel generators. A maximum of 20 employees are proposed. **This item was continued from the August 6, 2020 to the August 20, 2020 Planning Commission meeting in order to provide input from the California Department of Fish and Wildlife. CDFW staff did not attend the meeting of August 20, 2020 and the Planning Commission again continued this to request CDFW staff attend the Planning Commission meeting.**

Project Location: The project site is located in Humboldt County, in the Maple Creek area, on the east side of Maple Creek Road, approximately 8.0 miles south from the intersection of Butler Valley Road and Maple Creek Road to a private road, on the property known to be in Section 2 of Township 03 North, Range 03 East and Section 35 of Township 04 North, Range 03 East Humboldt Base and Meridian. The site address is 23550 Maple Creek Road, Korb, CA 95550.

Present Plan Land Use Designations: Agricultural Grazing (AG), Density: 20-160 acres per dwelling unit; Timberland (T): 23 acres of APN 315-211-004, Density: 40-160 acres per dwelling unit; Humboldt County General Plan, Inland General Plan (2017); Slope Stability: High Instability (3).

Present Zoning: Agricultural Exclusive (AE), with a Special Building Site combining zone specifying that the minimum parcel size is the per the subdivision map of record (B-5); Timber Production Zone (TPZ): 13.5 acres of APN 315-211-003. No project facilities are located in the TPZ-zoned areas on the project site.

Application Number: 11923

Case Number: PLN-11923-CUP

Assessor Parcel Numbers: 315-145-002, 315-211-003 and 315-211-004

Applicant

Adesa Organic, LLC
Attn: Laura Borusas
730 7th St. Suite 202
Eureka, CA 95501

Owner

AMT, LLC
c/o Equity Holders Rep, LLC
585 Mt. Curre Blvd.
St. Paul, MN 55116

Agent

SHN Engineers and Geologists
Attn: Stein Coriell
812 W. Wabash Ave.
Eureka, CA 95501

Environmental Review: An Initial Study/Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000-21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387).

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

Major Issues: None

ADESA ORGANIC, LLC
Case Number PLN-11923-CUP
Assessor's Parcel Numbers 315-145-002, 315-211-003 and 315-211-004

Recommended Commission Action

1. Describe the application as a Public Hearing;
2. Request staff to present the project;
3. Open the public hearing and receive public testimony; and
4. Close the public hearing and take the following action:

Adopt the Mitigated Negative Declaration prepared for the Adesa Organics LLC project pursuant to Section 15074 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the proposed Adesa Organic, LLC project subject to the recommended conditions.

Project Continuance

This project was originally heard on the August 6, 2020 Planning Commission meeting. At that meeting the project was discussed, and commissioners expressed concern that the California Department of Fish and Wildlife (CDFW) did not provide substantial comments. The Commission voted to continue the project to the August 20, 2020 to allow the Department to reach out for additional comments from CDFW. CDFW comments were included in the August 20, 2020 agenda packet. These comments are included in Attachment 6 and a county response is included in Attachment 7.

CDFW staff did not attend the August 20, 2020 meeting and the Planning Commission again continued the application to request CDFW staff attend on September 3, 2020.

Executive Summary

Adesa organics, LLC has applied for Conditional Use Permits for 86,400 square feet of new mixed-light cannabis cultivation with proposed rainwater catchment ponds and on-site processing on one parcel consisting of Assessor's Parcel Numbers (APNs) 315-145-002, 315-211-003, and 315-211-004, which is approximately 443 acres in size after recording of a Notice of Merger. Two mixed-light greenhouses cultivation areas of 43,200 square feet each are proposed within a single consolidated site. Annual water use is expected to be approximately 1,864,000 gallons for irrigation needs and approximately 468,000 gallons for restroom facilities, for a total of approximately 2,332,000 gallons. Two rainwater catchment ponds totaling 4,330,000 gallons are proposed to provide the primary sources of irrigation. Power is proposed to be provided by a combination of solar power and diesel generators. A maximum of 20 employees are proposed.

The proposal for almost 2 acres of new cultivation is in accordance with Section 314-55.4.8.2.1.1 which states that on parcels 320 acres or larger in size, one additional cultivation area of up to one acre each for each hundred acre implement may be issued with a Use Permit. The project site, which will consist of one legal parcel of 443 acres after recording of a Notice of Merger, would potentially be eligible for up to 4 acres of new cultivation under this provision however the applicant has chosen to request approval of half of what is potentially permittable. The location is in the Maple Creek area, in an area that has historically been very large land holdings held for cattle grazing and timber management, with very little development other than single family residences and agricultural outbuildings.

In this particular portion of the Maple Creek area, which is towards the end of Maple Creek road and north of the Mad River, approximately a dozen commercial cannabis applications were made before the January 1, 2016 deadline under the CMMLUO. Only three of these applications remain in the permit process with all others having either been denied or closed due to inactivity. All three of these applications are for multiple acres of new cultivation under the provisions of Section 314-55.4.8.2.1.1. This is the first of these cannabis applications that is being brought forward for a consideration of approval because this is the first

application that has submitted enough information that demonstrates that potential significant impacts on the environment may be mitigated to a less than significant level.

No commercial cannabis applications have yet to be approved in this particular area and concern has been raised by referral agencies and members of the public regarding the potential of new cannabis applications to disrupt the incredibly high habitat values of the area and the overall scenic and rural quality of life. The CMMLUO does not distinguish between any one portion of the county and another, and the subject property's parcel size, zoning, general plan designation and access are all appropriate for cannabis permitting under the CMMLUO. The project has been designed to minimize the impacts of new development on the surrounding area, including the use of a van pool to limit traffic to no more than ten trips per day and the placement of the new greenhouses in a location where they will not be visible for surrounding properties or any public vantage point. Nonetheless, the Planning Commission should consider whether this portion of Maple Creek, with its historical very low density and passive agricultural uses, is appropriate for permitting of more intensive agricultural uses such as commercial cannabis.

The following is a detailed description of the proposed cannabis project:

Development

- Existing Agriculture-Exempt Barn – Storage Space: One existing 1,664-square-foot agriculture-exempt barn constructed in 2009 is proposed to be used for agricultural storage. The project proposes to install rooftop solar panels on this structure.
- Existing Agriculture-Exempt Barn – Drying Space: A second 3,200-square-foot agriculture-exempt barn constructed in 2009 is proposed as the drying facility. This structure is proposed to be remodeled and expanded by about 50%.
- Proposed Cultivation Area: Two 43,200-square-foot mixed-light greenhouse cultivation areas are proposed. These greenhouses would be a single, combined structure similar to those provided by Prins Greenhouses (gutter connect) and would be equipped with light-deprivation kits that include an automated system that will pull fire-retardant, light-blocking curtains composed of three layers of polyolefin and polyester over the greenhouse sections to prevent light spillage. The greenhouses would be modularized with poly-wall separations allowing multiple, independently-controlled chambers. Greenhouse floors would be permeable. A utility area would be present on the north side of the structure and would contain the fertilizing irrigation system, electrical system, generator shed, and three 10,000-gallon water tanks. Fourteen stand-alone air conditioning units would be placed along the east side of the structure.
- Proposed Bathroom and Onsite Wastewater Disposal System: An ADA-compliant bathroom is proposed to be constructed near the existing building on APN 315-211-003 and in proximity of the existing agriculture-exempt barn that will be used as a storage area.
- Proposed Photovoltaic System and Battery Sheds: An approximately 10,000-12,000-square-foot photovoltaic (PV) system is proposed with an associated 500-square-foot battery shed on the hillside to the north of the greenhouses. The PV system would be located near the proposed cultivation area. The PV system is proposed to consist of an array of low, ground-mounted panels. The PV system would be constructed in sections to meet operational need.
- Proposed Generators and Diesel Tanks: Two 500-kilowatt (kW) diesel-powered generators are proposed. The generators will be self-enclosed and will provide power to the project, in combination with the PV array and proposed rooftop photovoltaic panels. Two 5,000-gallon diesel tanks are proposed, each with adequate secondary containment required by 40 CFR 264.193(e).
- Proposed Rainwater Catchment Ponds: Two rainwater catchment ponds are proposed for construction in order to provide the primary source of irrigation water required for the cannabis cultivation operation. Pond A, proposed for a location near the processing facility (sheet C-1), will have a surface area of up to 53,835 square feet and an average depth of up to 8 feet for a storage capacity of up to 3,221,000 gallons. Pond B, proposed for a location west of the cultivation area and away from other infrastructure will have a surface area of up

to 18,010 square feet and an average depth of up to 8 feet for a storage capacity of up to 1,077,000 gallons. The second pond would only be built on an as-needed basis.

- Wells: There is an existing, permitted well located to the north of proposed cultivation area, which would provide a potential source of irrigation water and sanitation water for the cultivation and processing operation. The well water would serve as a backup to rainwater catchment and would be stored in the ponds, as needed, to meet any forbearance requirements and irrigation or operational needs.
- Proposed Parking Area: The proposed parking area is located adjacent to the existing agriculture-exempt barns that will be used for drying and storage, and would provide parking spaces for up to 3 shuttle vehicles identified in the applicant's transportation plan that mandates the use of company shuttles for transporting employees to the project site. One ADA-compliant parking space is proposed and is the only area in the parking lot that is proposed to be paved.

Cultivation and Drying Activities

Adesa Organic, LLC proposes three harvest cycles per year. The project plans to stagger operations such that there is a harvest every week from mid-April until the first week of November. Approximately 4,104 square feet of flowering canopy will be harvested every week. Each flowering cycle is expected to take 64 days.

Cultivation activities will occur year-round, with a "hibernation period" between November and mid-January when only a portion of the "mother plant" section of the greenhouse is kept vegetated. In mid-January, the first round of clones is cultivated. First harvest occurs mid-April and continues in staggered succession until the first week of November as described above. This will require supplemental lighting during both the vegetative and flowering phases of cultivation (see Lighting). Amendments, fertilizers, nutrients and other materials used in cultivation operations will be stored in the proposed storage building. All materials are certified organic and Material Safety Data Sheets for proposed fertilizers and pesticides have been submitted to the County as part of the application.

Processing will not occur onsite. There is a proposed drying facility on APN 315-211-003. The drying room will be temperature and humidity controlled. Flowers are minimally processed at harvest, with removal of fan leaves, and then dried and cured. Trimming and packaging will occur at an offsite facility by a licensed processor.

Hours/Days of Operation and Number of Employees

There will be approximately fifteen full-time employees and up to five part-time employees for the Adesa Organic, LLC operations. Part-time employees will be hired during harvest for up to 10 days per month. There will be at least one security guard at the greenhouse location and at the processing facility. The project proposes approximate operating hours of 9:30 a.m. to 5:00 p.m. daily.

Access/Parking

The project is accessed from Butler Valley Road which is a County-maintained road and is not identified as needing evaluation in the Humboldt County Department of Public Works referral response. From Butler Valley Road, the project site is accessed via approximately 8 miles of Maple Creek Road, which is a County-maintained road that provides access to rural residential, agricultural and public facilities, including Maple Creek School. The applicant provided documentation of evidence that the entire section of Maple Creek Road from Butler Valley Road to the intersection of the private driveway leading to the project site is equivalent to a Road Category 4 Standard. This report, accompanied by photographs, showed that much of the road is at least 20 feet wide and also documents points that are narrower than 20 feet. The road is also described as having turnouts, wide shoulders and driveway entrances in places that will allow passing.

The applicant retained SHN Consulting Engineers and Geologists to prepare a road evaluation report for the 1.1-mile section of private drive between Maple Creek Road and the barn complex. The road is an average of 15 feet wide and with a grade that varies between 0-15%. The report identified the road as being very low traffic with 10 or fewer average daily trips. Recommended improvements included

installing additional turnouts and rocking the surface (SHN December 2016a). The Department of Public Works referral response indicates that the intersection of Maple Creek Road and the Adesa Organic, LLC access road will need to be upgraded to meet the County visibility ordinance and encroachment ordinance standards.

Designated parking is located near the drying building and will include at least one ADA-accessible spot. The proposed parking lot would provide parking spaces for up to 3 shuttle vehicles identified in the applicant's transportation plan, in addition to spaces for 3 more vehicles and one ADA-compliant parking space. The ADA-compliant parking space is the only area in the parking lot that is proposed to be paved. Emergency vehicle turnaround is located near the proposed pond on the Adesa Organic, LLC project and is depicted on the site plans.

Traffic

The project proposes to minimize the usage of Maple Creek Road by having a company van or vans pick up employees at their place of residence in Eureka and Arcata each day to shuttle them to the project site for their shifts. The transportation plan for the project requires that employees utilize these shuttles to minimize vehicle trips on Maple Creek Road. A fuel truck will visit the site every two weeks to deliver diesel fuel. The Road Evaluation Report submitted in December 2016 estimated the average daily trips to the site at 10 or fewer at full build-out, for the combination of both Adesa Organic, LLC.

Soils

The project cultivation activities for Adesa Organic, LLC are located on prime soils. A prime agricultural soil assessment conducted by Dirty Business Soil Consulting and Analysis for the five APNs for Adesa Organic, LLC projects concluded that there is a total of 18.4 acres (800,365 square feet) of prime agricultural soil. The project will occupy less than 11% of the total prime soils identified on the property. Through tribal consultation with the Bear River Band of Rohnerville Rancheria, a shift of some of the cultivation area off of prime soils was deemed preferable to avoid impacts to cultural resources. Both greenhouses are at least partially situated on the prime soils. While the Bear River Band was supportive of the location of the greenhouses closer to the cultural resource with appropriate conditions incorporated, the Tribe has asked the County to allow for the greenhouses to be shifted in order to further avoid the resource.

Lighting

The applicant proposes to use mixed lighting for cultivation which means that at certain times of the year artificial lighting will be used in the greenhouse structures. The vegetative greenhouse space will have supplemental light to ensure a consistent 16 hours of sunlight every day from 6:00 a.m. to 10:00 p.m. The light plan for the flower space will also adjust with the season to ensure 12 hours of sunlight from 8:00 a.m. to 8:00 p.m. The amount of supplemental light used will depend on the sunrise and sunset times. The approximate number of hours per day that supplemental lighting will be used is contained in the lighting plan contained in the Cultivation and Operations plan submitted for the projects.

To ensure that light does not escape from the greenhouse structures at night, all illuminated areas within the greenhouse structures will be equipped with a light-deprivation kit. An automated system will prevent light spillage by drawing fire-retardant, light-blocking curtains composed of three layers of polyolefin and polyester over the lighted greenhouse sections.

Stormwater Management and Site Drainage

Development of the proposed project increases the amount of impervious surface on the parcels only slightly. The drying facility is an existing agriculturally-exempt structure that will be expanded by about 50%. The other proposed accessory structures will generally be small and detached.

The greenhouses will have permeable floors, but the greenhouses' permanently covered exteriors will create runoff. All runoff will be collected as a primary water source. Other areas, such as most of the proposed parking lot and driveways will not be turned into completely impervious surface. The ADA-compliant parking space will be fully paved. Improvements for managing road runoff are included in the Road Evaluation Report prepared by SHN Consulting Engineers and Geologists. The project is not located

in an area that is subject to Humboldt County Low Impact Development Standards.

All excess irrigation runoff will be captured and recycled through an Everfilt mixed-media filtration system. No excess irrigation water is anticipated to run off site. Site topography is relatively flat at the cultivation and processing sites, with the slopes of these sites being 5-15%. There will be erosion control measures surrounding the water tanks in case of any accidental leaking. Use of OMRI-certified organic amendments will also reduce the potential for stormwater pollution and any adverse impacts to the watershed. The Adesa Organic, LLC project is enrolled as a Tier 2 discharger under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Cultivation Waste Discharge Regulatory Program (CCWDRP). The Waste Discharge Identification number for the Adesa Organic, LLC project is W DID# 1B161705CHUM. A separate Water Resources Protection Plan has been developed for the project.

Riparian Habitat and Wetlands

Riparian habitat and wetlands occur in various places on the project parcels. There are five separate mapped creeks present across the two legal parcels, including Cowan Creek, two unnamed tributaries to Cowan Creek, an unnamed tributary to Wilson Creek and an unnamed tributary of the Mad River. All proposed cultivation areas and proposed support structures are located outside the minimum buffers required by the Humboldt County SMAWO Ordinance. The improvement of the existing access drive will require work to be done in riparian areas in order to improve and/or replace culverts and road crossings. This includes at least one new stream crossing that will be constructed within the Streamside Management Area. All work within the Streamside Management Area that is not exempt as repair and maintenance requires a permit under the county's Streamside Management Area and Wetland Ordinance (SMAWO). This work is proposed as part of the Conditional Use Permit request. All work within the Streamside Management Areas are required to provide mitigation under the Initial Study and Mitigated Negative Declaration.

Tree removal of trees less than 12 inches in diameter is proposed for the construction of turnouts for the 1.1-mile access road and for the new access road to the proposed pond. No other proposed project facilities require or will involve tree removal. All proposed project facilities for Adesa Organic, LLC are in areas that have expansive, unforested natural openings.

Water Sources and Usage

Water is primarily sourced from rainwater, collected from precipitation onto greenhouse roofs and ponds. The project will be able to collect approximately 2,888,000 gallons of rainfall each year from water falling directly onto two proposed ponds. The project will also collect approximately 3,312,000 gallons annually off of the greenhouse roofs. The total water that will be collected by rainfall catchment is approximately 6,201,000 gallons annually. There is an existing, permitted well located to the north of proposed cultivation area (sheet C-2, SHN February 2018a), which would provide a potential source of irrigation water and source for the drying facility and bathroom. The well water would serve as a backup to rainwater catchment and would be stored in the ponds as needed to meet irrigation or operational needs, and subject to forbearance if determined hydrologically connected to surface waters of the State.

The Adesa Organic, LLC project proposes to install three 10,000-gallon water storage tanks at its cultivation area for a total of 30,000 gallons of hard tank storage. The project also proposes to store water in two lined, open ponds. Pond A, located near the processing facility will have a surface area of up to 53,835 square feet and an average depth of up to 8 feet for a total storage capacity of up to 3,221,000 gallons. Pond B, located to the east of the cultivation area, away from other infrastructure, will have a surface area of up to 18,010 square feet and an average depth of up to 8 feet for a total storage capacity of up to 1,077,000 gallons. The total available water storage among the two proposed ponds and all hard tanks is 4,330,000 gallons. However, Pond B would only be installed on an as needed basis.

Annual water usage is estimated to be 1,864,000 gallons for the Adesa Organic, LLC. The ADA bathroom facility is also anticipated to require 468,000 gallons annually. The total annual water usage is estimated to be 2,332,000 gallons.

Drinking water for employees will be imported to the project site and provided in water coolers placed in

all work areas throughout the project area.

On-site Wastewater System

The project proposes a new onsite sewage disposal system to meet the needs of staff. This system will be constructed in accordance with the Humboldt County Department of Environmental Health sewage disposal system requirements. A site-specific Septic Suitability Report has been prepared for the project in accordance with the standards of the Humboldt County Division of Environmental Health, to assess soil and groundwater conditions for this system, determine feasibility and the necessary size of the system, and guide the proposed development. The system will include toilet and handwashing facilities in the proposed ADA-compliant bathroom near the processing and storage facilities.

Electrical Service

The project proposes the use of a mix of solar PV systems and generators to meet the energy demands of the mixed-light cultivation. Electrical infrastructure between generation systems and project facilities requiring power will need to be developed. The solar PV systems will have a maximum power output of 690 kW. Rooftop solar is also proposed on the agricultural storage building.

Generators proposed for the Adesa Organic, LLC project include two 500-kW Type 4 diesel-powered units. The generators will be self-enclosed and will provide power in combination with the proposed PV system. The Adesa Organic, LLC project will use up to approximately 135,859 gallons of diesel annually. A total of up to 10,000 gallons of diesel fuel storage will be installed for the Adesa Organic, LLC project, in two separate 5,000-gallon above-ground tanks.

Security

All greenhouses and processing buildings will be under off-site wireless camera supervision, including all doors, gates, storage and processing facilities. The drying facility and greenhouses will have a security officer present during all business hours. All employees will be background screened and only managers will have keys to locked areas such as the greenhouse, drying, curing, processing and storage facilities. All doors and gates will have motion-sensor activated cameras and lights. All doors will also have sensors and wireless transmission to notify when doors are opened outside business hours. A seed-to-sale software for tracking cannabis product will be implemented as part of the project as part of state requirements. Plants will be labeled, finished product will be accounted for by plant, and exchanges between distributors will take place in places with camera supervision. Those with access to the track-and-trace system will go through mandatory compliance training.

Easements

The project will be required to secure and record an easement for perpetual use and access to the portion of the 1.1-mile access road that traverses APN 315-222-008.

Easement and Williamson Act

The Adesa Organic, LLC project will be required to secure and record an easement for perpetual use, access, and maintenance of the portion of the 1.1-mile access road that traverses APN 315-222-008. The subject property is under Williamson Act contract and has a current lease for cattle grazing; the applicant plans to maintain this compatible agricultural use and Williamson Act enrollment. The County's Williamson Act Advisory Committee reviewed the project at its June 20, 2018 meeting and found the project to be consistent with the County's Williamson Act Guidelines and the Land Conservation Contract for the property.

Setbacks

There are no schools, bus stops, places of worship, public parks, public lands, or Tribal Cultural Resources within 600 feet of the proposed cultivation and processing operation. While cultural resources do occur in the vicinity of the project, the Bear River Band of Rohnerville Rancheria, whose ancestral territory the property is located within, has not classified these resources as a Tribal Cultural Resource requiring a 600 foot setback under the ordinance. All facilities are set back 30 feet or more from property boundaries. The nearest school is Maple Creek Elementary School, which is approximately 7 miles to the northwest.

Environmental Review

Staff has prepared a Draft initial Study and Mitigated Negative Declaration for the proposed Adesa project. This analysis found a number of potentially significant impacts and has proposed mitigation to reduce the impacts to less than significance. These measures include replacement at a 2:1 ratio for any less than 12" dbh trees removed as part of the project (trees over 12" dbh are not permitted for removal); limits on construction and vegetation removal periods to protect migratory birds as well as Northern Spotted Owl and other raptors; replacement at a 3:1 ratio of any riparian vegetation that is impacted by the road improvement and maintenance; the requirement for qualified archaeological monitors on-site during construction activities; implementation of noise pollution mitigation measures to ensure noise from both construction and operations are at a level that is less than significant to wildlife and surrounding residents; and the requirement for at least 80% of all electrical generation to be from renewable sources. The Department has prepared and circulated a draft Initial Statement and Mitigated Negative Declaration and has determined that the project, as proposed and as mitigated, and conditioned, will not have a significant effect on the environment. After discussion with CDFW staff and pursuant to section 15074.1 of the CEQA Guidelines, the county is recommending a replacement mitigation measure for Mitigation Measure BIO-2 which is to prevent bullfrog infestation of the proposed rainwater catchment ponds from American bullfrogs. The mitigation measure in the ISMND that was circulated for review is as follows:

BIO-2 Pond Maintenance to Prevent Bullfrog Infestation

All constructed ponds shall be kept free of American bullfrog infestations to prevent this non-native species from impacting special status aquatic species, such as the northern red-legged frog. To prevent significant bullfrog populations from developing due to the aquatic environment provided by the rainwater catchment ponds, the following measures shall be implemented as part of the project:

- a) Controlling the bullfrog population following colonization will be achieved by draining the rainwater catchment ponds throughout the summer until no water remains at the end of the principal cultivation and irrigation period. This shall be repeated for 2 years to disrupt bull frog life cycles.
- b) Direct removal methods shall be used, should de-watering be ineffective for the removal of bullfrog populations.
- c) Monitoring for bullfrog populations shall occur on an annual basis in order to prevent subsequent establishment.

The replacement mitigation measure is as follows:

BIO-2 Pond Maintenance to Prevent Bullfrog Infestation

All constructed ponds shall be kept free of American bullfrog infestations to prevent this non-native species from impacting special status aquatic species, such as the northern red-legged frog. To prevent significant bullfrog populations from developing due to the aquatic environment provided by the rainwater catchment ponds, the following measures shall be implemented as part of the project:

- a) Fencing shall be installed around the perimeter of rainwater catchment ponds in a manner to prevent bullfrogs from entering the pond areas. The fencing style shall developed in consultation with CDFW to prevent American bullfrogs from gaining access to the pond areas.
- b) Controlling the bullfrog population following colonization will be achieved by draining the rainwater catchment ponds throughout the summer until no water remains at the end of the principal cultivation and irrigation period. This shall be repeated for 2 years to disrupt bull frog life cycles.
- c) Direct removal methods shall be used, should de-watering be ineffective for the removal of bullfrog populations.
- d) Monitoring for bullfrog populations shall occur on an annual basis in order to prevent subsequent establishment.

This substitution mitigation measure is more effective in mitigating the potential significant impacts that

were identified and does not in itself cause any potentially significant impacts on the environment.

Planning Commission Discussion from August 6, 2020 and August 20, 2020

At both the August 6, 2020 and August 20, 2020 meetings the Planning Commission expressed significant concern regarding the location of the proposed 2 acre mixed-light cultivation facility. Particularly given the unique natural setting of this rural portion of Maple Creek and questioned whether such a rural and relatively undeveloped landscape is appropriate for a larger commercial cultivation site like this. In particular, Commissioners expressed concern that the project may adversely harm the existing physical, aesthetic and environmental character of the community even if it complies with the Commercial Medical Marijuana Land Use Ordinance and would not have an adverse impact pursuant to CEQA. Based on these discussions staff has prepared an alternative resolution for the Planning Commission to consider which would deny the application due to its impact on the public welfare, because the public welfare can not be separated from the community's values as they pertain to aesthetic and environmental resources.

Staff Recommendation

Staff believes that the project complies with all aspects of the Commercial Medical Marijuana Land Use Ordinance and the Humboldt County General Plan.

Based on a documented on-site inspection, review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Conditional Use Permit.

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. These alternatives could be implemented if the Commission is unable to make all of the required findings. Based on discussion at the August 6, 2020 and August 20, 2020 Planning Commission, staff has included an alternative resolution should the Planning Commission choose to deny the application.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Case Number PLN-11923-CUP
Assessor Parcel Numbers: 315-145-002, 315-211-003 and 315-211-004**

Making the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Adesa Organic, LLC Conditional Use Permit.

WHEREAS, Adesa Organic, LLC has submitted an application and evidence in support of approving Conditional Use Permits for 84,600 square feet of new mixed-light cannabis cultivation and associated infrastructure including two rainwater catchment ponds totaling 4,330,000 gallons. Power is proposed to be provided by a combination of solar power and diesel generators. A maximum of 20 employees are proposed and processing will occur off-site; and

WHEREAS, Adesa Organic, LLC has submitted an application under the County's Streamside Management Area and Wetland Ordinance (SMAWO) for the improvement of an existing access driveway to the site. The majority of work proposed is repair and maintenance which is exempt from the SMAWO requirements, however at least one new stream crossing is proposed as part of the requested Conditional Use Permits; 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, a Mitigated Negative Declaration was prepared for the proposed Conditional Use Permits and proposed work in the Streamside Management Areas and circulated for public review pursuant to Section 15074 of the CEQA Guidelines; and

WHEREAS, as a result of the public review process the county has concluded that a substitution mitigation measure to reduce the impacts of potential American bullfrog infestation of the proposed rainwater catchment ponds is more effective than that proposed in the ISMND that was circulated for public review; 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 Conditional Use Permit (Record No. PLN-11923-CUP); and

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

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The Planning Commission finds that the substitution mitigation measure BIO-2 as identified in the revised Mitigation Monitoring and Reporting Program is more effective in avoiding potential significant impacts from potential American bullfrog infestation in the proposed rainwater catchment ponds. And that the proposed substitution mitigation measure will not in itself cause any potentially significant impact on the environment; and
2. The Planning Commission adopts the Mitigated Negative Declaration in Attachment 3 with the revised Mitigation Monitoring and Reporting Program in Attachment 1 Exhibit A for the Adesa Organics, LLC project; and
3. The Planning Commission makes all the required findings for approval in Attachment 2 of the Planning Division staff report for Record No. PLN-11923-CUP based on the submitted substantial evidence; and

4. The Planning Commission makes all of the findings for approval in Attachment 2 of the Planning Commission staff report; and
5. The Conditional Use Permits under record No. PLN-11923-CUP are approved as recommended and conditioned in Attachment 1.

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

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION: Motion carries

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

John H. Ford, Director
Planning and Building Department

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Case Number PLN-11923-CUP
Assessor Parcel Numbers: 315-145-002, 315-211-003 and 315-211-004**

Certifying compliance with the California Environmental Quality Act and denying the Adesa Organic, LLC Conditional Use Permit.

WHEREAS, Adesa Organic, LLC has submitted an application in support of approving Conditional Use Permits for 84,600 square feet of new mixed-light cannabis cultivation and associated infrastructure including two rainwater catchment ponds totaling 4,330,000 gallons. Power is proposed to be provided by a combination of solar power and diesel generators. A maximum of 20 employees are proposed and processing will occur off-site; and

WHEREAS, Adesa Organic, LLC has submitted an application under the County's Streamside Management Area and Wetland Ordinance (SMAWO) for the improvement of an existing access driveway to the site. The majority of work proposed is repair and maintenance which is exempt from the SMAWO requirements, however at least one new stream crossing is proposed as part of the requested Conditional Use Permits; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on August 6, 2020, August 20, 2020, and again on September 3, 2020.

WHEREAS, The County Planning Commission has reviewed the submitted evidence and public testimony, and is unable to make the findings in Attachment 2 in the Planning Division staff report for approving the proposed Conditional Use Permit (Record No. PLN-11923-CUP) because of the extremely rural location and high aesthetic and habitat values in this area are significant community resources and the project would therefore be detrimental to the public welfare; and

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The Planning Commission finds the proposed Adesa Organics, LLC Conditional Use Permit is exempt from environmental review pursuant to Section 15270 of the State Guidelines for the California Environmental Quality Act (projects which are disapproved).
2. The Planning Commission finds that the project location contains significant aesthetic and environmental resources that are important to the community and which would be adversely affected by the development of a cannabis cultivation facility of 2 acres of new mixed-light cultivation; and
3. The Planning Commission cannot make the findings for approval in Attachment 2 of the Planning Commission staff report because the project would be detrimental to the public welfare; and
4. The Conditional Use Permits under record No. PLN-11923-CUP are denied.

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

The motion was made by Commissioner ____ and seconded by Commissioner ____.

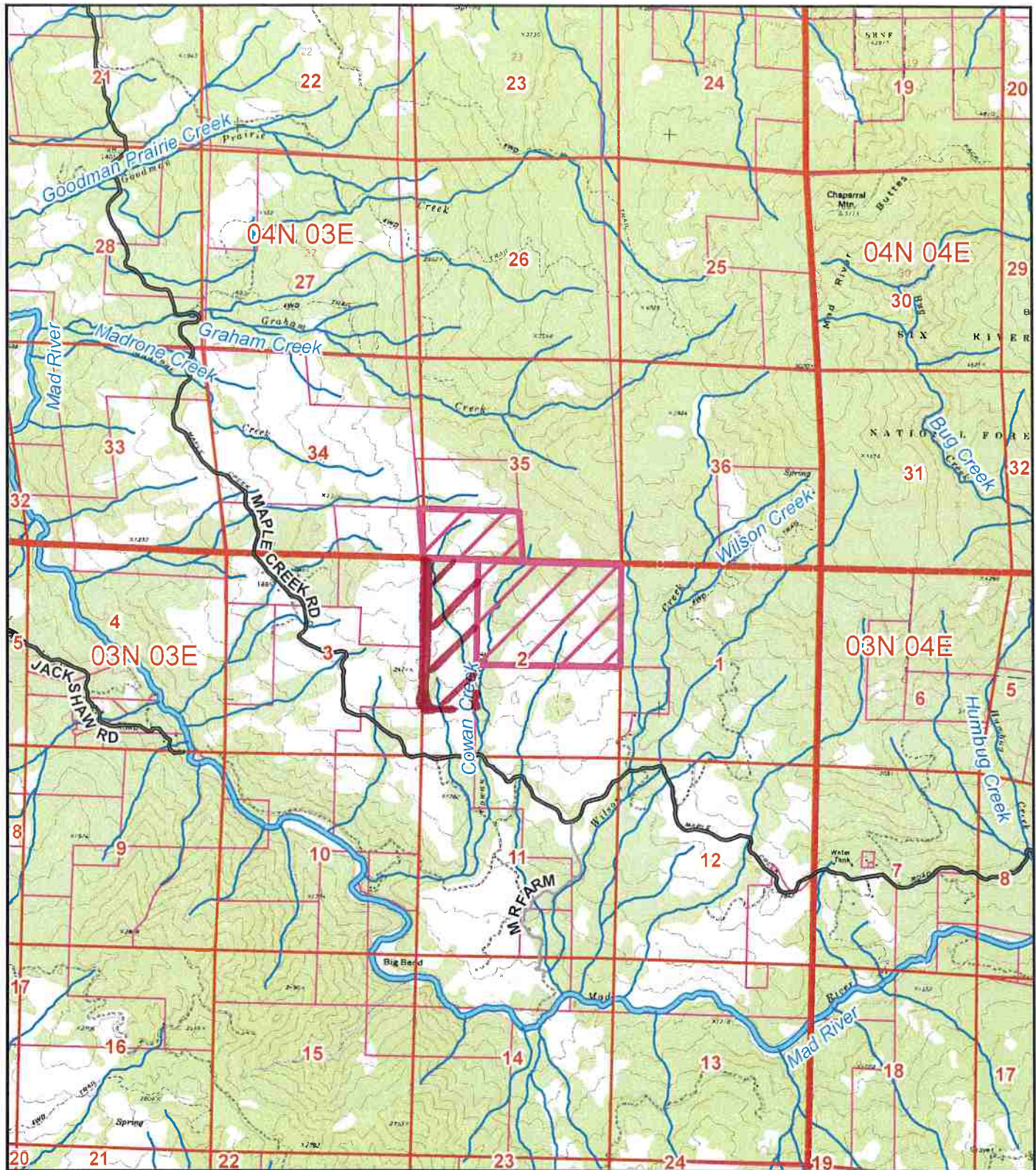
AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION: Motion carries

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

John H. Ford, Director
Planning and Building Department



**TOPO MAP
PROPOSED ADESA ORGANICS LLC
KORBEL AREA**

**CUP-16-452; SP-18-074
APN: 315-145-002; ET AL.**

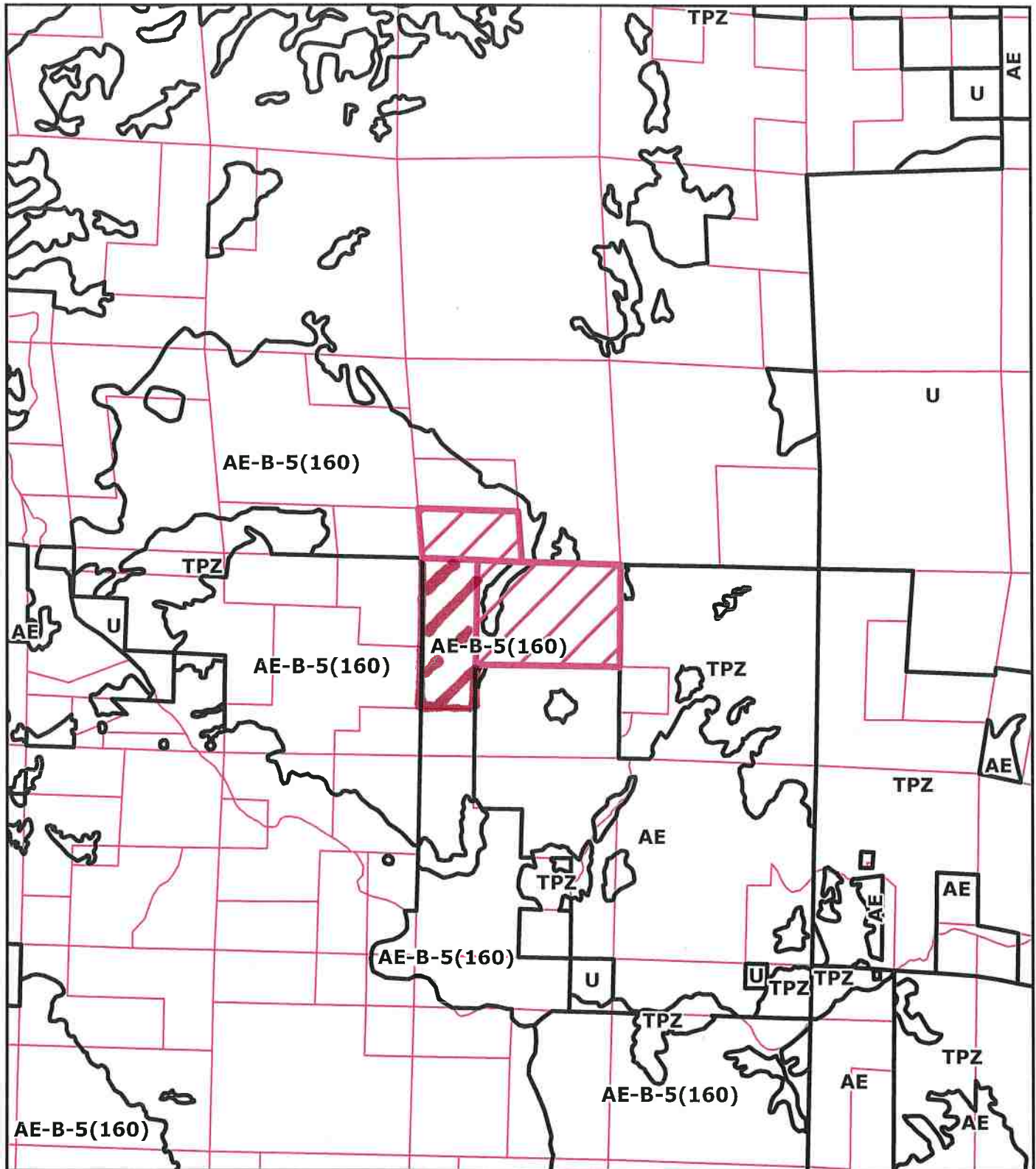
T04N R03E S34; S35; T03N R03E S3; T03N R03E S2 HB&M (MAD RIVER BUTTES)

Project Area = 

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

0 0.375 0.75 1.5 Miles





**ZONING MAP
PROPOSED ADESA ORGANICS LLC
KORBEL AREA**

**CUP-16-452; SP-18-074
APN: 315-145-002; ET AL.**

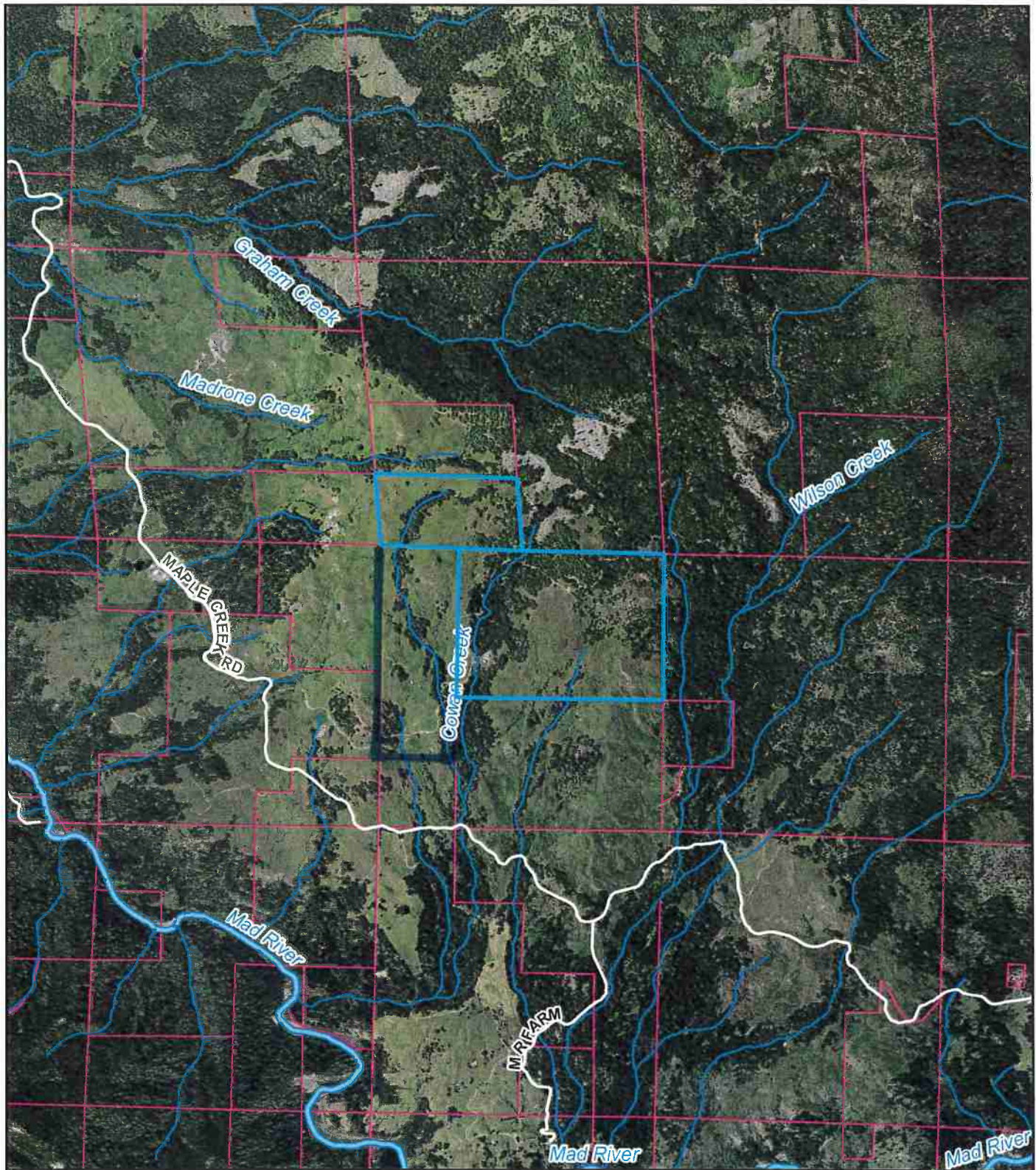
T04N R03E S34; S35; T03N R03E S3; T03N R03E S2 HB&M (MAD RIVER BUTTES)


Project Area = 

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


0 0.375 0.75 1.5
Miles






Project Area = 

AERIAL MAP
PROPOSED ADESA ORGANICS LLC
KORBEL AREA
CUP-16-452; SP-18-074
APN: 315-145-002; ET AL.



T04N R03E S34; S35; T03N R03E S3; T03N R03E S2 HB&M (MAD RIVER BUTTES)

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

0 0.275 0.55 1.1
 Miles

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PLN 11923-CUP Adesa Organics
September 3, 2020

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 release of the Building Permit and initiation of operations, or per the timeline noted in the condition.

1. The applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,456.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective through December 31, 2020, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the CDFW website at www.wildlife.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,456.75 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required.
2. The applicant shall submit a completed Notice of Merger and Certificate of Subdivision Compliance document along with legal review fees, notary fees and recording fees, as applicable.
3. The applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Merger have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Merger to satisfy this condition.

Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property has delinquent taxes, the property cannot be combined for tax purposes. This means that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by merger but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

4. The applicant shall pay a map revision fee of \$300 as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$75.00 per parcel) as required by the County Assessor to the County Planning Division, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
5. The applicant shall secure permits for all proposed structures related to the cannabis cultivation and other commercial cannabis activity.
6. Water meters shall be installed at the groundwater wells and at all storage tanks. The applicant shall maintain monthly records of water usage and provide these to the Department on a yearly basis.
7. Prior to initiating commercial cannabis cultivation or associated activities the applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required.
8. 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.

9. The applicant shall provide a copy of the Notice of Applicability from the SWRCB.
10. The applicant shall pave the existing driveway apron where the driveway for a minimum width of 20 feet and a length of 50 feet where it intersects Maple Creek Road. The applicant shall apply for and obtain an encroachment permit prior to commencement of any work in the County maintained right of way. Confirmation from the Department of Public Works that the work has been completed shall satisfy this requirement.
11. The driveway that intersects Maple Creek Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
12. All fences and gates shall be located out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
13. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. Provide an invoice, or equivalent documentation to DEH annually to confirm the continual use of portable toilets.
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. 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 County Code Section 55.4.11(d).

6. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
7. 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).
8. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
9. Pay all applicable application, review for conformance with conditions and annual inspection fees.
10. Power is to be supplied by PG&E. If the project is modified to use a generator for cannabis operations the noise from the generator or fans shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
11. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
12. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
13. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
14. Any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.
15. The burning of excess plant material associated with the cultivation and processing of commercial cannabis is prohibited.
16. 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.
17. Any outdoor construction activity and use of heavy equipment outdoors shall take place between 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday and Sunday.
18. The Master Log-Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
24. Participate in and bear costs for permittee's participation in the State sanctioned tracking program (METRC).

Performance Standards for Cultivation and Processing Operations

25. 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."
26. 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).
27. 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.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) 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.
29. 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.

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

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

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

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
 - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
 - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;

- (3) The specific date on which the transfer is to occur; and
- (4) Acknowledgement of full responsibility for complying with the existing permit; and
- (5) Execution of an Affidavit of Non-diversion of Commercial Cannabis.

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

Informational Notes:

1. Pursuant to Section 55.4.6.5.7 of the CCLUO, if upon inspection for the initial application, violations and areas of non-compliance subject to a compliance agreement shall be related to land conversion, on-site grading, electricity usage, water usage, agricultural discharges, and similar matters and limited to those improvements, facilities, buildings, and sites that are used for the Commercial Cannabis Activity and shall not extend to personal residences or other structures that are not used for Commercial Cannabis Activities. Applicants shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. All violations and areas of non-compliance shall be cured or abated at the earliest feasible date, but in no event no more than two (2) years after the date of issuance of a provisional clearance or permit, unless otherwise stipulated under the terms of the individual agreement. The terms of the compliance agreement may be appealed to the Planning Commission, who shall then act as Hearing Officer.
2. 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.

3. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A 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) shall be paid within 12 months of the effective date of the permit, whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

**ATTACHMENT 1
EXHIBIT A**

**HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENT
MITIGATION MONITORING REPORT
For the Adesa Organic, LLC Cannabis Cultivation
Conditional Use Permits
Assessor Parcel Numbers 315-145-002, 315-211-003, and 315-211-004
Record No. PLN-11923-CUP**

Mitigation measures were incorporated into conditions of project approval for the above referenced project. The following is a list of these measures and a verification form that can be used to ensure that the conditions have been met. For conditions that require on-going monitoring, attach the Monitoring Form for Continuing Requirements for subsequent verifications.

AES-1 Light Pollution Prevention Plan

The applicant shall provide to the County Planning Division a lighting plan demonstrating that all indoor and outdoor lighting for the proposed project would not deliver or have the potential to deliver light pollution, from sunset to sunrise. The lighting plan shall be approved by the County Planning Division prior to the issuance of building permits.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|--|----------------------|---------------|-------------------|---------------------|-------------------------|
| Prior to issuance of the building permit, and during project operations. | Continuous | | HCP&BD** | | |

AFR-1 Less Than 3 Acre Conversion Exemption

The applicant shall secure a Less Than 3 Acre Conversion Exemption from CALFIRE for any tree removal associated with the project, including tree removal required for the road improvements (turn-outs) identified in the Road Evaluation Report for the project.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|--|----------------------|---------------|------------------------|---------------------|-------------------------|
| Prior to any tree removal associated with road improvements. | Once | | HCP&BD*** and CALFIRE* | | |

AFR-2 Timberland Mitigation

Timber species over 12 inches in diameter at breast height shall not be removed as part of the proposed project. Prior to the initiation of cultivation activities, native timber species shall be replanted on the property at a 2:1 ratio for every commercial timber species that is removed for proposed road improvements.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|--|----------------------|---------------|-------------------|---------------------|-------------------------|
| Prior to initiation of cultivation activities. | Once | | HCP&BD*** | | |

BIO-1 Limits of Construction Period for Northern Spotted Owl

No construction work shall occur during the northern spotted owl nesting season (February 1st- July 31st) unless a wildlife biologist with experience in northern spotted owl protocol surveys completes a biological assessment of the property to determine whether the area has northern spotted owl presence and whether site specific avoidance measures are necessary to avoid any impact to the species. Any measures developed by the biologist must be adhered to during the nesting season. Regardless of northern spotted owl presence on the property, no proposed activity generating noise levels 20 or more decibels above ambient noise levels or with maximum noise levels above 90 decibels may occur during the northern spotted owl nesting season.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|-------------------------------|---|---------------|----------------------|---------------------|-------------------------|
| During construction activity. | Continuous for the period of construction | | HCP&BD*** and CDFW** | | |

BIO-2 Pond Maintenance to Prevent Bullfrog Infestation

All constructed ponds shall be kept free of American bullfrog infestations to prevent this non-native species from impacting special status aquatic species, such as the northern red-legged frog. To prevent significant bullfrog populations from developing due to the aquatic environment provided by the rainwater catchment ponds, the following measures shall be implemented as part of the project:

- Fencing shall be installed around the perimeter of rainwater catchment ponds in a manner to prevent bullfrogs from entering the pond areas. The fencing style shall developed in consultation with CDFW to prevent American bullfrogs from gaining access to the pond areas.
- Controlling the bullfrog population following colonization will be achieved by draining the rainwater catchment ponds throughout the summer until no water remains at the end of the principal cultivation and irrigation period. This shall be repeated for 2 years to disrupt bull frog life cycles.
- Direct removal methods shall be used should de-watering be ineffective for the removal of bullfrog populations.
- Monitoring for bullfrog populations shall occur on an annual basis in order to prevent subsequent establishment.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|----------------------------|----------------------|---------------|----------------------|---------------------|-------------------------|
| During project operations. | Continuous | | HCP&BD*** and CDFW** | | |

BIO-3 Screening of Water Pumps

To prevent impacts to wildlife species including amphibians and reptiles during the term of the project, water pumps used for the operation shall contain screens meeting the CDFW fish screening criteria
(http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp).

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|--|----------------------|---------------|----------------------|---------------------|-------------------------|
| Prior to the building permit final inspection. | Once | | HCP&BD*** and CDFW** | | |

BIO-4 Replacement of Riparian Vegetation

Any riparian vegetation that is impacted by project activities, including but not limited to road improvement and maintenance, shall be replaced at a 3:1 ratio. The replacement of riparian vegetation will occur at appropriate locations on the project site and could include the enhancement of existing wetland and riparian areas at the site. If applicable, a mitigation plan will be prepared and submitted to regulatory agencies for review and concurrence prior to any construction that encroaches on SMAs, wetlands, or riparian areas.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|--|----------------------|---------------|----------------------|---------------------|-------------------------|
| Prior to issuance of the building permit, during construction activity, and during project operations. | Once | | HCP&BD*** and CDFW** | | |

BIO-5 Fencing During Construction to Protect Wetlands and Streamside Management Areas

To protect the riparian habitat at the project site during construction activities, temporary fencing shall be installed and maintained on the edge of SMAs and delineated wetlands. The fencing shall be installed prior to the beginning of construction activities and shall be removed after the final inspection is completed by the Building Department.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|--|----------------------|---------------|----------------------|---------------------|-------------------------|
| Prior to issuance of the building permit and during construction activity. | Once | | HCP&BD*** and CDFW** | | |

BIO-6 Demarcation of Special Status Biological Resources

To protect special status biological resources, all resource populations, including the two northern meadow sedge populations, northern red-legged frog habitat, Oregon white oak woodlands, California bay forests, and California oat grass prairies, must be demarcated by high visibility

construction fencing during the project construction period in a manner sufficient to avoid unintentional impacts when project construction activities (aside from transportation along roads) will occur within 100 feet of these resources.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|---------------------------------|----------------------|---------------|-------------------|---------------------|-------------------------|
| During construction activities. | Once | | HCP&BD*** | | |

BIO-7 Minimize Northern red-legged frog impacts

To protect northern red-legged frogs during restoration activities in CDFW project PO-1, conduct excavation activities August-October.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|---------------------------------|----------------------|---------------|-------------------|---------------------|-------------------------|
| During construction activities. | Once | | HCP&BD*** | | |

BIO-8 Nesting Bird Surveys to Protect Migratory Birds including Grasshopper Sparrow

Project-related vegetation clearing should occur outside the bird nesting season, which is generally considered to be March 15 through August 1. If project-related brush clearing or structural work on buildings within the vicinity of nesting bird habitat must occur during the breeding season, nesting bird surveys should be performed in those locations by a qualified biologist to ensure that active nests are not destroyed or disturbed.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|---------------------------------|----------------------|---------------|-------------------|---------------------|-------------------------|
| During construction activities. | Once | | HCP&BD*** | | |

CUL-1 Protocols for Construction Specific to Cowen Creek Documented Site

1. A qualified, trained archaeological monitor must be present during the mechanical excavation of soils and sediments from the pond area.
2. All project-related activities involving heavy equipment (excavators, bulldozers, pickup-trucks, etc.) within the archaeological site boundaries; which includes the location of the greenhouse, leach fields, photovoltaic installation, sheds, etc., must be conducted with an archaeological monitor present.
3. It is also recommended that all project-related ground disturbance activities in the vicinity of both archaeological sites identified be monitored by qualified cultural resources monitors.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|--|----------------------|---------------|-------------------|---------------------|-------------------------|
| Prior to and during construction activity. | Once | | HCP&BD*** | | |

CUL-2 Inadvertent Discoveries of Cultural and Paleontological Resources, and Human Remains

The following provides means of responding to the circumstances of a significant discovery during the cultural monitoring of the final implementation of the proposed agricultural development within the project parcel. If cultural materials for example: chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

In the event that paleontological resources are discovered, work shall be stopped within 20 meters (66 feet) of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 66 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.

If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|--|----------------------|---------------|-------------------|---------------------|-------------------------|
| During construction activity and project operations. | Continuous | | HCP&BD*** | | |

ENE-1 Renewable Energy Generation Standards

The applicant shall ensure a minimum of 80% of project electrical energy is generated by renewable sources. This shall be accomplished through the use of solar arrays on-site with generator for backup. Alternatively, the project could interconnect into the local grid and obtain electrical energy from a local utility providing power generated from up to 80% renewable sources.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|--|----------------------|---------------|-------------------|---------------------|-------------------------|
| Within three years of commencing project operations; within six years of commencing project operations | Annually | | HCP&BD*** | | |

GEO-1 Geotechnical Report Compliance

The applicant shall comply with all recommendations from the SHN Geotechnical Report (SHN, November 2016), which makes site-specific development recommendations to reduce risks and impacts in the areas of (1) Site Preparation and Grading, (2) Foundations for Structures, (3) Engineered Fill, (4) Water and Diesel Tanks, (5) Solar Array, (6) Greenhouse Structures, (7) ADA Parking Area, and (8) Other Considerations. The grading, foundation design, drainage plans, and plan specifications shall be reviewed by a registered geologist prior to approval by the County.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|---|----------------------|---------------|-------------------|---------------------|-------------------------|
| Prior to the issuance of building and/or grading permits for the project. | Once | | HCP&BD*** | | |

GEO-2 Geologist Review of Plans

The grading, foundation design, drainage plans, and plan specifications shall be reviewed by a registered geologist prior to approval by the County.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|---------------------------|----------------------|---------------|-------------------|---------------------|-------------------------|
|---------------------------|----------------------|---------------|-------------------|---------------------|-------------------------|

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|---|------|--|-----------|--|--|
| Prior to the issuance of building and/or grading permits for the project. | Once | | HCP&BD*** | | |
|---|------|--|-----------|--|--|

HWQ-1 Low Impact Design Improvements to Detain Stormwater

To address the increase in stormwater runoff that will occur due to the increase in impervious surface from the proposed project, the applicant shall design, construct, and maintain stormwater facilities to detain stormwater on the project site through low impact design (LID) improvements such as a pre-treatment pond, bioswales, infiltration basins, and detention basins, as applicable. The proposed stormwater improvements will ensure that additional stormwater runoff from the proposed project infiltrates into the ground on-site or is pre-treated prior to discharge without violating any water quality standards or waste discharge requirements. The final discharge from the area for all stormwater that does not infiltrate, evaporate or is consumed, will be discharged after pre-treatment through a culvert pipe outfall that is armored with rock to provide energy dissipation.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|--|----------------------|---------------|-------------------|---------------------|-------------------------|
| Prior to the building permit final inspection. | Once | | HCP&BD*** | | |

HWQ-2 Implementation of Road Improvements

The applicant will implement all recommendations included in the Road Evaluation Report prepared for the access road off of Maple Creek Road to the Adesa Organic, LLC (SHN December 2016a). These measures include ditch enhancement and construction, placement of rock energy dissipation material, construction of rolling dips, and rocking the entire length of road, among others.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|--|----------------------|---------------|-------------------|---------------------|-------------------------|
| Prior to the building permit final inspection. | Once | | HCP&BD*** | | |

HWQ-3 Spill Prevention, Control and Countermeasures

A plan for Spill Prevention, Control and Countermeasures (SPCC) shall be developed by a California Registered Engineer for each of the diesel tanks proposed for on-site fuel storage, subject to requirements of the U.S. Environmental Protection Agency and the California Environmental Protection Agency. All SPCC measures shall be implemented during project operations.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|--|----------------------|---------------|-------------------|---------------------|-------------------------|
| Prior to the issuance of building and/or grading permits | Once | | HCP&BD*** | | |

| | | | | | |
|------------------|--|--|--|--|--|
| for the project. | | | | | |
|------------------|--|--|--|--|--|

NOI-1. Implementation of Noise Pollution Prevention Mitigation for Adesa Organic, LLC project site 433A

The project shall implement all measures described in the Acoustic Study and Noise Pollution Prevention Plan prepared by Hybrid Tech in April 2018 as modified by the Frank Hubach Associates 2020 noise study, to include:

-
- 8 foot tall block wall and supplemental 2-foot barrier of not less than two pounds per square foot surface weight surrounding the generators
- 8 foot tall block wall and supplemental 4-foot barrier of not less than two pounds per square foot surface weight surrounding the array of RTUs
- The block walls shall be continuous with solid metal doors with neoprene door jams. The walls shall be a minimum of 8 inches thick and be constructed of solid block or be filled after construction with grout or sand.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|--|----------------------|---------------|-------------------|---------------------|-------------------------|
| Prior to the building permit final inspection. | Once | | HCP&BD*** | | |

NOI-2. Construction Related Noise

The following shall apply to construction noise from tools and equipment:

- The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall be limited to between the hours of 7 A.M. and 6 P.M. daily.
- All stationary and construction equipment shall be maintained in good working order and fitted with factory approved muffler systems.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|-------------------------------|---|---------------|-------------------|---------------------|-------------------------|
| During construction activity. | Continuous during period of construction. | | HCP&BD*** | | |

NOI-3. Operations Related Noise

All noise generated from the project, including generators, ACU units and greenhouse fans, shall not exceed 50 decibels at 100 feet or edge of forest habitat, whichever is closer.

| Implementation Time Frame | Monitoring Frequency | Date Verified | To Be Verified By | Compliance Yes No | Comments / Action Taken |
|----------------------------|----------------------|---------------|-------------------|---------------------|-------------------------|
| During project operations. | Continuous | | HCP&BD*** | | |

* CALFIRE = California Department of Fire and Forestry

** CDFW = California Department of Fish & Wildlife

*** HCP&BD = Humboldt County Planning and Building Department
NCUAQMD = North Coast Unified Air Quality Management District

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 Conditional Use Permit:

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

1. The proposed development must be consistent with the General Plan. The following table documents 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, Open Space Plan and Open Space Action Program.

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
|--|---|--|
| <p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p> | <p>Agriculture Grazing (AG): Lands which are not prime agricultural lands, but are in agricultural and compatible uses, and shall be planned for continued agricultural use.</p> <p>Density range is 20 -160 acres/unit</p> <p>Timberland (T): Lands primarily suitable for the growing, harvesting and production of timber. Allowable uses include timber production, general agriculture, timber/agricultural products processing, natural resources uses, other uses</p> <p>Density range is 40 -160 acres/unit</p> | <p>The project involves cannabis cultivation, processing, and other accessory to agriculture developments on a 443-acre parcel which is principally designated "AG," but which contains 23 acres designated "T." The project site includes areas that are designated "AG" and "T".</p> <p>The MMRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The CMMLUO provides for the cultivation and processing of medical cannabis within the zoning districts where agriculture is a principally permitted use, with limits and in compliance with performance standards that will preserve space for more traditional agricultural activities that supply food and fiber contributing to a diverse economic base. The proposed cultivation is considered an agricultural use, and the supportive infrastructure may be considered accessory to the agricultural use.</p> <p>Additionally, the property is currently managed for cattle grazing and the County's Williamson Act Committee has reviewed the proposed cannabis facility and found that the cannabis cultivation would not negatively impact the ability of the land to be continued to be used for cattle grazing.</p> |

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
|--------------------------|---|--|
| 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, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G2 through C-G5).</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p> | <p>Access to the site is via a private 1.1-mile ranch road that connects to Maple Creek Road, which is a County-maintained road that provides access to rural residential, agricultural and public facilities. From the junction of Butler Valley Road and Maple Creek Road, the project site is accessed via approximately 8 miles of Maple Creek Road. The applicant provided self-certification documentation that the entire section of Maple Creek Road from Butler Valley Road to the intersection of the private driveway leading to the project site is equivalent to a Road Category 4 Standard. This report, accompanied by photographs, showed that much of the road is at least 20 feet wide and also documents points that are narrower than 20 feet. The road is also described as having turnouts, wide shoulders and driveway entrances in places that will allow passing.</p> <p>The applicant retained SHN Consulting Engineers and Geologists to prepare a road evaluation report for the 1.1-mile section of private road between Maple Creek Road and the proposed project facilities. The road is an average of 15 feet wide and with a grade that varies between 0-15%. The report identified the road as being low traffic with 10 or fewer average daily trips projected, as a result of the applicant's transportation plan requiring all employees to travel to and from the site utilizing employer-provided vanpool shuttles. Recommended improvements to the 1.1-mile access road included installing additional turnouts and rocking the surface. Implementing the recommendations of the SHN road evaluation report is included as Mitigation Measure HWQ-2, and incorporated as a condition of project approval.</p> <p>The Department of Public Works referral response indicates that the intersection of Maple Creek Road and the 1.1-mile access road will need to be upgraded to meet the County visibility ordinance and encroachment ordinance standards. These County-identified improvements are also a condition of project approval.</p> |

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
|--|---|---|
| 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 project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p> |
| <p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p> | <p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p> | <p>The proposed project is located within the Open Space Land Plan because the project site is planned Agriculture Grazing and Timberland and is zoned Agriculture Exclusive and Timberland Production Zone. The project can be found consistent with the Open Space Plan Open Space Action because the proposed 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 managed production of resources.</p> <p>The property is managed for cattle grazing under a Williamson Act Land Conservation Contract and the County's Williamson Act Committee has found that the proposed cannabis cultivation would not negatively impact the ability of the land to be managed for cattle grazing. Additionally, merger of the two legal parcels will further retain this land as primarily open space, given that the cannabis cultivation and associated infrastructure will be less than 1% of the total land area of the parcel.</p> |

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
|--|---|---|
| <p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p> | <p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p> | <p>The applicant retained SHN Consulting Geologists and Engineers (SHN) for the preparation of a Wetland Delineation Report and a separate Natural Resources Assessment of the site. SHN conducted surveys of the site for potential wetlands, rare species and other environmentally sensitive habitat areas. Pacific Northwestern Biological resources Consultants, LLC also has conducted protocol-level surveys for Golden Eagles and has prepared an assessment of potential Golden Eagle nesting and foraging habitat on the project site and immediate vicinity. The purpose of these studies was to identify areas with potential environmental resource values that would require protection and to make recommendations for avoidance and protection measures.</p> <p>The ISMND used this data and analysis, and conducted further analysis in order to develop measures to protect sensitive habitat areas and threatened species. In particular, Mitigation Measures BIO-1 through BIO-6 focus on: 1. protecting streamside management areas, wetlands and riparian habitat, 2. preventing the establishment of invasive bullfrogs in ponds to protect multiple aquatic species, including red-legged frog, 3. screening the pumps of ponds in order to protect wildlife, including red-legged frog, and 4. preventing construction noise impacts to potentially nesting species. Mitigation measures AES-1, NOI-1, NOI-2, and NOI-3 further protect northern spotted owl and other wildlife species from both light spillage and noise impacts during operations. All mitigation measures are conditions of project approval, and have been specifically developed based on site-specific surveys to avoid impacts to threatened and endangered species and prevent impacts to sensitive and critical habitat.</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,</p> | <p>The applicant retained Roscoe and Associates (RA) for the preparation of a Cultural Resources Investigation for the Project site. RA conducted a records search, consulted with the Native American Heritage Commission, local Native American tribal representatives, and other interested parties; and an intensive pedestrian field survey of the entire Project area. The report concludes that there is a site present that requires more extensive subsurface investigation. Roscoe and Salisbury (RS) conducted the subsequent Phase II subsurface investigation which resulted in a recommendation for eligibility for the California Register of Historic Resources under Criterion 4 as</p> |

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
|--------------|--|---|
| | CU-P2. Native American Tribal Consultation] | <p>well as possibly under Criterion 1. RS developed a site-specific mitigation measure in cooperation with the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria, to cover the archaeological site with a geotextile fabric and a 3-foot cap of culturally sterile soil prior to proposed construction, with an archaeological monitor present during this work. RS and the THPO concluded that with this mitigation measure in place, the project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5, and would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5. However, the THPO continued to express a strong preference for avoidance of the site if at all possible, and subsequent consultation with the THPO and County resulted in a slightly revised project footprint which avoids the archaeological site. While the proposed footprint avoids the site and does not require a cap, mitigation has been proposed to require an archaeological monitor on-site during all ground disturbing activities. With the proposed mitigation the project is consistent with the requirement to protect cultural resources.</p> |

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
|--|---|---|
| <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 project involves mixed-light cultivation in two (2) greenhouses of approximately 1 acre each. The CMMLUO requires that mixed light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. To meet the referenced standard and to ensure that light does not escape from the greenhouse structures at night, all illuminated areas within the greenhouse structures will be equipped with a light-deprivation kit. An automated system will prevent light spillage by drawing fire-retardant, light-blocking curtains composed of three layers of polyolefin and polyester over the lighted greenhouse sections. Further, all project lighting, including the outdoor lighting on buildings, will be subject to Mitigation Measure AES-1, which mandates a lighting pollution prevention plan that includes down-shielding of outdoor lights. This mitigation measure is included as a condition of project approval. The applicant proposes to develop the project in phases, with the first phase being full sun outdoor cultivation or light-dep cultivation in temporary hoop houses. No lighting would be utilized in these first phases.</p> <p>The project site is not located along a designated scenic highway or in a designated scenic area, although the property location is in an area that is routinely admired in the local community as an example of Humboldt County's beauty and abundant natural resources. The project site itself will not be visible from any public viewing areas or adjacent properties and will therefore not impact the county's scenic resources.</p> |

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
|--|--|--|
| <p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p> | <p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9, WR-G10 and WR-G11); and</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures; WR-P40. Commercial and Industrial Activities; WR-P41. Oil/Water Separation; WR-P45. Reduce Toxic Runoff.</p> | <p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained SHN for the preparation of a WRPP. The WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. All sites identified in the WRPP have standard corrective actions as conditions of approval. The ISMND analyzed stormwater drainage and proposed mitigation measure HWQ-1 to address the increase in stormwater runoff that will occur due to the increase in impervious surface from the proposed project. The mitigation measure, which is incorporated as a condition of project approval, calls for implementing low-impact design features such as such as a pre-treatment pond, bioswales, infiltration basins, and detention basins. These proposed stormwater improvements will ensure that additional stormwater runoff from the proposed project infiltrates into the ground on-site or is pre-treated prior to discharge without violating any water quality standards or waste discharge requirements.</p> <p>The ISMND also included mitigation measure HWQ-3, related to the diesel fuel storage tanks proposed for installation as part of the project. This mitigation measure, which is incorporated as a condition of project approval, requires the project to retain a registered engineer to develop Spill Prevention, Control and Countermeasures for each diesel tank to prevent toxic runoff.</p> |

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
|--|---|--|
| <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 on-site 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, and WR-G11)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p> | <p>The applicant retained SHN to prepare a site-specific Septic Suitability Report for the project in accordance with the standards of the Humboldt County Division of Environmental Health and the North Coast Regional Water Quality Control Board (NCRWQCB), to assess soil and groundwater conditions for this system, determine feasibility and the necessary size of the system, and guide the proposed development. The proposed Onsite Wastewater Treatment System (OWTS) will include toilet and handwashing facilities in the proposed ADA-compliant bathrooms. Final approval of the Septic Suitability Report and plan for the OWTS by both the Division of Environmental Health and the NCRWQCB has been incorporated as a condition of approval.</p> |
| <p>Noise Chapter 13</p> | <p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise</p> | <p>The project proposes to generate power through a combination of solar PV panels and five diesel generators: four 725-kw and one 150-kw. Noise generated from the generators shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005. The applicant has retained Hybrid Tech to conduct two acoustic studies with accompanying noise pollution prevention measures demonstrating conformance with noise standards. The ISMND outlines two mitigation measures, NOI-1 and NOI-2, which call for implementation of the noise pollution prevention measures described by Hybrid Tech. These mitigation measures are conditions of project approval.</p> |

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
|--|--|---|
| <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 proposed new cultivation area occurs on slopes of 15% or less seismically classified high instability. The applicant retained SHN to prepare a Geotechnical Report of the project area in order to determine feasibility, assess risk, and provide recommendations to guide development. The Geotechnical Study makes site-specific development recommendations to reduce risks and impacts in the areas of (1) Site Preparation and Grading, (2) Foundations for Structures, (3) Engineered Fill, (4) Water and Diesel Tanks, (5) Solar Array, (6) Greenhouse Structures, (7) ADA Parking Area, and (8) Other Considerations. The ISMND proposed mitigation measure GEO-1, which requires that the project comply with all recommendations of the Geotechnical Report to prevent unnecessary exposure to areas of geologic instability. This mitigation measure is a condition of project approval.</p> |
| <p>Safety Element Chapter 14</p> <p>Flooding</p> | <p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas</p> | <p>According to FEMA Community Panel #06023C1100F (Effective Date: January 19, 2011), the project is not located within the influence of a 100-year reoccurrence interval event. At its closest point, the Mad River is approximately 1.3 miles away from proposed project facilities. Project facilities are located at elevations ranging from 2,180 feet to 2,670 feet, while the Mad River is located at an elevation of 730 feet at its closest point. Due to the elevation of the proposed project footprint, there is no potential for flooding from the Mad River. The project is not located in an area that is at risk from dam failure, seiche, tsunami or mudflow.</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-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations;</p> | <p>The subject property 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. CALFIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The applicant is proposing development of two ponds totaling 4,298,000 gallons which will provide fire protection in addition to cultivation needs.</p> |

| Plan Section | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
|---------------------------|--|---|
| | | According to the applicant, during the peak season, the operation will employ up to twenty (20) employees who will live offsite. |
| Air Quality Chapter 15 | <p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p> | <p>As a condition of project approval, 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.</p> <p>The ISMND analyzed air quality impacts from the proposed diesel generators, and developed a mitigation measure requiring that all diesel generators obtain a stationary source permit from the NCAQMD, per their requirements. The NCAQMD will require as part of their permitting process that the generators meet the U.S. EPA Tier 4 standard for emissions reduction. This mitigation measure has been incorporated as a condition of project approval.</p> |

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

| Zoning Section and 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 property consists of two legal parcels, one created by Lot Line Adjustment recorded as Document Number 1998-29205 of Official Records and one identified in a recorded Certificate of Compliance recorded in Volume 1831-479 of Official Records. |
| <p>§314-7.1 Agricultural Exclusive (AE): Intended to be applied in fertile areas in which agriculture is and should be the desirable predominate use and in which protection of this use from encroachment from incompatible uses is essential for the general welfare.</p> <p>§314-17.1 Special Building Site (B-5) combining zone: As specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements.</p> <p>§314-7.4 Timberland Production Zone (TPZ): Intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.</p> | <p>The project is located on a 443-acre parcel, of which approximately 429.5 acres are zoned AE-B-5 and approximately 13.5 acres are zoned TPZ. All facilities and activities associated with the proposed cannabis cultivation and processing project are located on land zoned AE-B-5, with no project infrastructure or activities located on land zoned TPZ.</p> <p>All general agricultural use is enumerated as a principally permitted use in the AE zoning district. The project is for the cultivation of commercial medical cannabis using employing mixed-light production. Commercial medical cannabis cultivation is recognized under State law as an agricultural product. Although State law specifies it is agricultural use and general agricultural uses are principally permitted in AE, pursuant to Humboldt County Code Section 314-55.4.3.7, the commercial cultivation of cannabis for medical use is a regulated specialty crop and the cultivation of that specialty crop is not a principal permitted use under the General Agriculture use type classification in the Humboldt County Zoning Regulations. The applicant has applied for the requisite permits. Based on the referenced principally permitted use and the above, a finding of consistency with the AE zoning district can be made for the project.</p> <p>Grazing and other agricultural use is enumerated as a principally permitted use in the TPZ zoning district as long as it does not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber. The fact that no project facilities would be located on TPZ lands, a finding of consistency can be made that the proposed project is an agricultural use that will not detract from the use of the property for, or inhibit, growing and harvesting of timber.</p> |

| Zoning Section | Summary of Applicable Requirement | Evidence That Supports the Zoning Finding |
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| Minimum Lot Size | 20 acre (AE) | Per Humboldt County GIS, the subject parcel after the proposed merger will be 443 acres in size, approximately 429.5 acres of which are zoned AE, where the proposed project is located. |
| Maximum Ground Coverage | 35 percent (AE) | 150.3 acres is the maximum allowable coverage for this parcel. All project facilities, including greenhouses, ponds, solar PV fields, and associated infrastructure, occupies a total footprint of less than 4 acres, per the Site Plans submitted for the project. |
| Minimum Lot Width | 100 feet (AE) | 1428 feet at narrowest point |
| Maximum Lot Depth | None specified (AE) | N/A |
| Setbacks (Fire Safe setbacks supersede AE and TPZ zoning requirements): Front: 30 feet Rear: 30 feet Side: 30 feet | | The nearest property line is approximately 300 feet south of the proposed cultivation site. |
| Max. Building Height | None specified | N/A |

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| <p>§314-61.1 Streamside Management Area and Wetland ordinance (SMAWO)</p> | <p>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.</p> | <p>Proposed cultivation areas, proposed support structures, and the proposed processing facility are located outside of delineated wetlands and the minimum 100-foot buffers required by the Humboldt County Streamside Management Area (SMA) Ordinance. One proposed fire hydrant and emergency turnaround area is located within the 100-foot SMA buffer of Cowan Creek. One existing agriculture-exempt structure is partially located within the 100-foot SMA buffer of Cowan Creek. The proposed project also includes installation of rooftop solar on the agriculture-exempt building partially within the SMA buffer zone. In some locations, water pipes cross through SMAs and one water line is proposed to be buried in the existing roadway that crosses Cowan Creek. Several proposed improvements to the access road between the Adesa Organic, LLC parking lot and the intersection with Maple Creek Road will require stream crossing improvements, as Class II watercourses intersect with the road. The project will require a Special Permit (or Conditional Use Permit) to be secured under Section 314-61.9 for the development improvements and ongoing maintenance of the project features identified above, with the exception of those actions defined by Humboldt County as routine road maintenance activities, which are exempted from the Permit requirements of the SMA Ordinance. All work being proposed is in the interest of improving the access road to meet safety and water quality standards and will result in improved habitat values. All new work in the riparian areas will require mitigation per the draft ISMND (BIO-4).</p> |
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| <p>§314-109.1 Off-Street Parking</p> | <p>Off Street Parking for Agricultural use* and for Processing Activities (Manufacturing): The higher of one parking space for each 1500 square feet of gross floor space within all enclosed building areas or one (1) parking space for each employee at the peak shift. A minimum of two parking spaces are required for each activity.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p> | <p>There would be 20 employees at peak shift associated with the project. The land use on the site is primarily agricultural, and the Code is silent as to the requirement for agricultural employees. The most comparable standard for employees in this situation is one space for each employee at peak shift (per Section 314-109.1.3.4.2 - Manufacturing). The site has enough area adjacent to the existing ag exempt barn to provide 20 parking spaces. However, the transportation plan for the project requires that all employees utilize the employer-provided vanpool shuttles to travel to and from the project site. No parking on Maple Creek Road is authorized.</p> |
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| <p>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</p> | | |
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| <p>§ 314-55.4.8.2.1.1</p> | <p>On parcels 320 acres or larger in size, in the eligible zoning districts described in 55.4.8.2.1 [including AE], one additional cultivation area permit of up to one acre each for each one hundred acre increment (e.g. 3 for a 320 acre parcel, 6 for a 600 acre parcel, etc.)... may be issued with a Use Permit, subject to limitations</p> | <p>The subject parcel, once merged, will be 443 acres. The site would qualify under this provision for up to 4 acres of new cultivation. Approximately 2 acres of new cultivation is proposed.</p> |
| <p>§314-55.4.8.2.1 Criteria for approval of new outdoor and mixed-light cultivation areas:</p> | | |
| <p>Slopes less than 15 percent</p> | | <p>Per the SHN Geotechnical Report, the slopes on the subject parcel where all project development is proposed do not exceed 15 percent.</p> |

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| <p>With documented current water right or other non-diversionary source of irrigation water.</p> | <p>The applicant's operation will use rainwater catchment and storage as the primary source of irrigation water for the project, with estimated rainwater harvest ability of over 6.5 million gallons annually and pond/tank storage capacity of approximately 4,358,000 million gallons. The Annual irrigation water usage is estimated to be 1,864,000 gallons for the Adesa Organic, LLC project. The ADA bathroom facilities are also anticipated to require 468,000 gallons annually. Well water (a non-diversionary source enumerated in the Code) would serve as a back-up water source. Based on the submitted evidence, the project complies with the referenced section.</p> |
| <p>Cultivation shall be located on the Prime Agricultural Soils on the parcel and no more than 20 percent of the area of Prime Agricultural soils may be permitted for commercial medical cannabis cultivation.</p> | <p>All project cultivation activities (with the exception of cloning operations for Site 433B) are located on prime agricultural soils. A prime agricultural soil assessment conducted by Dirty Business Soil Consulting and Analysis for the three APNs of the Adesa Organic, LLC project concluded that there is a total of 716,285 square feet of prime agricultural soil on the subject property. Per the requirements of the referenced section, cultivation must be sited on prime agricultural soils, and only 20% of prime agricultural soils can be occupied by the cannabis cultivation. Twenty percent of the prime agricultural soils on the Adesa Organic, LLC property equates to 143,257 square feet. The total proposed cannabis-related development located on prime agricultural soils for this project, as described in the site plans, is less than 90,000 square feet, including the cultivation areas, water tanks, a portion of one pond, and one emergency turnaround area proposed to be located on prime agricultural soils. The project as proposed is consistent with this standard.</p> |

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| §314-55.4.8.2 | 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, subject to the conditions and limitations set forth in this Section. | <p>Removal of trees less than 12 inches in diameter is proposed for the construction of turnouts for the 1.1-mile access road; the California Department of Forestry and Fire Protection (CALFIRE) has indicated that a Less than 3-Acre Conversion Exemption will be required for any tree removal associated with the proposed project. The ISMND includes Mitigation Measure AFR-1 requiring that the applicant secure a Less than 3-Acre Conversion Exemption for this proposed scope of work; this mitigation measure is incorporated as a condition of project approval.</p> <p>No other proposed project facilities require or will involve tree removal. All proposed project facilities for Adesa Organic, LLC are located in areas that have expansive, unforested natural openings, and are not zoned Timberland Production Zone. As established natural openings, these areas of the proposed project do not require a Less than 3-Acre Conversion Permit or documentation in a Registered Professional Forester's Timberland Conversion Report.</p> |
| §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. | All commercial medical cannabis cultivated will be processed off-site. |
| §314-55.4.9.4 Pre-Application Registration | Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance. | The project is for new cultivation and was initially submitted December 15, 2016. |
| §314-55.4.10 Application Requirements | Identifies the Information Required for All Applications | Attachment 4 identifies the information submitted with the application, and shows that all the required information was received. |
| §314-55.4.11 Performance Standards | Identifies the Performance Standards for Cannabis Cultivation Activities | All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit. |
| §314-55.4.11.c Performance Standards-Water | Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration. | The applicant's operation will use rainwater catchment and pond storage as the primary source of irrigation water for the project, with estimated rainwater harvest ability of over 6.5 million gallons annually and pond/tank storage capacity of approximately 4,358,000 million gallons. The Annual irrigation water usage is estimated to be 1,864,000 gallons for the Adesa Organic, LLC project. The ADA bathroom facilities are also anticipated to require 468,000 gallons annually. Well water would serve as a back-up water source, and the applicant has applied for all permits associated with the well sources. Based on the submitted evidence, the project complies with the referenced section. |

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| §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 applicant's site plan shows that the cultivation areas and processing facility conforms to the 30-foot setback requirement from property lines. There are no parks as defined HCC Section 314-55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor are there schools, school bus stops, or places of religious worship within 600 feet. One outcome of the cultural resources study was that a determination was made about the archaeological site present that it is not a TCR; 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 also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service | The project proposes to generate power through a combination of solar PV panels and five diesel generators: four 725-kw and one 150-kw. Noise generated from the generators shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005. The applicant has retained Hybrid Tech to conduct two acoustic studies with accompanying noise pollution prevention measures demonstrating conformance with noise standards at cultivation site 433A. The ISMND outlines three mitigation measures, NOI-1, NOI-2 and NOI-3, which call for implementation of the noise pollution prevention measures described by Hybrid Tech and other measures to reduce the impacts of noise from the project. |
| §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 15, 2016. |

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

| Code Section | Summary of Applicable Requirements | Evidence that Supports the Required Finding |
|--------------|--|--|
| §312-17.1.4 | The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity. | All responding referral agencies have either provided no comment or recommended approval of the proposed use with conditions of approval. The project as proposed, mitigated, and conditioned is consistent with the general plan and zoning ordinances; and there is no evidence that the project will be materially injurious to properties or improvements in the vicinity. |

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 |
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| 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. | As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. There are no residences currently on the property, nor any proposed as part of this project. The project's associated developments will not reduce residential density for the parcel. The project is in conformance with the standards in the Housing Element. |

6. Environmental Impact:

Please see the attached draft Initial Study-Mitigated Negative Declaration.

As required by the California Environmental Quality Act (CEQA), the Initial Study conducted by the Planning and Building Department, Planning Division (Attachment 3) evaluated the project for any adverse effects on the environment. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues. The Planning

Commission is in receipt of comments on the Initial Study and Mitigated Negative Declaration from the Audubon Society, California Department of Fish and Wildlife, the ATA Law Group, California Highway Patrol, and neighboring property owners. The Planning Commission has considered these comments and finds that the comments do not require revisions to the Initial Study and Mitigated Negative Declaration and do not alter the determination that all potential adverse environmental impacts can be mitigated to a less than significant level. Specific discussion and consideration of the comments is provided below:

1. Letter dated August 1, 2020 from Redwood Region Audubon Society.

Comment 1: Project would have a significantly higher carbon footprint than if located on agricultural or industrial land closer to major highways and served by public utilities.

Response: The county has analyzed the project that was presented for review and applied mitigation to reduce the carbon footprint of the project. See ENE-1 renewable energy mitigation.

Comment 2: Transportation for fifteen full time employees would require two nine passenger vans or one small bus to make a sixty-four mile round trip per day with an elevation difference of over 2,200 feet.

Response: One or two average daily trips would not result in significant impact. Initial Study estimates and considered up to ten average daily trips for the project.

Comment 3: Vehicle traffic required for fuel delivery and to supply diesel generators, soil for plants would significantly impact the road. There are no plans for soil recycling. There will be significant carbon emissions from these vehicles.

Response: Mitigation to reduce reliance on generators (See ENE-1) reduces the impact of fuel delivery. The Operations Plans for Adesa Organics, LLC states that the operator will use a soil fertility management system to recycle soil on-site (p.4 Ops Plan).

Comment 4: Long term plans include extension of electrical grid, which would be a growth inducing factor.

Response: The area surrounding the project site is designated as Timber Production Zone and Agricultural Exclusive, both of which would not allow for significant growth other than for agricultural purposes.

Comment 5: Project is within Grasshopper Sparrow nesting habitat and surveys should be done in nesting season.

Response: Mitigation measure Bio-8 requires nesting Bird surveys including for Grasshopper Sparrow.

2. Letter dated July 15, 2020 from Department of California Highway Patrol

Concern raised regarding safety of the road and that increased vehicle traffic could create possibility of traffic collisions.

Response: The road is a publicly maintained road that is at a similar functional capacity as a Road Category 4 given the amount of traffic on the road. The road is 20 feet wide in many areas with sufficient turnouts when necessary, and the proposed project would add approximately 10 average daily trips to the road network.

3. Email dated July 21, 2020 from Arthur Wilson

Concern raised regarding protection of water quality of Cowan Creek, pollution from chemicals, noise and light, traffic, fire safety, and regulatory oversight.

Response: These concerns are addressed in the Initial Study. See Biological Resources, Aesthetics, Noise, Hydrology/Water Quality, Noise Sections.

4. Letter undated from Ronald Wilson

Concern raised regarding protection of water quality of Cowan Creek, pollution from chemicals, noise and light, traffic, fire safety, and regulatory oversight of the project once the need for cannabis goes away.

Response: These concerns are addressed in the Initial Study. These concerns are addressed in the Initial Study. See Biological Resources, Aesthetics, Noise, Hydrology/Water Quality, Noise Sections. If facility is not utilized for cannabis, mitigation measures will still apply to the construction and maintenance of the facility.

5. Letter dated July 31, 2020 from the California Department of Fish and Wildlife

Deferred Mitigation and LSAA. CDFW states that the IS/MND defers mitigation for existing impacts by stating that impacts will be addressed by obtaining an LSAA. The final IS/MND should be revised to include an analysis of all project impacts and propose mitigation.

Response: It is unclear what CDFW is referring to in this comment. There are no proposed mitigation measures that refer to additional mitigation to be required under an LSAA. All project impacts are identified in the document and mitigation is not deferred to obtaining an LSAA.

Mixed-light cultivation. The IS/MND should address how compliance with dark sky standards will be effectively implemented in interim with temporary hoop-houses and long term.

Response: The project is phased with no lights allowed until the final construction of the greenhouses with automated light curtains. No lights will be used during hoop-house or light-dep cultivation. Mixed-light cultivation will only occur once the final greenhouses with automated light curtains is developed. Automated light curtains shall ensure that dark sky standards are met. Non-compliance would result in enforcement action including but not limited to revocation of the permit.

Proposed pond and cultivation area should be sited further from dripline of oak woodland and riparian habitat, at least 100 feet. Facilities should be located outside of stream and riparian complex.

Response: Project facilities are located outside stream and riparian areas. Project is required to comply with County Streamside Management and Wetland Ordinance (SMAWO) requirements which is 50 feet from edge of dripline (or top of bank, whichever is more restrictive) from intermittent streams and 100 feet from perennial streams.

Rainwater catchment ponds. CDFW requests County address incongruent measures and provide specificity regarding measures to address bullfrogs. CDFW states that mitigation that ponds shall be kept free of bullfrogs and that measures to control bullfrogs by draining ponds every two years are inconsistent. CDFW requests consultation with CDFW on pond construction prior to project approval.

Response: After discussion with CDFW staff and pursuant to section 15074.1 of the CEQA Guidelines, the county is recommending a replacement mitigation measure for Mitigation Measure BIO-2 which is to prevent bullfrog infestation of the proposed rainwater catchment ponds from American bullfrogs. The mitigation measure in the ISMND that was circulated for review is as follows:

BIO-2 Pond Maintenance to Prevent Bullfrog Infestation

All constructed ponds shall be kept free of American bullfrog infestations to prevent this non-native

species from impacting special status aquatic species, such as the northern red-legged frog. To prevent significant bullfrog populations from developing due to the aquatic environment provided by the rainwater catchment ponds, the following measures shall be implemented as part of the project:

- a) Controlling the bullfrog population following colonization will be achieved by draining the rainwater catchment ponds throughout the summer until no water remains at the end of the principal cultivation and irrigation period. This shall be repeated for 2 years to disrupt bull frog life cycles.
- b) Direct removal methods shall be used, should de-watering be ineffective for the removal of bullfrog populations.
- c) Monitoring for bullfrog populations shall occur on an annual basis in order to prevent subsequent establishment.

The replacement mitigation measure is as follows:

BIO-2 Pond Maintenance to Prevent Bullfrog Infestation

All constructed ponds shall be kept free of American bullfrog infestations to prevent this non-native species from impacting special status aquatic species, such as the northern red-legged frog. To prevent significant bullfrog populations from developing due to the aquatic environment provided by the rainwater catchment ponds, the following measures shall be implemented as part of the project:

- a) Fencing shall be installed around the perimeter of rainwater catchment ponds in a manner to prevent bullfrogs from entering the pond areas. The fencing style shall developed in consultation with CDFW to prevent American bullfrogs from gaining access to the pond areas.
- b) Controlling the bullfrog population following colonization will be achieved by draining the rainwater catchment ponds throughout the summer until no water remains at the end of the principal cultivation and irrigation period. This shall be repeated for 2 years to disrupt bull frog life cycles.
- c) Direct removal methods shall be used, should de-watering be ineffective for the removal of bullfrog populations.
- d) Monitoring for bullfrog populations shall occur on an annual basis in order to prevent subsequent establishment.

This substitution mitigation measure is more effective in mitigating the potential significant impacts that were identified and does not in itself cause any potentially significant impacts on the environment.

Potential for second irrigation pond suggests uncertainty regarding water use. MND should clearly describe intent of project and size and scope.

As with any proposed agricultural operation, irrigation water can only be estimated until it is in place and operational. Water use is estimated at 21.5 gallons a square foot which is relatively high for cultivation. At that estimate the primary pond will have more than enough water to provide for all irrigation needs, nonetheless the applicant has proposed a second pond in the event that additional water is needed for irrigation or fire-fighting purposes. The secondary pond, which likely not necessary for project needs, is still described and analyzed in IS/MND.

Phasing and Climate Change. CDFW states that phasing the project with initial phase at full sun outdoor or light-dep hoop-houses and eventually transitioning to two acres of mixed-light with solar power is deferring mitigation for renewable energy. The IS/MND identifies that over one hundred thousand gallons of diesel represents a potentially significant impact and therefore deferring development of solar is deferred mitigation.

Response: CDFW is misinterpreting the project. The first phase would be full sun outdoor cultivation or light-deprivation. No lights would be used for the first phase and limited power would therefore be required. The reference in the IS to over one hundred thousand gallons of diesel is for the proposed

project without the applicable mitigation. The mitigation measure for 80% renewable energy is intended to mitigate the amount of diesel usage. The IS/MND does not defer mitigation. The requirement for 80% of all power to be sourced from renewable energy is in place at the beginning of operation of the project, at all phases.

Oak and Oak Woodlands. CDFW states that removal of trees for road improvement purposes may result in removal of oak woodlands and that CEQA Section 21083.4(b) provides that any oak woodland removal may be considered a significant impact.

Response: The citation to 21083.4(b) is incorrect as 21083.4(d.3) states that conversion of oak woodlands on agricultural land that includes land that is used to produce or process plant and animal products for commercial purposes is exempt from 21083.4. Nonetheless, oak woodlands are not proposed to be removed as a result of the project. All trees proposed to be removed would be less than 12 inches in diameter and would be no more than 22 trees for the entirety of the 1.1 mile access road. The majority of trees would be Doug-fir species.

Surface mining and Reclamation Act. County should include a condition of approval that rock is obtained from a SMARA approved quarry or source. If rock is obtained from within project parcel, potential impacts should be evaluated.

Response. Rock will be acquired from a SMARA approved source. This is a recommended condition of approval in the staff report (COA #12)

6. Comments submitted August 19, 2020 from the ATA Law Group representing Friends of the Mad River.
 - A. ATA Law Group states that the IS/MND fails to consider the whole of the project because it excludes the LSAA, the Deva Amrita project, and the second rainwater catchment pond. These claims are inaccurate. The projects identified in the LSAA that relate to the proposed Conditional Use Permit are all disclosed, analyzed and mitigated for in the ISMND. The commenter conflates the entirety of the draft LSAA issued by CDFW for the entire Adesa Ranch with the CEQA project currently under review. While CDFW has requested and mandated culvert and stream crossing improvements for the entire 443 acre ranch, the majority of these are unrelated and have no nexus to the Conditional Use Permit for commercial cannabis and are not required for the proposed cannabis facility. The stream crossings and culvert replacements necessary for the cannabis project are all disclosed, analyzed and adequately mitigated for in the ISMND (See Bio Resources section of ISMND). Other aspects of the draft LSAA have no nexus to the Conditional Use Permit.
 - B. ATA Law Group states that an existing stock watering pond on the site should be evaluated in the environmental document. This existing stock pond is not part of the project and no changes are proposed to it as part of the project.
 - C. ATA Law Group states that the Dev Amrita project must be evaluated. This application has been cancelled and is no longer proposed and therefore is not part of the project to be considered under CEQA.
 - D. ATA Law Group states that the foreseeable effects of a second rainwater catchment pond should be considered because it could allow for additional development and cultivation activities. However, no additional development or cultivation is proposed and is unlikely to be allowed per the zoning and constraints of the property. CEQA does not require an analysis of development that is not contemplated, proposed or likely to occur.
 - E. ATA states that the proposed project is based on a 2019 application and therefore must comply with the Commercial Cannabis Land Use Ordinance (Ordinance 2.0). For this claim ATA is referring to an emergency Special Permit that the applicant filed at CDFW's request to repair an existing failing stock pond on the ranch property. In this application the applicant referenced the draft LSAA that CDFW issued that includes some of the road work and stream crossings for the cannabis application. This did not change or alter the Conditional Use Permit application submitted by Adesa Organics, which was submitted on December 15, 2016. The CCLUO states that "applications for commercial Cannabis Activity land use permits filed on or before December 31, 2016 shall be governed by the regulations in effect at the time of their submittal". The only exception stated in

this section is regarding Zoning Clearance Certificates in Community Planning Areas, which does not apply here. The Adesa application is required under the Humboldt County Code to be reviewed under the CMMLUO.

- F. ATA states that the stream setback must be increased to comply with state law. This is false. As mentioned previously in the staff report, the proposed setbacks to watercourses comply with the county's Streamside Management Area and Wetland Ordinance and will be required to comply with state requirements. The project did file a Notice of Application under the previous cannabis order and has received information from the Water Board staff indicating that they would be vested under that order, however the new order requires 50 foot setbacks from class 3 watercourses, 100 feet from class 2 watercourses, and 150 feet from class 1 watercourses and lakes, ponds or springs. The project is designed to be 100 feet or more from all adjacent watercourses, which are class 2 watercourses requiring a 100-foot setback.
- G. ATA states that impacts to Water Resources may be significant because 6,201,00 gallons of rainwater catchment is proposed. This is inaccurate. 4,300,000 gallons of rainwater catchment is proposed and disclosed in the ISMND. The commenter references page 7 of the ISMND referring to this amount of rainwater catchment, but this is not accurate. The proposed water storage would be 4,300,000 gallons, which is equivalent to approximately 13 acre-feet per year. According to the Humboldt Bay Municipal Water District Urban Water Management Plan the Mad River watershed annual runoff just over 1,000,000 acre feet per year. The capture of 4,300,000 gallons is approximately 13 acre feet per year, which is 0.0013 percent of the total runoff in the Mad River watershed. ATA also states that the ISMND is contradictory because it states that runoff will be collected and used for rainwater, and that it also states that runoff will infiltrate into the ground or be pre-treated prior to discharge. It is unclear how this is contradictory as the amount of runoff needed to fill rainwater ponds will be collected and additional runoff allowed to infiltrate or discharged. This is not contradictory.
- H. ATA states that the use of diesel generators will be a significant impact and points to statement s by the county in the ISMND that the use of diesel generators powering 20% to 50% of the power is a significant impact and that the county is not requiring solar power from the beginning of the operation. This is false. The ISMND requires as mitigation that the project provide 80% renewable power at the very beginning of the operation. This argument from ATA completely ignores the discussion in the ISMND and the proposed mitigation measures.
- I. ATA states that the project fails to address habitat fragmentation from the proposed project. The ISMND includes over three years of studies documenting the habitats and use of these areas by sensitive wildlife species and includes mitigation to protect and ensure that these species and any sensitive habitats will be protected. ATA refers to CDFW stating that the new road will fragment high quality habitat, however the vast majority of the access road for this project is existing and will only be improved. The only new access road is an approximately 250-foot section that runs through oak woodlands to the proposed primary rainwater pond. There is no information provided by ATA or CDFW to indicate that a 250-foot access will result in significant habitat fragmentation. Further, neither ATA or CDFW provide any detail or scientific information to demonstrate the potential for significant impacts on habitat. The ISMND relies on technical studies and analysis prepared by qualified biological experts. Neither ATA nor CDFW has provided any expert analysis to contradict the information relied on in the ISMND.
- J. ATA repeats CDFW comments that there may be a significant impact from pond construction because of incongruous mitigation regarding bullfrog management. It See replacement mitigation measure BIO-2.

Because the project was found to be subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project. Within five (5) days of the effective date of the approval of this tentative map, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,456.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the California Department of Fish and Wildlife (CDFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2020 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone

at (916) 651-0603 or through the CDFW website at www.wildlife.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,406.75 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required. This requirement appears as Condition 1 of Attachment 1 (Section 1).

ATTACHMENT 3
Initial Study and Mitigated Negative Declaration

Attached Separate and On File

ATTACHMENT 4

Applicant's Evidence In Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within $\frac{1}{4}$ 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. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If 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. (Application on file, permit pending)
9. If the source of water is a well, a copy of the County well permit, if available. (On file)
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 (CALFIRE). 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 CALFIRE. (Not applicable to cultivation or processing areas, Less-than-3-acre conversion exemption required as a mitigation measure and made a condition of approval for tree removal associated with access road improvement)

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. *A Cultural Resources Investigation Report for the Adesa Organic LLC and Deva Amrita LLC CMMLUO Permits*. April 2017. Roscoe and Associates. (On file and confidential)
16. *Subsurface Investigations at the Cowan's Creek 433 Site A*. August 2017. Roscoe and Salisbury. (On file and confidential)
17. *Onsite Septic Suitability Investigation and Disposal System Design Recommendations, Adesa Organics, Maple Creek Area, Humboldt County; APN 315-211-003*. October 2016. SHN Consulting Engineers and Geologists. (On file)
18. *Geotechnical Engineering Report, Adesa Organic Cannabis Farm, Maple Creek, California*. November 2016. SHN Consulting Engineers and Geologists. (On file)
19. *Road Evaluation Report prepared for Adesa Organic*. December 2016. SHN Consulting Engineers and Geologists. (On file)
20. *Preliminary Jurisdictional Wetland and Other Waters Delineation, Adesa Organic, Korbek, California*. December 2016. SHN Consulting Engineers and Geologists. (On file)
21. *Natural Resources Assessment for Adesa Organic, LLC and Deva Amrita, LLC*. December 2017. SHN Consulting Engineers and Geologists. (On file)
22. Pacific Northwestern Biological Services Golden Eagle Assessments (On File)
23. SHN Golden Eagle Assessment (Onfile)
24. *Adesa Organic Acoustic Study*. February 2018. Hybrid Tech. (On file)
25. *Adesa Organic Acoustic Study*. April 2018. Hybrid Tech. (On file)
26. *Prime Agricultural Soil Assessment for 23550 Maple Creek Road, Korbek, CA 95550*. February 2018. Dirty Business Soil Agricultural Consulting and Analysis. (On file)

27. "Self-Certification of Maple Creek Road," with accompanying photographs. January 24, 2018. Laura Borusas.



Cultivation and Operations Plan

Four Mixed Light Cultivation Projects at 23550 Maple Creek Road
(APNs 315-145-002, 315-211-003, and 315-211-004)

Adesa Organic

REVISED June 9, 2019 (Additions are underlined. Deletions are ~~struck out~~.)

1. Mission Statement

Adesa Organic seeks to provide the highest quality, sustainably grown cannabis using organic agricultural methods. We aim to better the lives of our customers, the community we serve and live in, and to inspire others to do the same.

2. Water

2.1 Water Source

Effectively all elements of Water Source are shared between the Deva Amrita, LLC (Deva Amrita or Deva) and Adesa Organic, LLC (Adesa Organic or Adesa) projects. Rainwater will be the primary water source, collected from precipitation onto ponds and greenhouse roofs. Water may also be sourced from a well or wells located onsite (some yet to be developed). Average annual rainfall in Maple Creek is estimated at 64.5 inches (5.375 feet) per year

(<http://www.weatherbase.com>). Deva and Adesa will be able to collect approximately 2,888,729 gallons of rainfall from precipitation falling onto the two proposed ponds (71,845 sf of total ponds x 5.375 ft = 386,166 cu ft = 2,888,729 gallons). They will also collect approximately 3,311,836 gallons of water from Adesa's 82,368 sf total greenhouse roof (82,368 sf of roof x 5.375 ft = 442,728 cu ft = 3,311,836 gallons) and approximately 382,135 gallons of water from Deva's 9,504 sf total greenhouse roof (9,504 sf of roof x 5.375 ft = 51,084 cu ft = 382,135 gallons). Total water collected annually from rainfall will be 6,582,700 gallons (2,888,729 gallons from ponds + 3,693,971 gallons from roofs = 6,582,700 gallons).

2.2 Water Storage

Effectively all elements of Water Storage are shared between the Deva Amrita, LLC and Adesa Organic, LLC projects. Two ponds are proposed. East of Site A, a 3,221,710-gallon pond is proposed (53,835 sq ft x average depth 8 ft = 430,680 cu ft = 3,221,710 gal). At Site B, a 1,077,793-gallon pond is proposed (18,010 sq ft x average depth 8 ft = 144,080 cu ft = 1,077,793 gal). The second pond will be built only on a as-needed basis. Three 10,000-gallon water tanks will be located next to each of the two Adesa greenhouses, and three 10,000-gallon water tanks will also be located next to the Deva greenhouse, for an

additional 90,000 gallons of water storage. Total proposed water storage is 4,389,503 gallons (4,299,503 gallons in ponds and 90,000 gallons in tanks).

2.3 Water Usage

By removing two winter cycles and growing smaller, shorter life-cycle plants, annual water use was drastically reduced.

| Annual Water Usage | Site A | Site B | Total 82,368 sf |
|--|---------------|---------------|--------------------------|
| Flowering Water Use | | | |
| Square Feet per Harvest | 2,052 | 2,052 | |
| Gallons per Square Foot | 0.5 | 0.5 | |
| Number of Watering per 63 Day Cycle | 21 | 21 | |
| Total Water use per Harvest in Gallons | 20,748 | 20,748 | |
| Number of Harvests a Year | 33 | 33 | |
| Yearly Water Use in Gallons | 684,684 | 684,684 | 1,369,368 |
| Vegetative Water Use | | | |
| Number of 1 Gallon Plants per Cycle | 4,200 | 4,200 | |
| Gallons per Plant | 0.1 | 0.1 | |
| Number of Waterings per 10 Day Cycle | 5 | 5 | |
| Water Use per Veg Cycle | 2,100 | 2,100 | |
| Number of Veg Cycles | 33 | 33 | |
| Yearly Water Use in Gallons | 69,300 | 69,300 | 138,600 |
| Mother Plants | | | |
| Number of 5 Gallons Plants | 559 | 559 | |
| Gallons per Plant | 3 | 3 | |
| Number of Waterings a Year | 92 | 92 | |
| Yearly Water Use in Gallons | 154,284 | 154,284 | 308,568 |
| Clones Plants | | | |
| Number of Clones per Cycle | 5000 | 5000 | |
| Water Use in Gallons a Day | 0.008 | 0.008 | |
| Number of Waterings per 18 Day Cycle | 18 | 18 | |
| Number of Cycles a Year | 33 | 33 | |
| Yearly Water Use in Gallons | 23760 | 23760 | 47,520 |
| TOTAL YEARLY WATER USE | Site A | Site B | Total 82,368 s.f. |
| Yearly Total in Gallons | 932,028 | 932,028 | 1,864,056.00 |

2.4 Irrigation Plan

A drip system will be used to irrigate the mixed-use greenhouses. Any excess irrigation runoff will be captured and collected through a gutter system beneath the growing benches (PVC or pitched plastic gutters and piped directly to a mixed-media water filtration system (everfilt.com/)). This water filtration system works efficiently enough to clean all of the excess irrigation water, preventing any runoff. Presently, the plan is to use a customized multi-tank system at each greenhouse. This cleaned irrigation water can then be reintroduced back into the onsite water holding tanks or pushed back into the ponds.

3. Site Drainage

As explained above in Section 2.4, all excess irrigation runoff will be captured and recycled through a mixed-media water filtration system. Therefore, no excess irrigation water will run off the site. Rainwater falling on the greenhouse and production building roofs will be captured and stored for use. Site topography is relatively flat at the cultivation and processing sites, with slopes of 5-15%.

4. Watershed and Habitat Protection

The proposed cultivation and processing areas are over 100 feet from wetland areas. Since there will be little to no irrigation water leaving the greenhouses, there are no expected impacts on the nearby watersheds or habitats. There will be erosion control measures surrounding the water tanks in case of any accidental leaking. Adesa will be using all OMRI certified organic ingredients, which will further reduce the potential for adverse impacts to the watershed.

5. Storage and Use of Fertilizers and Pesticides

All certified organic amendments, teas, and pesticides/fungicides are certified for organic farming. The materials will be stored in locked storage stations in the proposed drying/~~processing~~ **storage** buildings, and will be taken back to the stations immediately after use. **All fertilizers, pesticides, fungicides and cleaning products will be stored individually in safety catchment containers.** There will be full-body disposable zip-ups with hand and face protection, and ventilation available for anyone using these products.

Adesa will be very focused on preventative measures to minimize chemical pesticide and fungicide use. Adesa is working with an insectary to implement biological predators in our greenhouses that will live on the plants and control unwanted pest populations. The predatory insects will be released on a regular schedule and contained within the greenhouses.

6. Cultivation Activities

This cultivation and operations plan describes four “mixed light” projects/permits, ~~—two at Site A and two at Site B.~~

~~Two permits will be used on Site A:~~ All four permits will be located in a quad adjacent to one another: one two permits for 22,000 square feet of mixed-light greenhouse and ~~one two~~ permits for 21,200 square feet of mixed-light greenhouse.

~~Another two permits will be used for Site B: one permit for 22,000 square feet of mixed light greenhouse, and one permit for 17,168 square feet of mixed light greenhouse.~~

Total proposed cultivation area is ~~82,368~~ 86,400 square feet. ~~Total proposed area of prime soil used including the greenhouses is 83,492 square feet.~~

The “mixed light” greenhouse operation will use photoperiod controls such as supplemental lighting and light deprivation to have three harvest cycles in a year. There will be a harvest every one week, and new clones will be moved into that space, thus creating a perpetual harvest season. Adesa will be using a soil fertility management plan from a crop management company to continuously test soil nutrient levels and recommend organic amendments to rebalance the soil. This process will allow Adesa to recycle soil. Adesa will use all ‘vegan’ certified organic ingredients in a soilless potting media.

7. Processing Plan

7.1 Summary of Processing Practices

- Processing operations will be maintained in a clean and sanitary condition including all work surfaces and equipment.
- All employees will follow strict sanitary guidelines to prevent mold, mildew and bacterial contamination.
- Employees who are handling cannabis in our processing operations will have access to facemasks and gloves in good operable condition as applicable to their job function.
- Employees will be required to wash their hands sufficiently or use gloves when handling cannabis.

7.2 Processing Activities and Location

At harvest the product will be taken to the proposed processing buildings on APN 315-211-003 where employees will hang the wet product in a drying room. This room will be humidity- and temperature-controlled to remove moisture. Once the drying is finished, the dry flowers will be moved to another climate controlled room at the processing buildings and put in curing bins. With minimal human intervention, and proper ventilation and humidity levels, these procedures will ensure a contaminant-free finished product. After curing is completed, the product will be transferred to a separate facility in another jurisdiction for further processing, packaging and storage. ~~It is noted that the processing facilities will be shared with the Deva Amrita, LLC cultivation project which is located on an adjacent legal parcel.~~

7.3 Employees

There will be approximately ~~20~~**15** full time employees. Up to ~~8~~**5** part time employees will be hired during harvest for up to 10 days per month.

7.4 Summary of Employee Safety Practices

All cultivation and processing operations will comply with the following Employee Safety Practices:

- Adesa will implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - Emergency action response plan
 - Employee accident reporting and investigation policies
 - Fire prevention plan
 - Hazard communication policies, including maintenance of material safety data sheets (MSDS)
 - Materials handling policies
 - Job hazard analyses
 - Personal protective equipment policies, including respiratory protection
- Adesa will visibly post and maintain an emergency contact list which will include, at a minimum:
 - Operation manager contacts
 - Emergency responder contacts
 - Poison control contacts
- At all times, employees will have access to safe drinking water and toilets and Handwashing facilities that comply with applicable federal, state, and local laws and regulations.

7.5 Toilet and Handwashing Facilities

ADA-compliant toilet and handwashing facilities will be located in a proposed new stand-alone building near the processing facilities. This is within a one-minute walk from the cultivation site, A, and a one-minute ride from cultivation Site B. ~~At each cultivation site there will be 'quads' available for employees to take back to the restroom facilities.~~

7.6 Plumbing and/or Septic System

A new onsite sewage disposal system will be constructed in accordance with the County's sewage disposal system requirements. The system will serve the toilet and handwashing facilities located near the processing facilities.

7.7 Source of Drinking Water for Employees

There will be ADA compliant restrooms and water coolers near the ~~processing and~~ drying facilities. Drinking water will be treated onsite well water or purchased water coolers.

7.8 Road Use

The site is accessed from Maple Creek Road, the nearest public road. An approximately 1-mile-long unpaved driveway provides access to the project site. Although Adesa will have ~~20~~ 15 employees working in the greenhouses at all times, we plan on minimizing road use by having a company shuttle car that picks up employees in Eureka and Arcata, and then drops them off after the end of shift. If employees prefer they can carpool and park in the parking lot at the processing buildings, which will have at least one ADA accessible spot.

8. Cultivation Cycles

Crop cycles will be offset so that harvests occur every one week. ~~In each of the two cultivation sites (comprised of two permits each)~~ There will be three harvests planned per year, with 9 day breaks in between flower cycles. ~~For Site A (permits one and two), We will harvest 2,052~~ 4,104 square feet of flowering canopy every one week. ~~For Site B (permits three and four), we will harvest 2,052 square feet every one week.~~ We expect each flower cycle to take on average 64 days.

9. Schedule of Activities

Clone propagation will start mid-January. The first crop will be moved into the flowering space mid-February and the first harvest will be mid-April. The last harvest will occur around the first of November. The vegetative greenhouse space will have supplemental

light to ensure a consistent 16 hours of sunlight every day. The light plan for the flower space will also adjust with the season to ensure 12 hours of sunlight. The amount of supplemental light used will depend on sunrise and sunset times, and also if the plant receives the DLI (Daily Light Interval) necessary throughout the day.

Using the Astronomical Application Department's online Duration of Daylight Calendar, we were able to calculate the hours needed to use supplemental light in Korbel. Because Korbel is closer to the coast than the actual cultivation site, we expect to have slightly less overcast days throughout the year.

The vegetative plants will receive light from 6 am to 10 pm. The flowering plants will always receive light from 8 am to 8 pm even during Daylight Savings time so as to not turn the light on in the morning. The time was chosen because at our location the latest the sun rises is 7:40 am on any given day, essentially removing the need to use lighting in the morning. Because our mixed-light greenhouses will be using solar energy we want to run the lights, if at all needed, later in the day when the solar batteries have had time to charge. Below is a chart showing necessary hours of light needed monthly in both sections of the greenhouse.

| Supplemental Light Use Daily | Flowering | Vegetative |
|------------------------------|-------------|--------------|
| January | | 6 - 7 hr |
| February | 1 - 2 hr | 5 - 6 hr |
| March | .5 - 1 hr | 5 - 3 hr |
| April | | 2 - 3 hr |
| May | | 1 - 2 hr |
| June | | 1 hr |
| July | | 1 - 2 hr |
| August | | 2 - 3 hr |
| September | 0.25 hr | 3 - 4 hr |
| October | .5 - 1.5 hr | 4.5 - 5.5 hr |
| November | | 5.5 - 6.5 hr |
| December | | 6.5 - 7 hr |

10. Security Plan

All greenhouses and processing buildings will be under off-site wireless camera supervision, including all doors, gates, storage and processing facilities. The processing drying facility and ~~each~~ the greenhouse will have a security officer present during all business hours. All employees will be background screened and only managers will have keys to locked areas such as the greenhouse, drying, curing, processing and storage facilities. All doors and gates will have motion-sensor activated cameras and lights. All doors will also have sensors and wireless transmission to notify when doors are opened outside business hours. We will be immediately implementing a seed-to-sale software, in coordination with State requirements. Each plant will be labeled and the finished product will be accounted for per each plant. This will prevent any diversion into the black-market. All exchanges between distributors will take place in an area that is under camera supervision and they will move the product with armored cars. Those with access to the track and trace system will go through mandatory compliance training.

Adesa Organic and Deva Amrita Water Usage, Collection, and Storage

2/21/2018

All Projects (Adesa and Deva combined) - Water Storage

| Water Storage | Area (sf) | Avg Depth (ft) | Volume (cu ft) | Volume (gal) |
|---------------------------|---------------|----------------|----------------|------------------|
| Pond A | 53,835 | 8 | 430,680 | 3,221,710 |
| Pond B | 18,010 | 8 | 144,080 | 1,077,793 |
| subtotal ponds | 71,845 | | | 4,299,504 |
| 3 10k tanks at Deva | | | | 30,000 |
| 3 10k tanks at Adesa 433A | | | | 30,000 |
| 3 10k tanks at Adesa 433B | | | | 30,000 |
| subtotal tanks | | | | 90,000 |
| TOTAL | | | | 4,389,504 |

(up to)

(up to)

All Projects (Adesa and Deva combined) - Rainwater Collection

| Collection Site | Area (sf) | Annual rainfall (ft) | Annual Collection (cu ft) | Annual Collection (gal) |
|-----------------------|---------------|----------------------|---------------------------|-------------------------|
| Total ponds | 71,845 | 5.375 | 386,167 | 2,888,729 |
| subtotal ponds | 71,845 | | | 2,888,729 |
| Total Adesa GH roof | 82,368 | 5.375 | 442,728 | 3,311,836 |
| Total Deva GH roof | 9,504 | 5.375 | 51,084 | 382,135 |
| subtotal roofs | 91,872 | | 493,812 | 3,693,971 |
| TOTAL | | | | 6,582,700 |

All Projects (Adesa and Deva combined) - Water Usage

| Water Usage | Annual Use (gal) |
|---------------------------|------------------|
| Deva Amrita cultivation | 224,424 |
| Adesa Organic cultivation | 1,864,056 |
| ADA bathroom | 468,000 |
| TOTAL | 2,556,480 |



Adesa Organic and Deva Amrita - Diesel Use and Storage

2/21/2018

Diesel Use

| Project Element | | Diesel Use (gal/yr) | Notes |
|-----------------|-------------|---------------------|--|
| Processing | Total | 18,000 | Per Laura 2/5/18-processing uses 1500 gal/mo. |
| | (Adesa=90%) | 16,200 | Prorated based on relative cultivation sizes. |
| | (Deva=10%) | 1,800 | Prorated based on relative cultivation sizes. |
| Adesa | 433A site | 53,799 | Per Laura 2/5/18 - All Adesa cult + All Adesa+Deva processing=121,459 gal/yr |
| | 433B site | 49,660 | |
| | processing | 16,200 | From above calc - 90% |
| | Total | 119,659 | |
| Deva | 185 site | 42,157 | Reducing from 5 cycles to 3 reduced diesel use from 70,262 to 42,157 gal/yr (40% reduction). |
| | processing | 1,800 | From above calc - 10% |
| | Total | 43,957 | |

Diesel Storage

| Project Element | Serves | Tank Location | Diesel Storage (gal) |
|------------------|---------------------------------|-----------------------------|----------------------|
| Adesa | 433A site + processing (shared) | between 433A and processing | 15,000 |
| | 433B site | by 433B | 15,000 |
| Deva | 185 site | by 185 site | 5,000 |
| | processing (shared) | included above | included above |
| Total Adesa+Deva | | | 35,000 |



AMT - 016178

Prime Soils Documented

February 21, 2018 (revised)

Deva Amrita (185 Acre) Parcel - Prime Ag Soil Documented

| Prime Soil Area (sq ft) | Polygon Name | DBS Report Date | Name as of 3/27/17 report |
|-------------------------|------------------|-----------------|---------------------------|
| 4,532 | 185-Hole 1 | 6/23/16 | Site 9 |
| 65,597 | 185-Hole 2 | 6/23/16 | Site 10 |
| 13,950 | Hole 3 (partial) | 6/14/16 | Site 3 |
| 84,079 | TOTAL | 06/23/16 | 20% Of 84,079= |

Per Harrison, only 13,950 sf of 33,440 sf is on Deva parcels
16,816 sq ft of prime soils can be occupied on 185

Adesa Organic (433 Acre) Parcel - Prime Ag Soil Documented

| Prime Soil Area (sq ft) | Original Polygon Name | DBS Report Date | Name as of 3/27/17 report | Notes |
|-------------------------|-----------------------|------------------------------|---------------------------|---|
| 103,856 | Hole 1 | 1/24/2018 (email from Laura) | Site 1 | |
| 41,002 | Hole 2 | 6/14/16 | Site 2 | |
| 19,490 | Hole 3 (partial) | 6/14/16 | Site 3 | Per Harrison, only 19,490 sf of 33,440 sf is on Adesa parcels |
| 113,438 | Hole 4 | 6/14/16 | Site 4 | |
| 75,506 | Site 3 | 8/15/16 | Site 5 | |
| 121,880 | NA (new) | 3/27/17 | Site 6 | |
| 41,745 | NA (new) | 3/27/17 | Site 7 | |
| 199,368 | NA (new) | 3/27/17 | Site 8 | Per Harrison, only 199,368 sf of 214,598 sf is on Adesa parcels |
| 716,285 | TOTAL | | 20% of 716,285= | 143,257 sq ft of prime soils can be occupied on 433 |

Total Deva + Adesa - Prime Ag Soil Documented

| Prime Soil Area (sq ft) | Project Site |
|-------------------------|---------------|
| 84,079 | Deva parcels |
| 716,285 | Adesa parcels |
| 800,364 | TOTAL |



January 24, 2018

Joshua Dorris, Planner II
Humboldt County Planning & Building Department
1106 Second Street
Eureka, CA
95501

Subject: **Self-Certification of Maple Creek Road**

Dear Mr. Dorris,

This letter is in response to the road evaluation report that we have been asked to prepare as part of our CUP16-452. In order to determine if the road meets Category 4 standards we performed an analysis of road width of Maple Creek Road from Butler Valley Road to roughly 8 miles out to the site at APN 315-146-018.

To complete the assessment we measure the road width at 26 locations. A rope was painted black and white alternating at 12" increments to clearly show the measured width. A picture at each location was taken as well as the GPS coordinates. Attached is a map showing the locations along the road, as well as the 26 pictures allowing you to see the black and white portions of the rope to verify the widths.

We have determined that this segment of Maple Creek Road is developed to a Road Category 4 standard. The roadway is generally 20 feet wide, but does contain some areas that are slightly narrower. These locations are not necessarily at pinch points such as bridges, culverts, trees, or rocks but merely areas where the rock or paved portion of the road narrows. At the few locations that were less than 20 feet wide there were wide shoulders, turnouts, driveways, or other road connections that provided for a road section that was much wider than 20 feet.

Attached you will find the photos and an aerial view of the road showing the location of each photo.

If you have comments or concerns regarding this report, please call me at 707-391-7847.

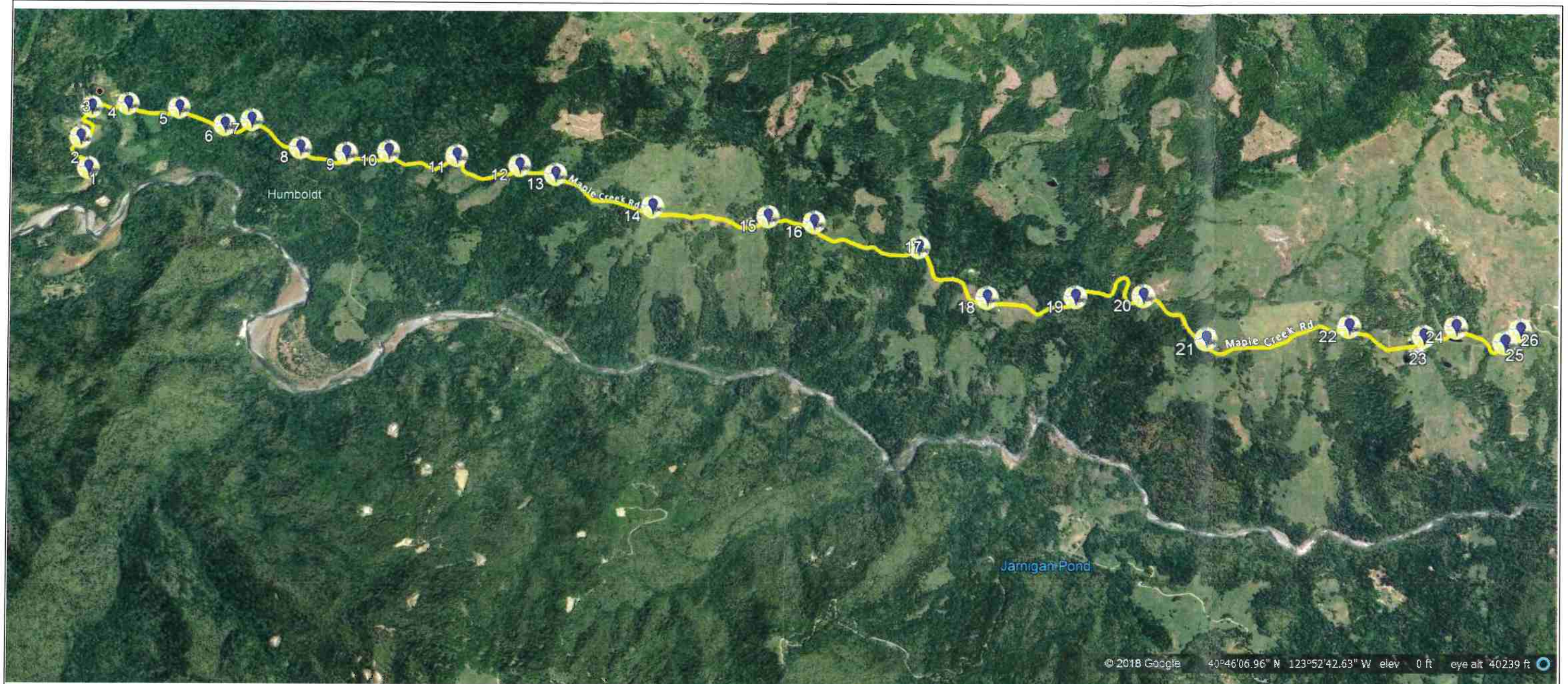
Sincerely,



Laura Borusas

Attachment: Road Photos and Location Map





| | | | |
|---|--|--|--|
|  Consulting Engineers & Geologists, Inc. | Adesa Organic Road Analysis Maple Creek Road | | Road Width Sample Locations SHN 016178.400 |
| | January 2018 | \\eureka\projects\2016\016178-AMT\400-Road-Analysis\Figs\20180112-SampleLocMap.doc | |





Photo #1-Approximate road width: 20 feet



Photo #2-Approximate road width: 20 feet



Photo #3-Approximate road width: 20 feet



Photo #4-Approximate road width: 20 feet



Photo #5-Approximate road width: 22 feet



Photo #6-Approximate road width: 18 feet (does not include driveway)



Photo #7-Approximate road width: 19 feet (does not include driveway)



Photo #8-Approximate road width: 18 feet (does not include driveway)



Photo #9-Approximate road width: 20 feet



Photo #10-Approximate road width: 17 feet (does not include shoulder)



Photo #11-Approximate road width: 20 feet



Photo #12-Approximate road width: 20 feet



Photo #13-Approximate road width: 20 feet



Photo #14-Approximate road width: 19 feet



Photo #15-Approximate road width: 21 feet



Photo #16-Approximate road width: 20 feet



Photo #17-Approximate road width: 22 feet



Photo #18-Approximate road width: 17 feet (does not include shoulder)



Photo #19-Approximate road width: 18 feet



Photo #20-Approximate road width: 19 feet



Photo #21-Approximate road width: 19 feet



Photo #22-Approximate road width: 21 feet



Photo #23-Approximate road width: 23 feet



Photo #24-Approximate road width: 17 feet





Photo #25-Approximate road width: 18 feet (does not include shoulder)



Photo #26-Approximate road width: 17 feet

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

| Referral Agency | Response | Recommendation | Location |
|--|-----------------|-----------------------|-----------------------|
| Building Inspection Division | ✓ | Conditional Approval | On file with Planning |
| Land Use Division | ✓ | Conditional Approval | Attached |
| Division Environmental Health | ✓ | Conditional Approval | On file with Planning |
| Calfire | ✓ | Conditional Approval | Attached |
| Department of Fish & Wildlife | ✓ | Comments | Attached |
| NWIC | ✓ | Further Study | On file with Planning |
| Bear River Band of the Rohnerville Rancheria | ✓ | Conditional Approval | On file with Planning |
| RWQCB | | No Response | |
| CA Division of Water Rights | | No Response | |
| Humboldt County Sheriff | | No response | |
| Humboldt County District Attorney | | No response | |
| Humboldt County Agricultural Commissioner | | No response | |
| Maple Creek School District | ✓ | Provided comments | Attached |
| Kneeland Fire Protection District | | No response | |
| Williamson Act Committee | ✓ | Approval | Attached |
| Humboldt Bay Municipal Water District | | Response | Attached |



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION 839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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

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

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Joshua Dorris, Planner II, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer II

DATE: 05/18/2017

RE: ADESA ORGANIC, LLC, APN 315-211-004, CUP16-452



The Department of Public Works reviews projects for issues relating to the adequacy of the roadway network to accommodate the proposed use; issues relating to encroachments (such as driveways and private roads) onto County maintained roads; ensuring that any outstanding violations relating to County Encroachment Permit Ordinance and Visibility Ordinance have been addressed; identifying any necessary frontage improvements that are required along County maintained roads; impacts of projects on nearby airports; ensuring that deferred subdivision improvements, if any, are completed; and identifying impacts of the proposed project to adjacent County owned properties or facilities.

The Department's review of this project is limited to what is shown on the submitted plot plan and accompanying materials.

The subject property is located within the State Responsibility Area.

ROADS: The Department has not conducted a field investigation of the roadway(s) serving the subject property. The roadway(s) serving the subject property may or may not meet road category 4 standards. The road(s) may or may not have capacity to accommodate the proposed use. The applicant shall submit a *Road Evaluation Report* pursuant to County Code Section 313-55.4.11(u)(viii) "*description of increased road use resulting from processing and a plan to minimize that impact*". The Department has developed the attached *Road Evaluation Report* forms that are to be used.

See the attached diagram of the road(s) that need to be evaluated. The Department has used its best judgement to determine the offsite road(s) that would most likely be used for the project. If this is not the correct route that would be used, please contact the Department for clarification before preparing the *Road Evaluation Report*.

In general, road(s) must meet Category 4 road standards in being at least 20 feet in width when 2-way traffic is expected. In addition, a 4 foot wide shoulder is necessary when pedestrians are expected. However, 2-way traffic on a single lane road (Category 2 road) may be appropriate when a road serves only the cannabis operation and when no other parcels of land use the road for access. Access roads not meeting the above standards must be improved to those standards, unless otherwise approved by the Department.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, etc); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report*.

The Department recommends that the Road Evaluation Report be submitted to the County prior to the project being presented to the Planning Commission for approval.

The road evaluation report prepared by SHN, dated December 2016, sets forth a plan to address roads not meeting road category 4 standards. The Department has reviewed the plan and finds that it does not adequately address impacts to the entire road network. The Department requires the additional evaluation of Maple Creek Road from Buttler Valley Road to the "Adesa access road". The Department recommends that the project be approved with the recommended conditions to the "Adesa access road".

The intersection of the existing access road, "Adesa access road", and the County road, Maple Creek Road, does not meet County standards. The access road encroachment shall be improved to meet the County visibility ordinance and encroachment permit ordinance standards. This requires that the access road encroachment be rockered for a minimum width of 20 feet and a length of 50 feet. References: County Code Sections 341-1, 411-51]

Prior to constructing improvements within a County maintained road right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works. [Reference: County Code 411-11(a)(b)]

Note: There may be other projects that have been conditioned to improve the road(s). Prior to constructing any improvements the Department recommends that the applicant determine what work has already been accomplished so that efforts are not duplicated.

DRIVEWAYS: The driveway within the subject property has not been reviewed by the Department for conformance with Fire Safe Regulations (County Code Section 3112-12). This is an on-site issue that is to be reviewed by the Building Division or the Planning and Building Department.

AIRPORT: The subject property is not located near a public airport.

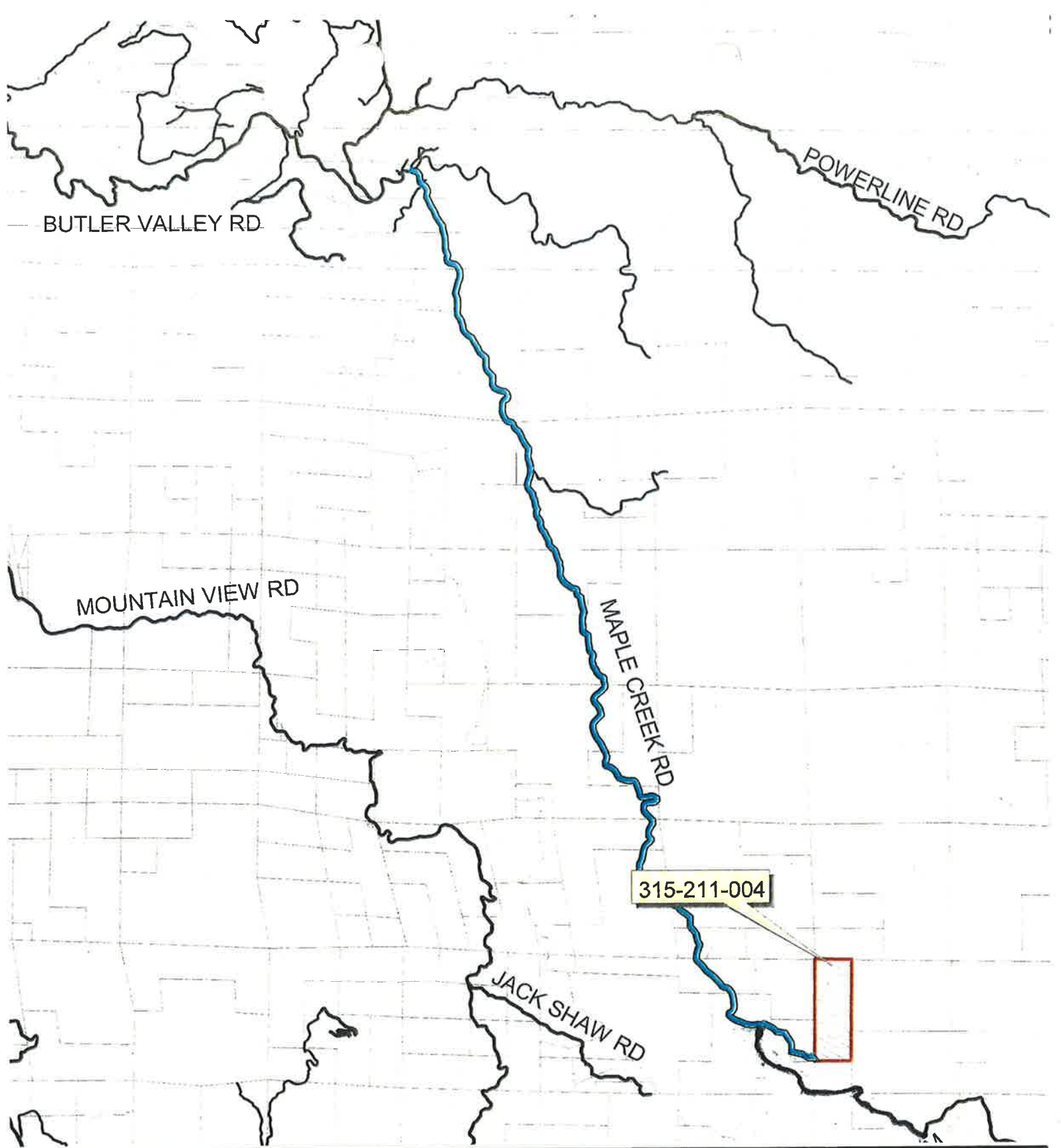
DEFERRED SUBDIVISION IMPROVEMENTS: The subject property does not have any deferred subdivision improvements that have not been fulfilled.

ADJACENT COUNTY OWNED PROPERTY OR FACILITIES: The proposed project does not have any impact on any adjacent county owned property or facilities.

PUBLIC WORKS RECOMMENDED CONDITIONS:

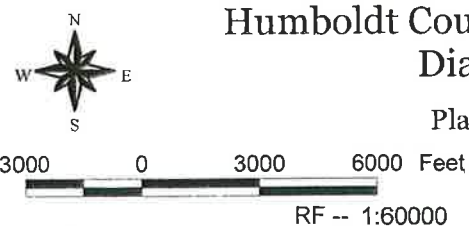
1. Applicant must apply for and obtain an encroachment permit to surface the existing road intersection on Maple Creek. The permit will require the applicant to surface an existing access road entrance with rock or as approved by the Department. [reference: County Code section 411-11 (a)(b)]
2. The access road encroachment shall be improved to meet the County visibility ordinance and encroachment permit ordinance standards. This requires that the unnamed access road encroachment be rocked for a minimum width of 20 feet and a length of 50 feet. [References: County Code Sections 341-1, 411-51]
3. The applicant shall submit a revised *Road Evaluation Report* pursuant to County Code Section 313-55.4.11(u)(viii) "*description of increased road use resulting from processing and a plan to minimize that impact*".

// END //



Humboldt County Department of Public Works - Land Use Division Diagram of road(s) that need to be evaluated

Planning & Building Department File/Case No.: _____



Map Disclaimer:
While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force and effect of law, rule, or regulation. Should any difference or conflict arise, the official record shall prevail.

- Indicates the project area
- Indicates the access road(s) that need to be evaluated



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
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AVIATION 839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
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CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

LAND USE 445-7205

ROAD EVALUATION REPORT INSTRUCTIONS

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

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

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

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

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

(continued on next page)

REFERENCES:

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

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

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

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

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

// END //

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

PART A: Part A may be completed by the applicant

Applicant Name: _____ APN: _____

Planning & Building Department Case/File No.: _____

Road Name: _____ (complete a separate form for each road)

From Road (Cross street): _____

To Road (Cross street): _____

Length of road segment: _____ miles Date Inspected: _____

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

Check one of the following:

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

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

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

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

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

Signature

Date

Name Printed

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

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

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

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

Number of other known cannabis projects included in ADT calculations:

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

ADT: _____ Date(s) measured: _____

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

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

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

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

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

A. Pattern of curve related crashes.

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

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

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

C. Substantial edge rutting or encroachment.

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

D. History of complaints from residents or law enforcement.

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

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

Check one: ☐ No. ☐ Yes.

F. Need for turn-outs.

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

3. Conclusions/Recommendations per AASHTO. Check one:

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

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

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

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

Signature of Civil Engineer _____

Date _____

(SEAL)

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

From: McLaughlin, Ronald@CALFIRE [<mailto:Ronald.McLaughlin@fire.ca.gov>]
Sent: Wednesday, May 24, 2017 2:52 PM
To: Moxon, Delilah
Subject: FW: CUP; 315-211-004-000; Maple Creek; Adesa Organic, LLC

Please see notes from CAL FIRE Forester below

RON McLAUGHLIN
BATTALION CHIEF
Pre-Fire Planning / VMP coordinator
Humboldt – Del Norte Unit

CAL FIRE

Office; 707-726-1206
Cell 707-798-0429
Ronald.McLaughlin@Fire.Ca.Gov

From: HUU CEQA@CALFIRE
Sent: Wednesday, May 24, 2017 2:51 PM
To: McLaughlin, Ronald@CALFIRE <Ronald.McLaughlin@fire.ca.gov>
Subject: FW: CUP; 315-211-004-000; Maple Creek; Adesa Organic, LLC

From: Poli, Chris@CALFIRE
Sent: Monday, May 15, 2017 7:22 AM
To: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Subject: CUP; 315-211-004-000; Maple Creek; Adesa Organic, LLC

The plan states, "No trees with a diameter greater than 12" will be removed." If ANY trees are removed for this project, a conversion permit is required from CALFIRE.

Chris Poli
Forester I - RPF #2930

CAL FIRE

Trinidad Resource Management
Humboldt-Del Norte Unit
P.O. Box 749
Trinidad, CA 95570
Office (707) 677-0761
Cell (707) 599-0609

Every Californian should conserve water. Find out how at:
SaveOurWater.com · Drought.CA.gov

From: Salazar, Kim@CALFIRE [<mailto:Kim.Salazar@fire.ca.gov>]
Sent: Wednesday, May 03, 2017 2:58 PM
To: Moxon, Delilah
Subject: CANNABIS, APN #315-211-004-000

STATE OF CALIFORNIA—THE RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit

118 Fortuna Blvd.
Fortuna, CA 95540

Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: May 3, 2017

John Ford, Director
Humboldt County Planning & Building Department – Building Division
3015 H Street
Eureka, CA 95501

Attention: Joshua Dorris
Applicant: Adesa Organic, LLC
APN: 315-211-004-000
Area: Maple Creek
Case Numbers: CUP16-452

Humboldt County Application #: 11923
Type of Application: Conditional Use Permit
Date Received: 5/3/2017
Due Date: 5/16/2017

Project Description: A Conditional Use Permit for a proposed commercial medical cannabis project ("Adesa Organic") consisting of four (4) components totaling 83,242 square feet (SF) of cultivation on one (1) legal parcel comprised of three (3) APNs (315-145-002, 315-211-003 and 315-211-004). The proposal includes two (2) components at "Site A" and two (2) components at "Site B". Site A includes one (1) 22,000 SF mixed-light greenhouse, and one (2) 22,000 SF mixed-light greenhouse containing 21,430 SF of vegetative/flowering area and one (1) greenhouse containing 17,323 SF of vegetative/flowering area and one (1) 570 SF cloning/propagation area. There would be a total of five (5) harvest cycles per year. Effectively, all elements of water source and water storage would be shared between this project and a proposed project on an adjacent parcel to the east (Apps No. 11924 - "Deva Amrita"). Rainwater would be the primary water source, collected from precipitation onto two (2) proposed ponds and from rainwater catchment systems on the greenhouse roofs. Water would also be sourced from on-site wells. Total water storage of 4,389,503 gallons includes two (2) proposed ponds totaling 4,299,503 gallons, and tanks totaling 90,000 gallons. Per the applicant, this is sufficient water to meet annual irrigation needs. The cultivation would use drip-irrigation, and any excess irrigation runoff would be captured and collected through a gutter system beneath the growing benches and piped directly to a filtration system. The cleared irrigation water would then be reintroduced back into the on-site water holding tanks or pushed back into the ponds. Associated processing would occur on-site at two (2) existing outbuildings to be shared with "Deva Amrita". The northernmost building would be remodeled and expanded by approximately 50% and used for drying and processing. The southernmost building would be used for trimming. A proposed on-site septic system would serve the toilet and handwashing station in the southern outbuilding. There would be approximately fifteen (15) full-time employees and up to eight (8) part-time employees during harvest for up to ten (10) days per month. Access to the site is via an approximately one (1) mile long unpaved private driveway accessed from a paved, public County-maintained road (Maple Creek Road).

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project.

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.

5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.
6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.

6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a “Ten Year Phase Out,” which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

Cannabis

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. CALFIRE is not the lead agency in planning development and project permitting. However, CALFIRE provides comment as an emergency response expert agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's minimum input.

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit
For **Hugh Scanlon**, Unit Chief

Lippre, Suzanne

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Friday, May 12, 2017 2:46 PM
To: Dorris, Joshua
Cc: Planning Clerk; Bauer, Scott@Wildlife
Subject: Adesa Organic LLC Conditional Use Permit application APPS 11923

Hello Joshua,

Thank you for referring the Adesa Organic LLC Conditional Use Permit application (APPS 11923 Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. The Projects consists of 83,242 SF of cannabis cultivation on one legal parcel comprised of three APNs (315-145-002,315-211-003,315-211-004. There would be a total of five harvest cycles per year. Water is sourced from two proposed rainwater catchment ponds, totaling 4,299,503 gallons, and storage tanks totaling 90,000 gallons. Effectively, all elements of water storage would be shared between this project and the project on the adjacent parcel (APPS 11924, "Deva Amrita"). There would be a total of 5 harvest cycles per year.

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

- The referral materials state that the applicant proposes to build a pond to store water for the use of cannabis cultivation. Google Imagery suggests that the area for the proposed pond may be hydrologically connected to a stream. In addition, the site contains existing ponds that are hydrologically connected. CDFW staff request a site visit to survey the areas in question, prior to permit approval.
- The referral materials show that the applicant will be utilizing generators for mixed light cultivation methods. CDFW recommends that the county require, as a condition of Project approval, that the applicant provide a noise pollution plan demonstrating that the proposed generator would not deliver noise pollution above 60 decibels, which may affect fish and/or wildlife directly, or from a distance. Human induced noise pollution may adversely affect wildlife species in several ways including: abandonment of territory, loss of reproduction, interference to predation, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. Noise pollution has the potential to impact sensitive species such as the Townsend Big-eared Bat (*Corynorhinus townsendi*), that hunt for food through echolocation.
- The referral materials show that the applicant will be utilizing mixed light cultivation methods. CDFW recommends that the county require, as a condition of Project approval, that the applicant provide a lighting plan demonstrating that the proposed cultivation area would not deliver or have the potential to deliver light pollution, during the hours of sunrise to sunset, which may affect fish and/or wildlife directly, or from a distance. Light pollution has the potential to impact sensitive species such as the burrowing owl (*Athene cunicularia*, a State special species of concern).
- CDFW may have additional comments following a site visit inspection.

Thank you for the opportunity to comment on this Project. Please contact me if you need additional information.

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



5/1/2017

PROJECT REFERRAL TO: Maple Creek School District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Maple Creek School District

Applicant Name Adesa Organic, LLC **Key Parcel Number** 315-211-004-000

Application (APPS#) 11923 **Assigned Planner** Joshua Dorris (707) 445-7541 **Case Number(s)** CUP16-452

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

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

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

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

Return Response No Later Than 5/16/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: Maple Creek Road is in poor condition and is narrow in many places, creating a concern for the safety of students riding the bus. Please keep in mind the safe passage of our students when approving any permits.

DATE: 5/12/17

PRINT NAME: Wendy Orlandi

WILLIAMSON ACT COMMITTEE

*Agricultural Center
5630 South Broadway, Eureka*

June 20, 2018 Draft Meeting Minutes

I. Call to Order

The meeting was called to order at 3:00 p.m. by Chair John LaBoyteaux.

II. Roll Call

WAC Members Present: John Vevoda, John LaBoyteaux, John Rice, Mark Moore
Staff Members Present: Steve Werner, Cliff Johnson, Kimberley Clark, Zsafia Odry, Mari Wilson, Audrey Hanks, Joel Ellinwood, Jeff Dolf

III. Approval of Minutes

Motion to approve the March 28, 2018 minutes made by John Rice and seconded by John Vevoda. Motion carries 4/0

IV. Scheduled Matters:

Item 1. Adesa Organic LLC Conditional Use Permit Application

The Planning and Building Department is seeking a Committee Recommendation regarding a Conditional Use Permit for commercial cannabis cultivation and associated cannabis activities within the existing Mather-Garcia Class "B" agricultural preserve. The project site is located in the Maple Creek area.

Staff report was presented by Kimberley Clark and Zsafia Odry. The committee asked staff about the amount of prime soils and where the structures were proposed relative to the prime soils, and about how much grazing area existed within the preserve. The hearing was opened for public comment. Committee member Rice asked about the disposal of soil and whether they were using perlite. The applicant stated that they plan importing approximately 1,000 cubic yards of soil initially and then on testing their used soil and reusing as much of the soil as they can, and that they do not use perlite in the soil. Public comment was closed.

Motion to recommend approval of the application as consistent with the Williamson Act Guidelines and the Land Conservation Contract. (Rice/Vevoda, Approved 4-0).

Item 2. Hum Sun Ranch Conditional Use Permit Applications

The Planning and Building Department is seeking a Committee Recommendation regarding four Conditional Use Permits for commercial cannabis cultivation and associated cannabis activities within the existing Fearrien/Dewey Class "B" agricultural preserve. The project site is located in the Blocksburg area.

Staff report was presented by Kimberley Clark and Zsafia Odry. The committee asked staff about the amount of prime soils and where the structures were proposed relative to the prime soils, and about how much grazing area existed within the preserve. The committee discussed the fact that

the aerial imagery shows the preserve to be heavily forested. The hearing was opened for public comment. The committee asked the applicant whether he was intending to use the native soil and he replied that the soil is very good in these areas and he was intending to. The applicant stated that he was in escrow to purchase the property and desired to remain in the Williamson Act. Public comment was closed.

Motion to recommend approval of the application as consistent with the Williamson Act Guidelines and the Land Conservation Contract. (Vevoda/Moore, Approved 4-0).

Item 5. Cannabis permitting in Williamson Act lands

The Planning and Building Department is seeking direction to assist with reviewing commercial cannabis applications within agricultural preserves.

Staff report was presented by Cliff Johnson. The committee discussed delegating to staff the authority to make recommendations on Williamson act consistency for cannabis cultivation permits below a certain size, and whether to include the authority to make such recommendations on commercial nurseries and extractive processing. The hearing was opened for public comment and closed after no members of the public wished to comment. The committee discussed the need for enforcement of permits to ensure that grazing is not impacted, and requested that annual reports be submitted to the committee to document this. The committee discussed that the impacts of cannabis on grazing lands includes all associated cannabis improvements, not just the cultivation area.

Motion to delegate to staff the Williamson Act recommendation authority of discretionary commercial cannabis cultivation license types of 2 acres or less. (Hunt/Vevoda, Approved 4-1, Rice opposed)

V. Old Business

Commercial Cannabis Permitting in Williamson Act lands

The Committee intends to discuss the continued permitting of commercial cannabis activities in Williamson Act lands, including making recommendations on monitoring, enforcement, and permit processing.

A discussion was had between the committee members, the Agricultural Commissioner and Planning staff about enforcement of cannabis permits on Williamson Act lands. In particular the committee stated that the county needs to ensure continued Williamson act compliance as part of the annual inspection of the cannabis permits. Planning staff assured the committee and the Agricultural Commissioner that the cannabis permits in Williamson Act lands will be identified as part of the information sent to them for inspection purposes.

VI. New Business

Chairman John Laboyteaux advised the committee that his farm in Humboldt County is in escrow and he expects soon to no longer be a Williamson Act contract holder or property owner in Humboldt County. As a result, he expects this to be his last meeting. Given that his appointment was from the 3rd Supervisorial District, he has advised Supervisor Mike Wilson of the need to find a replacement.

Committee members expressed their thanks to Chairman Laboyteaux for his service and the improvements made to the Williamson Act program under his leadership.

VII. Correspondence None

VIII. Public Comments None

IX. Adjournment Motion to adjourn (Laboyteaux/Moore, Approved 4-0). Meeting was adjourned by Chair LaBoyteaux at 4:10 p.m.



**HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541**

10/2/2018

PROJECT REFERRAL TO: Humboldt Bay Municipal Water District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Maple Creek School District, Williamson Act Committee, Humboldt Bay Municipal Water District

Applicant Name Adesa Organic, LLC **Key Parcel Number** 315-211-004-000

Application (APPS#) 11923 **Assigned Planner** Steven Lazar (707) 268-3741 **Case Number(s)** CUP16-452
SP18-074

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

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

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

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

Return Response No Later Than 10/17/2018

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

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

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

☒ Other Comments: See attached comment letter

DATE: 10-17-18
PLN-11923-CUP Adesa Organics

PRINT NAME: by John Friedenbach, General Manager
September 3, 2020

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HUMBOLDT BAY MUNICIPAL WATER DISTRICT

828 SEVENTH STREET, PO BOX 95 • EUREKA, CALIFORNIA 95502-0095

OFFICE 707-443-5018 ESSEX 707-822-2918

FAX 707-443-5731 707-822-8245

EMAIL OFFICE@HBMWD.COM

Website: www.hbmwd.com

BOARD OF DIRECTORS

SHERI WOO, PRESIDENT

NEAL LATT, VICE-PRESIDENT

J. BRUCE RUPP, SECRETARY-TREASURER

BARBARA HECATHORN, DIRECTOR

MICHELLE FULLER, DIRECTOR

GENERAL MANAGER

JOHN FRIEDENBACH

October 17, 2018

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

RE: Case Numbers CUP16-452 SP18-074, Key Parcel Number 315-211-004-000

Humboldt Municipal Water District (District) submits this letter to express concerns regarding the Conditional Use Permit 16-452 and Special Permit Application SP18-074 submitted by Adesa Organic, LLC (Applicant) because the operation poses a potential risk to fish and wildlife, and may threaten water quality of the Mad River Watershed. There are a number of impacts from these projects that need to be considered including traffic, water quality, and impacts on protected species. The ponds appear to be a potential species problem. Section 55.4.12.8 of the Cannabis Land Use regulations require that ponds and reservoirs be set back from streams, springs, and other hydrologic features. They also have to be designed so that they can be drained. Further, we believe the project is not exempt from the California Environmental Quality Act (Pub. Resources Codes, § 21000 et seq., "CEQA").

The Applicant seeks a special use permit for a proposed commercial medical cannabis operation (project) that includes four components totaling 83,242 square feet of cultivation. Site A includes one 22,000 square foot mixed-light greenhouse and one 22,000 square foot mixed-light greenhouse containing 21,430 square feet of vegetative/flowering area and 570 square feet cloning/propagation area. Site B includes one 22,000 square foot mixed-light greenhouse and one 17,893 square foot mixed-light greenhouse containing 17,323 square feet of vegetative/flowering area and one 570 square feet cloning/propagation area. This project would establish year-round operation with artificial lighting and heating mechanisms. The project proposes rainwater as the primary source, collected from precipitation onto two ponds from rainwater catchment systems on the greenhouse roofs. Additionally, water will be sourced from onsite wells. The proposed total water storage of 4,389,503 gallons includes two proposed ponds totaling 4,299,503 gallons and tanks totaling 90,000 gallons. The elements of water source and water storage will be shared with a proposed project "Deva Amrita" on an adjacent parcel. The amount of water from the wells is not specified. The District requests confirmation that based on the well permit drilling log and local geology the water source is hydrologically disconnected from surface water or the influence of surface water. Associated processing would occur at two existing buildings which will be remodeled.

The District requests the County require a full Environmental Review. The projects are proposed partially in TPZ where new or expanded cultivation activities are prohibited. The Cannabis Land Use ordinance section

55.4.11 allows the County to require additional information from the applicant. Given the size of these operations, their adjacency to the river, the water storage ponds, and their intention to store riparian water, we encourage the County to request a number of these materials including: an Irrigation Plan, Hazardous Materials Site Assessment, Surveys for Biological Resources and Sensitive Habitat, documentation of water use, source, and storage.

I. The Project May Harm Mad River and Maple Creek Water Flows and Fish

Mad River is a waterway subject to the protections of the public trust doctrine which establishes a local government responsibility to maintain the flows of the waterway for public use. (*Cal. ex rel. State Lands Com v. Superior Court* (1995) 11 Cal.4th 50, 63 [the beds of navigable rivers are owned by the state in trust for the public.]) While the project plans to draw water from an established groundwater well, surface and groundwater nexuses have long been recognized by hydrologists and courts. (See e.g. Cal. Wat. Code, §§ 10735, subd. (d), 2500.5; *Environmental Law Foundation v. State Water Resources Control Board* (2018) 2018 Cal.App.LEXIS 776, p. *5.) This means that, while purporting to draw from the established groundwater well, the project may consequentially influence the flow and volume of the Mad River and Cowan Creek, interfering with water impounded by the District at Ruth Lake for delivery to the District's municipal customers. In addition, storm water runoff from the project could carry chemicals and debris into the Mad River and Cowan Creek, contaminating not only the drinking water source, but also fish and other species in the water bodies.

II. The Project May Jeopardize the SGMA-Subject Mad River Valley Basin.

The California legislature passed the Sustainable Groundwater Management Act (SGMA) in 2014 in order to identify strategies and conservation plans to provide long-term sustainable groundwater management across the State. (Wat Code, § 10720 et seq.) Medium and high priority basins are required to form sustainability plans in order to prevent the basins from being depleted any further than they currently are. (*Id.*, § 10720.5, subd. (a).) This means that increased protections and water management techniques are to be required in certain areas.

The Mad River Valley Basin is a medium-priority basin where the groundwater resources in the area are stressed and subject to SGMA controls. (2018 SGMA Basin Prioritization Process and Results, May 2018, p. 6.) The project plans to draw an undisclosed amount of groundwater per year from the Mad River Valley Basin. This project would further stress the limited groundwater resources in the area that are relied on by the nearby communities and other established commercial uses.

Further, there is no mention of the water right obtained from the California State Water Resources Control Board for this site. Has the applicant obtained a water right from the State for its operations? And if so, has it notified the State in a change in its consumptive use amounts and obtained approval from the State?

III. The Project Is Subject to CEQA Review

The project seeks expand by approximately 50% the northernmost building for a drying and processing facility. A proposed septic system will also be installed. This would be an expansion of the existing use. There is a reasonable possibility that the activity will have a significant effect on the environment. Therefore, a full environmental review should be conducted for this project. Reliance on a prior environmental document or an exemption will not adequately capture the likely environmental impacts, especially given the cumulative impacts of this project, in conjunction with other projects in the Mad River area.

Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts... The individual effects may be changes resulting from a single project or a number of separate projects. (CEQA Guidelines, § 15355, subd. (a).) Essentially, an agency cannot forego environmental review if, "taking into consideration the

effects of past, current, and probable future projects, the environmental effect is significant.” (*Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 226, 285.)

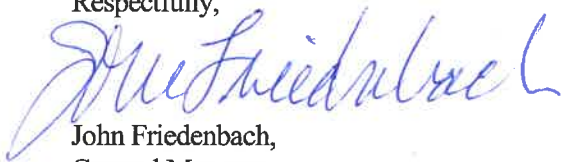
There are a number of cannabis operations occurring in the Mad River area, drawing on limited water and posing a potential threat to the drinking water source and sensitive habitats. This is only one of many similar operations in the area. While the County may find reason to conclude each project individually is exempt, a point not conceded by the District, permitting each of these operations based on an exemption avoids adequate analysis of impacts of the cumulative impact on the river.

* * *

For the above reasons, the District requests the Planning Department require full environmental review of Conditional Use Permit 16-452 and the Special Permit application SP 18-074 for Cannabis Cultivation Sites. Additionally, we request that the District be notified when the level of environmental review is determined and when the draft environmental document is available for review by the public.

In closing, we respectfully request all referral comments be included in the Planning Commission Packets. This will allow the Commissioners to have a full understanding of the agencies/public concerns.

Respectfully,



John Friedenbach,
General Manager

ATTACHMENT 6

PUBLIC COMMENTS AND AGENCY COMMENTS ON IS/MND

From: [Planning Clerk](#)
To: [Johnson, Cliff](#)
Subject: FW: Adesa Organics PLN-11923-CUP
Date: Wednesday, July 22, 2020 9:21:06 AM

-----Original Message-----

From: Ron <rgw54@suddenlink.net>
Sent: Tuesday, July 21, 2020 7:37 PM
To: Planning Clerk <planningclerk@co.humboldt.ca.us>
Subject: Adesa Organics PLN-11923-CUP

Dear planning commissioners,

It is a gut wrenching experience to be notified that this really bad idea wants to come into our world.

How can mitigations possibly come close to offsetting the negative impacts this project will have on your neighbors and the natural world?

How will you protect the flow and purity of Cowan creek for livestock and wildlife?

How will you prevent pollution from chemicals, fuel, noise, and light?

How will we be safe on the long, narrow, windy, poorly maintained county road with dramatically increased traffic?

We've all, already have had enough bad experiences With careless marijuana people drivers.

How will we feel safe in Fire season with all the buildings, equipment and questionable people spread out on the tinder dry country? Cal Fire capacity to protect us is diminished.

How can we be assured regulatory oversight will happen with dramatically reduced Government budgets & personnel cuts.

Just because something like this might be legal doesn't mean it is right, wise or ethical.

Please help us with this his alarming development.

A mitigated negative declaration would be absurd.

Arthur Wilson
Adjoining neighbor
Ap# 315-211-002-000

REDWOOD REGION AUDUBON SOCIETY

P.O. BOX 1054, EUREKA, CALIFORNIA 95502

RRAS.org

August 1, 2020



Planning Commission

Humboldt County Courthouse
825 5th Street
Eureka CA, 95501

Subject: Adesa Organic, LLC Conditional Use Permit and Special Permit. APNs 315-145-002, 315-211-003, 315-211-004, 315-146-018 and 315-222-003; Case Nos.: CUP16-452; Apps Nos.: 11923

Dear Commissioners:

Redwood Region Audubon Society has reviewed the application materials for this project and find it inappropriate for the site. Although it may qualify as “agricultural” it produces neither food nor fiber. Although it is in an agricultural area used for grazing, the crop that is proposed to be grown will require soil to be imported and recycled. The project would establish a high impact industrial site in a remote area of Humboldt County.

The project, as described, would have a significantly higher carbon footprint than if located on agricultural or industrial land closer to major highways and served by public utilities:

1. Transportation for fifteen full time employees would require two nine passenger vans or one small bus to make a sixty-four mile round trip per day over mountain roads with an elevation difference of over 2,200 feet.
2. Vehicle traffic required for fuel delivery to supply diesel generators, soil for growing the plants, hauling spent soil to be recycled and hauling back viable soil, would significantly impact on the road. There are no plans for on-site soil recycling. In addition to vehicular impact, there will be significant carbon emissions from these vehicles.
3. The applicant states that long term plans include extension of the electrical grid to the project site. Although this would reduce ongoing carbon emissions, it would also be a growth inducing factor.

Although the report mentions Grasshopper Sparrow observations on the site. We could not find the details of these sightings. The project site is within suitable Grasshopper Sparrow nesting habitat and it is imperative that surveys for this California listed species of special concern be done in the nesting season.

For the reasons stated above, we believe this project should not be approved.

Sincerely,

Jim Clark, Conservation Committee Co-Chair
Redwood Region Audubon Society

A MEMBER OF THE NATIONAL AUDUBON SOCIETY

July 31, 2020

Cliff Johnson, Supervising Planner
Humboldt County Planning and Building Department
3015 H Street, Eureka CA. 95501
cjohnson@co.humboldt.ca.us

Subject: Adesa Organics, LLC (SCH# 2020060675) Conditional Use Permit and Special Permit Initial Study and Draft Mitigated Negative Declaration

Dear Cliff Johnson:

The California Department of Fish and Wildlife (CDFW) received from the County of Humboldt (Lead Agency) the Initial Study/Draft Mitigated Negative Declaration (IS/DMND) for Adesa Organics, LLC (Project), in Maple Creek, Humboldt County, California. CDFW understands that the Lead Agency will accept comments on the Project through August 1, 2020. CDFW staff conducted site visits related to water availability and a Notification for a Lake or Streambed Alteration Agreement (LSAA) prior to release of the IS/DMND.

The Project proposes 86,400 square feet of new mixed-light cannabis cultivation, drying, storage and cloning facilities. The Project also proposes up to two rain-catchment reservoirs, Pond A with a storage capacity of 3,221,000 gallons and Pond B with a storage capacity of 1,077,000 gallons (constructed if needed). In addition, the mixed-light operation will be powered by two 500-kilowatt diesel-powered generators, and after six years of operation will attain 80% of its power demand from a photovoltaic system, to be developed. The Project is proposed to operate on one legal parcel consisting of three Assessor's parcel numbers and totaling 443 acres. The subject parcel was previously a part of the "Big Bend Ranch" that was historically cattle ranching and timber and is mostly undeveloped and under Williamson Act contract.

As the Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary to sustain their populations. As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code §21000 *et seq.*). CDFW supports legal cannabis cultivation and participates in the regulatory process in its various roles to

address potential substantial environmental impacts by recommending avoidance and minimization measures. These comments are intended to reduce the Projects impacts on public trust resources.

Deferred Mitigation and LSAA

The IS/DMND states mitigation for existing impacts will be addressed by obtaining an LSAA; however, the LSAA Notification was submitted prior to the Project as currently described or analyzed by the County. Because of FGC statutory timeframes, CDFW was required to issue a draft LSAA prior to disclosure of the whole of the project, and it therefore is not likely to address mitigation for the activities and impacts proposed in the Project that are distinct from the LSAA projects. Additionally, the LSAA process alone does not necessarily address all impacts or mitigation for the whole Project and is reliant on the CEQA process for completion. The final IS/DMND should be revised to include an analysis of all Project impacts, including Project components included in the LSAA, and propose mitigation where appropriate (**Recommendation 1**).

Mixed-light Cultivation

CDFW has observed light pollution originating from County permitted mixed-light projects greenhouses, indicating non-compliance with International Dark Night Standards (IDNS) and the Humboldt County Ordinance. This lighting can result in substantial effects on wildlife that include disruption of circadian rhythms, suppressed immune response, altered navigation and migration patterns, altered predator-prey relationships, impacts on reproduction, disruption of nocturnal foraging NSO and phototaxis. The Lead Agency suggests that IDNS will be addressed by the Project, even under the proposed phasing from hoop house with worker pulled tarps to future automated systems. The IS/DMND should explain how this mitigation will be effectively implemented as a condition of approval in the interim or long-term and enforced (**Recommendation 2**).

Fish and Wildlife Habitat Fragmentation

Fish and Wildlife habitat fragmentation impacts have not been thoroughly evaluated in the IS/DMND. The Project's *Natural Resources Assessment* (NRA) states: "*With the limited development within the vicinity, it is likely that wildlife uses nearly all portions of the study area as movement corridors. Most of the wildlife movement corridors are expected to be concentrated on nearby perennial drainages.*" This is consistent with the scientific literature on the topic; wildlife disproportionately use riparian habitat as movement corridors. At present the Project proposes a new road with water and septic pipeline, parking, garbage and compost facility, a restroom, and sustained human presence within the riparian habitat. With the Project being partially proposed on Cowan Creek and within its riparian habitat (taking advantage of some existing facilities), the Project is likely further bifurcating riparian/stream resources where the NRA most attributes wildlife movement. In this location, the Oregon White Oak (*Quercus garryana*) canopy is contributing to the abiotic and biotic function of the

stream(s), therefore the proposed pond and cultivation area should be sited further from the drip line of the oak woodland/riparian habitat, at least 100-feet minimum to ensure fire safe boundaries and compliance with the Humboldt County Streamside Management Area Ordinance. These new facilities should be located outside of the stream and riparian complex (**Recommendation 3**).

Rainwater Catchment Pond(s)

Up to two large rainwater catchment ponds are contemplated under the Project. These facilities are discussed briefly in the biological resources section of the IS/DMND. The mitigation proposed correctly addresses the substantial ongoing issue of the spread of the American bullfrog (*Lithobates catesbeianus*) in Humboldt County as “ponds” have proliferated across the region. However, the proposed mitigation appears conflicted as it initially discusses that “*all constructed ponds shall be kept free of American bullfrogs,*” then goes on to say under a) “*controlling bullfrogs after colonization will be achieved...by draining and repeated for two years,*” and b) “*direct removals.*”

Please address the incongruent measures and provide more specificity as to what and how prevention and protection measures will be implemented. We recommend consulting with CDFW on this plan prior to project approval. Additionally, include other measures for excluding wildlife, not just American bullfrogs. Artificial ponds are known entrapment hazards for wildlife leading to mortality when left open and/or without escapement designs. Reducing slope angles, constructing escapement structures, and fencing sufficient to exclude wildlife are all measures that would avoid and minimize the risk for wildlife entrapment, human-wildlife conflict and invasive animal colonization (**Recommendation 4**).

The potential for a second irrigation pond suggests uncertainty about the build-out of this Project or potential future phases. Water use under the current proposal should be known. The MND should clearly describe the intent of the Project and its size and scope, especially for a new Project, in an exurban setting (**Recommendation 5**).

Phasing and Climate Change

The Project proposes phasing for several features including greenhouse construction (i.e. hoop houses initially with hand-pulled shading progressing to automated systems), starting with permeable greenhouse floors then transitioning to two-acres of concrete, and energy use initially diesel generators transitioning to a photovoltaic [PV] array. CDFW notes that this phasing is deferring mitigation to a later date. If the Ordinance that governs this Project requires 80% renewable power, then one-megawatt worth of diesel generators should not be allowed, and the PV array should be in place on day one. Conversely, if this Project were proposed in a warehouse in town it could be 100% renewable on day one. The scientific literature indicates that over the coming decades, it is highly likely climate change will magnify the already substantial adverse effects of land use and development on California’s wetland and riparian habitats, even as their

ecosystems services become more valuable (CDFW 2014). The IS/DMND states: “*The potential use of over one hundred thousand gallons of diesel represents a significant unnecessary energy consumption for cannabis cultivation.*” This level of energy consumption contributes to carbon emissions and climate change that add to natural resource impacts. The temporal delay in reaching renewable power generation is a potential impact to be analyzed in the MND and mitigation proposed to minimize the impacts and to address Humboldt County and California’s climate change goals (**Recommendation 6**).

Oaks and Oak Woodlands

Oregon white oak woodland is a Sensitive Natural Community with a State Rank of S3 (imperiled). Oak woodlands are also extremely valuable wildlife habitat. In California, oak woodlands have the greatest wildlife species richness of any other habitat in the state with over 330 species of amphibians, birds, and mammals relying upon these habitats at some point during their lives (CalPIF 2002). Oak woodlands have experienced ongoing declines due to conversion for agricultural uses, and oak woodlands are also impacted by low recruitment, novel pathogens, competition from invasive species, and fire suppression (Whipple et al. 2011). California has lost approximately 1/3 of its historic oak woodland habitat statewide (CalPIF 2002). Because oaks are slow-growing trees, the substantial habitat and ecosystem value that mature trees provide is difficult to replace.

The IS/DMND does not include sufficient information to evaluate potentially significant impacts to oak woodlands beyond stating up to 22 trees would be removed from access road improvements. Other aspects of the Project appear to bifurcate oak woodlands that are functioning as riparian habitat. Pursuant to CEQA Section 21083.4(b), “*...a county shall determine whether a project with its jurisdiction may result in the conversion of oak woodlands that will have a significant effect on the environment.*” The IS/DMND describes the Project site as forested with Oregon white oak woodlands but does not describe the location, extent of these species on-site, or discuss potential impacts to oak woodlands. Even with restricted trimming and removal, a substantial removal of oak woodlands could result in a significant impact.

The IS/DMND should disclose the number, species and size of oak trees that cannot be avoided and quantify the area and fragmentation of oak woodlands and Oregon white oak. This analysis should presume that vegetation will be substantially cleared, and trees removed within 100 feet of all structures, pursuant to current fire-safe buffer standards. If impacts to oak woodlands are likely to be significant, the IS/DMND should include compensation for impacted oaks at a ratio that addresses temporal loss and expected survival of plantings. Alternatively, CDFW would support the Project protecting existing Oregon white oak woodland on Cowan Creek by removing Douglas fir (*Pseudotsuga menziesii*) established within the understory of the oaks (see Natural Resources Assessment Photo 4, Appendix 6). This is viable, achievable mitigation that

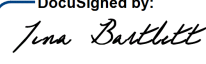
could have a lasting positive outcome on oak woodland retention and conservation. Accompanying any mitigation measures, develop an Oak Mitigation Monitoring Plan that includes performance standards (**Recommendation 7**).

Surface Mining and Reclamation Act

Humboldt County is responsible for implementing the Surface Mining and Reclamation Act (SMARA) of 1975. The Project's road report requires 1.1-miles of improvements and rock to reduce air and erosion impacts. The report further states that rock will be obtained from an unknown location, that could be informed by the consultant hired to assess the access road. The County should include a condition of approval that rock is acquired from a SMARA approved quarry or source. If the rock will be obtained from within the Project parcel, then those potential impacts should be evaluated under the "whole of the project" and included in the IS/DMND (**Recommendation 8**).

We appreciate the opportunity to comment on this IS/DMND. If you have any questions please contact Senior Environmental Scientist Supervisor Scott Bauer at (707) 441-2011 or by e-mail at Scott.Bauer@wildlife.ca.gov, or Senior Environmental Scientist (Specialist) David Manthorne at (707) 741-1211 or by e-mail at David.Manthorne@wildlife.ca.gov.

Sincerely,

DocuSigned by:

 1D82ADE7303A474...

Tina Bartlett

Regional Manager

ec: Kurt McCray
 California Department of Forestry and Fire Protection
Kurt.McCray@fire.ca.gov

Joshua Curtis, Kason Grady, Mona Dougherty, and Shannon Utley,
 Regional Water Quality Control Board
Joshua.Curtis@waterboards.ca.gov , Kason.Grady@waterboards.ca.gov
mona.doherty@waterboards.ca.gov, Shannon.Utley@waterboards.ca.gov

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 Taro Murano, Stormer Feiler, and Chris Van De Wyngard
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Scott Bauer, David Manthorne, Curt Babcock, Cheri Sanville and Laurie Harnsberger

California Department of Fish and Wildlife

Scott.Bauer@wildlife.ca.gov, David.Manthorne@wildlife.ca.gov,

Curt.Babcock@wildlife.ca.gov, Cheri.Sanville@wildlife.ca.gov,

Laurie.Harnsberger@wildlife.ca.gov,

References

CalPIF (California Partners in Flight). 2002. The oak woodland bird conservation plan: a strategy for protecting and managing oak woodland habitats and associated birds in California. Version 2.0. (S. Zack, lead author). Point Reyes Bird Observatory, Stinson Beach, CA. <http://www.prbo.org/calpif/plans.html>.

CDFW. 2014. Technical Memorandum: Development, land use, and climate change impacts on wetland and riparian habitats. 53 p.

Whipple A.A., Grossinger R.M., and Davis F.W. 2011. Shifting baselines in a California oak savanna: nineteenth century data to inform restoration scenarios. *Restoration Ecology* 19 (101):88-101.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

Humboldt Area
255 East Samoa Blvd.
Arcata, CA 95521-6797
(707) 822-5981
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



July 15, 2020

File No.: 125.14866.20424

State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

RE: SCH #2020060675

The California Highway Patrol (CHP) Humboldt Area recently received a request to review and respond to the Adesa Organic Project. Adesa Organic's Notice of Completion and Environmental Document Transmittal describes the establishment of 86,400 square feet of new mixed-light cannabis cultivation facilities to be built on Butler Valley Road eight miles south of Maple Creek Road. The project description states these facilities would be operated by approximately 20 employees and serve to allow for marijuana grown on over 400 acres to be farmed. The project description notes the marijuana grown at this property will be processed offsite. The CHP's primary concern, both generally and in terms of this project, is one of safety. The roads in this area are known to be winding, narrow, and often poorly maintained. These roadways could make it difficult, and likely hazardous, to move the equipment and materials necessary to construct the described facilities to the proposed location, and once constructed, to operate the farm. Additionally, the increased vehicular traffic on these roads, often of insufficient width for two vehicles to pass, could create the possibility of motorists becoming stuck in disabled vehicles and/or motorists being involved in traffic collisions. The CHP Humboldt Area recommends considerations be made to improve the roadways needed to access this site prior to implementation of the project in order to mitigate these dangers.

If there are questions regarding the concerns of the CHP Humboldt Area, please contact Sergeant Caleb Carsey at (707) 822-5981.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. L. Barr".

S. L. BARR, Captain
Commander



Safety, Service, and Security

An Internationally Accredited Agency

From:

Ronald Wilson

Interest holder parcels:

315-211-002-000, 315-212-003-000, 315-144-002-000, 315-214-001-000

Re:

Adesa Organics, PLN-11923-CUP

Dear Commission members,

The Wilson / Sudori Family has been owners of the closest parcels adjacent parcels since the 1870's. We are the longest continuous owns of any properties in the region. We care what happens in the area especially when it is in such close proximity to our property. Despite the "negative declaration" by the applicants, I see we are at risk of significant negative impact by the proposed project.

Water:

Cowan Creek runs directly through the project and then immediately onto our place. This water has been used and is vital to livestock watering continuously during our ownership. We have senior water rights since 1876. Surface run-off from this project will enter Cowan Creek. The planned disturbance of soil at the site is highly likely to increase turbidity in the stream as well as any other contaminants present in the soil weather oil, fuel or residues from the grow chemicals used. Spills or other unintentional release. Those agents may be approved for organic marijuana grows but are they approved for ingestion by livestock raised for human consumption? It appears the catchment system proposed to supply the ponds will require pumping. The ponds are distant and higher than the roofs feeding them. Pumps can be overwhelmed and fail. It is not clear were overflow water from the ponds will go. We are directly and closely downhill from the largest pond and that terrain is at risk of erosion from overflow.

Sewage from the restroom facility will require pumping from the septic system up over a significant rise to reach the leach field that is directly adjacent to the fence line that separates us. Failure of the system will put sewage overflow in and near the creek. Failure of the leach field puts waste water directly on us. The hazardous chemical storage shed location is not specified by the plot plan. Hopefully it would not be transported across the creek on a regular basis. Spill containment and disposal of any residues or equipment wash water is not clearly spelled out. Storage of containers AND empty containers needs to be bear proof. Mister Bruin is a curious sort with an infinity to explore anything new and different. Tires seem to get chewed on too. (personal experience) The plan seems to focus on its impact to the greater watershed of the Mad river which is relatively minor at the most. It doesn't address the extreme local impact it can have on those relying on a constant clean source of water. Our property is only hundreds of feet away and supplies 100 % of the stock water for the west half of our property.

Noise:

Findings: NO IMPACT ??

The noise associated with construction does not terribly bother me. Loggers and road construction is not unusual and temporary. 5kw generators and numerous AC units are not limited in hours of operation and permanent.

Mentioned in the plan are their own residences .9 miles to the west. WHAT ABOUT US? The property line for this project appears to be less than 200 feet from the grow houses. Our residences are nearly the same distance as theirs to the EAST of the project site.

Fire:

The prevailing winds during the dry months of the year are out of the north, or upriver. The closest fire response would be CalFire helicopter from Kneeland, (if they are home). Ground support would be Trinidad, Bridgeville, or Fortuna. A lot can happen in those hours before ground crews can arrive. Especially to those of use down wind on a windy day. It can be FAST. In my life two fires have impacted our ranch already. I've seen it, don't like it.

Location:

I feel its worth mentioning that the county GIS map of the planed site is slightly misleading. The parcel lines as projected on the terrain are not accurate. The actual boundary on the ground are about 200 feet closer to the project on an existing fence line visible in the images. I've recently confirmed the corners exist on the fence line. This does not change "legal" setbacks, But "my, that's close". Especially when you start with 180 acres or so.

When it's over:

This is a commercial enterprise. When profits disappear someday, what of cleanup? When no money is generated will the place be left to decay? This is not addressed. Will it be left for others. (L.P. Pulp site)

Closing:

Its disturbing that something this close would be undertaken with so little involvement or consideration to neighbors. "NEGATIVE IMPACT" is unlikely. The paperwork looks through and professional and sterile. Approved, our world will change. I have never hesitated to drink directly from Cowan creek, nor hesitated to use its water for stock. Who tests the water? How often to protect our supply. That water is essential for livestock during the dry months as the only alternative is a mile away.

Maybe the engineers and planers see 50decibels as acceptable but this is an area that can have so little background noise that in the evening when the breeze dies, I can hear a ATV running a mile plus away, or hear a neighbor hollering commands to his stock dogs. Despite my poor hearing. Hope those sound mitigations work. Sound bounces off those hillsides in odd ways.

Fire scares me. Pray those employees don't smoke or at least have half the respect for the damage a casual flick of a match or but can do. What of other open flames? The site is out of cell phone service. Without some alternative on site additional response times are likely.

Mentioned are indications of phased buildout. What are the potentials of production facilities coming on line before the

MAY I SUGGEST:

Mitigation is the catch phrase used throughout the planning documents. Perhaps something needs to be spelled out to mitigate any potential damage to the neighbor's weather us, Green Dimond, Hunter Ranch, Wilderness Ranch or others. Perhaps a bond, trust, insurance policy, or other financial arrangement, Irrevocable that covers potential losses. Losses not limited to:

Loss of structures

Repair / replacement of fences

Timber value

Feed value

Lost or injured livestock

Stream restoration

Temporary water supplies for livestock

Erosion control, repair

Upon suspension of operations:

Hazardous materials removal

Removal of structures made of non-organic materials (plastic)

Secure or remove ponds

Remove fuel storage

Fill septic system (not viable without pumps for the leach field)

Etc.

Clean the place up. NOT looking forward to rotting plastic sheeting blowing around. I would hope \$3,000.000.00 might help cover it.

Thank you for taking the time to read my venting. I certainly don't have experience with issues like this and have had little time to fully understand the workings of the engineers and others assigned to derive a negative declaration. I don't quite see it that way.

Regards

Ronald Wilson

Eureka Ca.

ATTACHMENT 7
COUNTY RESPONSE TO COMMENTS

Humboldt County response to comments received on the Initial Study and Draft Mitigated Negative Declaration prepared for the Adesa Organics, LLC Conditional Use Permits:

Comments received during the circulation period from July 1, 2020 to August 1, 2020

Letter dated August 1, 2020 from Redwood Region Audubon Society.

Comment 1: Project would have a significantly higher carbon footprint than if located on agricultural or industrial land closer to major highways and served by public utilities.

Response: The county has analyzed the project that was presented for review and applied mitigation to reduce the carbon footprint of the project. See ENE-1 renewable energy mitigation.

Comment 2: Transportation for fifteen full time employees would require two nine passenger vans or one small bus to make a sixty-four mile round trip per day with an elevation difference of over 2,200 feet.

Response: One or two average daily trips would not result in significant impact. Initial Study estimates and considered up to ten average daily trips for the project.

Comment 3: Vehicle traffic required for fuel delivery and to supply diesel generators, soil for plants would significantly impact the road. There are no plans for soil recycling. There will be significant carbon emissions from these vehicles.

Response: Mitigation to reduce reliance on generators (See ENE-1) reduces the impact of fuel delivery. The Operations Plans for Adesa Organics, LLC states that the operator will use a soil fertility management system to recycle soil on-site (p.4 Ops Plan).

Comment 4: Long term plans include extension of electrical grid, which would be a growth inducing factor.

Response: The area surrounding the project site is designated as Timber Production Zone and Agricultural Exclusive, both of which would not allow for significant growth other than for agricultural purposes.

Comment 5: Project is within Grasshopper Sparrow nesting habitat and surveys should be done in nesting season.

Response: Mitigation measure Bio-8 requires nesting Bird surveys including for Grasshopper Sparrow.

Letter dated July 15, 2020 from Department of California Highway Patrol

Concern raised regarding safety of the road and that increased vehicle traffic could create possibility of traffic collisions.

Response: The road is a publicly maintained road that is at a similar functional capacity as a Road Category 4 given the amount of traffic on the road. The road is 20 feet wide in many areas with sufficient turnouts when necessary, and the proposed project would add approximately 10 average daily trips to the road network.

Email dated July 21, 2020 from Arthur Wilson

Concern raised regarding protection of water quality of Cowan Creek, pollution from chemicals, noise and light, traffic, fire safety, and regulatory oversight.

Response: These concerns are addressed in the Initial Study. See Biological Resources, Aesthetics, Noise, Hydrology/Water Quality, Noise Sections.

Letter undated from Ronald Wilson

Concern raised regarding protection of water quality of Cowan Creek, pollution from chemicals, noise and light, traffic, fire safety, and regulatory oversight of the project once the need for cannabis goes away.

Response: These concerns are addressed in the Initial Study. These concerns are addressed in the Initial Study. See Biological Resources, Aesthetics, Noise, Hydrology/Water Quality, Noise Sections. If facility is not utilized for cannabis, mitigation measures will still apply to the construction and maintenance of the facility.

Letter dated July 31, 2020 from the California Department of Fish and Wildlife

Deferred Mitigation and LSAA. CDFW states that the IS/MND defers mitigation for existing impacts by stating that impacts will be addressed by obtaining an LSAA. The final IS/MND should be revised to include an analysis of all project impacts and propose mitigation.

Response: It is unclear what CDFW is referring to in this comment. There are no proposed mitigation measures that refer to additional mitigation to be required under an LSAA. All project impacts are identified in the document and mitigation is not deferred to obtaining an LSAA.

Mixed-light cultivation. The IS/MND should address how compliance with dark sky standards will be effectively implemented in interim with temporary hoop-houses and long term.

Response: The project is phased with no lights allowed until the final construction of the greenhouses with automated light curtains. No lights will be used during hoop-house or light-dep cultivation. Mixed-light cultivation will only occur once the final greenhouses with automated light curtains is developed. Automated light curtains shall ensure that dark sky standards are met. Non-compliance would result in enforcement action including but not limited to revocation of the permit.

Proposed pond and cultivation area should be sited further from dripline of oak woodland and riparian habitat, at least 100 feet. Facilities should be located outside of stream and riparian complex.

Response: Project facilities are located outside stream and riparian areas. Project is required to comply with County Streamside Management and Wetland Ordinance (SMAWO) requirements which is 50 feet from edge of dripline (or top of bank, whichever is more restrictive) from intermittent streams and 100 feet from perennial streams.

Rainwater catchment ponds. CDFW requests County address incongruent measures and provide specificity regarding measures to address bullfrogs. CDFW states that mitigation that ponds shall be kept free of bullfrogs and that measures to control bullfrogs by draining ponds every two years are inconsistent. CDFW requests consultation with CDFW on pond construction prior to project approval.

Response: Requirement is to keep ponds free of American bullfrogs. Specific mitigation measures directing measures to keep ponds free from bullfrogs do not conflict with the requirement to keep ponds free of bullfrogs. Condition of approval number 10 in the staff report requires the applicant to consult with CDFW prior to construction of rainwater catchment ponds and to implement measures specified by CDFW to avoid risk of wildlife entrapment, such as reduced slope angles, escapement structures and fencing shall be included in construction.

Potential for second irrigation pond suggests uncertainty regarding water use. MND should clearly describe intent of project and size and scope.

As with any proposed agricultural operation, irrigation water can only be estimated until it is in place and operational. Water use is estimated at 21.5 gallons a square foot which is relatively high for cultivation. At that estimate the primary pond will have more than enough water to provide for all irrigation needs, nonetheless the applicant has proposed a second pond in the event that additional water is needed for irrigation or fire-fighting purposes. The secondary pond, which likely not necessary for project needs, is still described and analyzed in IS/MND.

Phasing and Climate Change. CDFW states that phasing the project with initial phase at full sun outdoor or light-dep hoop-houses and eventually transitioning to two acres of mixed-light with solar power is deferring mitigation for renewable energy. The IS/MND identifies that over one hundred thousand gallons of diesel represents a potentially significant impact and therefore deferring development of solar is deferred mitigation.

Response: CDFW misrepresents the project. The first phase would be full sun outdoor cultivation or light-deprivation. No lights would be used for the first phase and limited power would therefore be required. The reference in the IS to over one hundred thousand gallons of diesel is for the proposed project without the applicable mitigation. The mitigation measure for 80% renewable energy is intended to mitigate the amount of diesel usage. The IS/MND does not defer mitigation. The requirement for 80% of all power to be sourced from renewable energy is in place at the beginning of operation of the project, at all phases.

Oak and Oak Woodlands. CDFW states that removal of trees for road improvement purposes may result in removal of oak woodlands and that CEQA Section 21083.4(b) provides that any oak woodland removal may be considered a significant impact.

Response: The citation to 21083.4(b) is incorrect as 21083.4(d.3) states that conversion of oak woodlands on agricultural land that includes land that is used to produce or process plant and animal products for commercial purposes is exempt from 21083.4. Nonetheless, oak woodlands are not proposed to be removed as a result of the project. All trees proposed to be removed would be less than 12 inches in diameter and would be no more than 22 trees for the entirety of the 1.1 mile access road. The majority of trees would be doug-fir species.

Surface mining and Reclamation Act. County should include a condition of approval that rock is obtained from a SMARA approved quarry or source. If rock is obtained from within project parcel, potential impacts should be evaluated.

Response. Rock will be acquired from a SMARA approved source. This is a recommended condition of approval in the staff report (COA #12)

ATTACHMENT 8
APPLICANT CORRESPONDENCE

August 12, 2020

SENT VIA EMAIL (planningclerk@co.humboldt.ca.us)

Hon. Alan Bongio, Chair
County of Humboldt Planning Commission
825 Fifth Street
Eureka, CA 95501

**RE: Adesa Organic, LLC Conditional Use Permit
Application Number 11923**

Dear Chair Bongio and Members of the Planning Commission:

This firm represents Adesa Organic, LLC (“Adesa”) concerning its application for a new commercial cannabis operation in Humboldt County (“Project”), which the Planning Commission (“Commission”) considered at its meeting on August 6, 2020. At that meeting, the Commission first voted 3-3-1 on a motion to adopt the Project’s Initial Study/Mitigated Negative Declaration (“IS/MND”) and approve the Project. Following that, the Commission voted 6-1 to continue the public hearing on the Project to August 20, 2020 with the hope of obtaining additional information from the California Department of Fish and Wildlife (“CDFW”) during that interim period.

The letter directly addresses certain concerns raised by Planning Commissioners at that hearing. While the overall sentiment expressed by all Planning Commissions was that the Project is “a good project,” and that Adesa “did a good job” – of satisfying the requirements of the County’s Cannabis Ordinance in “exemplary fashion,” three Commissioners nevertheless voted against approval, and one abstained. Three specific concerns were expressed by these Commissioners: (i) the length of the private roadway serving the Project; (ii) possible runoff into Cowan Creek, and (iii) uncertainty about impacts to biological resources. This letter will explain how Adesa has exhaustively addressed these issues as well as speak to more generalized concerns voiced by certain Planning Commissioners about the County’s Cannabis Ordinance.

1. The Private Road

Chair Bongio expressed concern at the meeting about the “long road” serving the Project. As the staff report explains, ingress and egress for the Project includes a “1.1-mile section of private road between Maple Creek Road and the proposed project facilities.” That said, both the staff report and Road Evaluation Report make clear that this is an existing road that will continue to be used whether the Project is approved or

not. Indeed, the improvements required by the County's conditions of approval as well as the Lake and Streambed Alteration Agreement ("LSAA") will reduce erosion, air quality and other environmental impacts associated with continued use of the private road. If the Project is approved, impacts will be even further reduced through Adesa's "transportation plan that mandates the use of company shuttles for transporting employees to the project site." These improvements – which will not occur with denial of the Project – would dramatically reduce any environmental impacts associated with this existing roadway.

2. Possible Runoff

An adjacent property owner, Ronald Wilson, made comments about possible surface water impacts associated with runoff affecting his property. Chair Bongio also mentioned possible "runoff" as a reason for voting against the Project. Concerns about water quality, whether resulting from surface runoff or sewage treatment, are misplaced. The IS/MND already explains in detail how surface runoff would be addressed:

All excess irrigation runoff will be captured and recycled through an Everfilt mixed-media filtration system. No excess irrigation water is anticipated to run off site. Site topography is relatively flat at the cultivation and processing sites, with the slopes of these sites being 5-15%. There will be erosion control measures surrounding the water tanks in case of any accidental leaking. Use of OMRI-certified organic amendments will also reduce the potential for stormwater pollution and any adverse impacts to the watershed. The Adesa Organic, LLC project is enrolled as a Tier 2 discharger under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Cultivation Waste Discharge Regulatory Program (CCWDRP). The Waste Discharge Identification number for the Adesa Organic, LLC project is WDID# 1B161705CHUM. A separate Water Resources Protection Plan has been developed for the project.

(MND, p. 5.)

In oral comments, Mr. Wilson stated that the "design looks pretty complete." That said, Mr. Wilson speculated, with no supporting analysis, that "pumps can be overwhelmed and fail." But the law is well settled that speculation such as this about a worst-case scenario is not substantial evidence of a significant impact. (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 373, 110 Cal.Rptr.2d 579 [CEQA does not require lead agencies "to engage in speculation in order to analyze a 'worst case scenario'"]; *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 453 ["An EIR, in

particular, need not analyze a “ ‘worst case scenario’ ”]; *North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. of Directors* (2013) 216 Cal.App.4th 614, 635 [same]; *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1068 [same].) In any case, if Adesa’s pumps did ever fail, they would need to be repaired, consistent with the site’s Waste Discharge Requirements issued by NCRWQCB.

There are also no potentially significant impacts associated with the Project’s sewage treatment and disposal, which is also addressed in detail in the MND:

On-site Wastewater System

The project proposes a new onsite sewage disposal system to meet the needs of staff. This system will be constructed in accordance with the Humboldt County Department of Environmental Health sewage disposal system requirements. A site-specific Septic Suitability Report (SHN October 2016) has been prepared for the project in accordance with the standards of the Humboldt County Division of Environmental Health, to assess soil and groundwater conditions for this system, determine feasibility and the necessary size of the system, and guide the proposed development. The system will include toilet and handwashing facilities in the proposed ADA-compliant bathroom near the processing and storage facilities. The proposed leach fields are shown on the project site plan (Sheet 433A Site Plan, SHN June 2019).

As with surface runoff, any concern about sewage treatment and disposal is merely unsubstantiated speculation about a worst-case scenario. As established above, this is not substantial evidence of any significant impact.

In short, there are no legitimate, fact-based concerns about the Project’s potential impact on surface water quality. These issues have already been addressed in the IS/MND and the Project’s permitting documents.

3. CDFW Comments on the Project

Vice Chair Levy expressed concern about voting on the Project without first receiving formal comments on biological issues from CDFW. While CDFW did not submit formal comments during the IS/MND public comment period, CDFW has been very active on the Project by providing its comments and concerns during the IS/MND’s consultation period pursuant to CEQA Guidelines section 15063, subdivision (g). Indeed, CDFW comments about potential impacts to a single pair of golden eagles prompted the preparation of no fewer than six technical reports, including the following:

1. Natural Resource Assessment dated December 2017;
2. Technical memorandum by Gretchen O'Brien of SHN dated August 31, 2018;
3. Biological Assessment Addendum – Golden Eagle and Bald Eagle by Sandra Hunt-von Arb dated December 8, 2018;
4. Golden Eagle 2019 survey update report dated October 17, 2019 by Sandra Hunt-von Arb;
5. Technical Memorandum re: Golden Eagle Habitat in Maple Creek, California by Gretchen O'Brien dated November 19, 2019; and
6. Golden Eagle survey notes by Gretchen O'Brien for survey dated March 3, 2020.

All of these technical reports,¹ prepared by experts with unquestioned credentials, consistently concluded that there would be no substantial impact to golden eagle populations because: (i) the Project site is well located with an adequate buffer distance away (greater than one mile as indicated by CDFW via USFWS) from the nearest golden eagle nest as well as observed flight paths of the golden eagle individuals themselves; (ii) based on best available habitat mapping, the Project site provides lower quality habitat in comparison to what is available closer to the nest sites for this pair of golden eagles, which is reinforced by the observed non-use of the area by golden eagle individuals during 2019 surveys, and (iii) the typical territory size of this species (approximately a 10-mile radius) provides extensive high-quality habitat for the golden eagle individuals. As a result, there is simply not a substantial reduction in the number of the species or its range, which is the relevant standard for requiring an EIR under CEQA Guidelines section 15065 subdivision (a)(1).

These reports were summarized and forwarded by County staff to CDFW last December. We understand that CDFW subsequently determined not to provide any follow up comments during the comment period on the IS/MND. This is not the result of a failure of regulatory oversight, but rather a clear indication that CDFW's concerns have been fully addressed.

¹ These are just a few of the many investigations, studies and reports that were prepared specifically for the Project. Please see **Exhibit 1** for the complete IS/MND Source/Reference list.

4. Disagreement with the County's Cannabis Ordinance

A few Planning Commissioners voted against Project approval despite describing it as a “good project” and acknowledging that “the applicants have done a good job of meeting the requirements [of the County’s Cannabis Ordinance].” Vice Chair Levy characterized Adesa’s compliance with the County’s Cannabis Ordinance as “exemplary.” These commissioners acknowledged on the record that they would not be willing to approve any cannabis project at this location, or at any location at higher elevations in the County. In essence, these Planning Commissioners appear to have voted against the Project based on their disagreement with the County’s Cannabis Ordinance itself, and not anything specific to the Project or its application materials. California law provides this is not a proper reason to deny the Project.

It is established that the enactment or amendment of zoning regulations “are legislative, but variances and similar administrative decisions [including CUPs] are adjudicative.” (*Arnel Development Co. v. City of Costa Mesa* (1980) 28 Cal.3d 511, 519-520.) Based on the critical distinction between land use actions that are “legislative” in character and those which are supposed to be “quasi-judicial”, California law provides that “administrative decisions must implement established standards and rest upon findings supported by substantial evidence.” (*Arnel Dev. Co., supra*, 28 Cal.3d at 519-20, relying on C.C.P., §1094.5.) An adjudicatory hearing on a CUP application may not be turned into an occasion to change land use legislation. (E.g., *Security Nat. Guaranty Inc. v. Calif. Coastal Comm.* (2008) 159 Cal.App.4th 402 [administrative appeal is not occasion for agency to re-write its land use legislation].)

It is improper for local agencies to informally re-write or change the significance of existing zoning and planning legislation without going through the formal, public process of legislating such changes. (*Gabric v. City of Rancho Palos Verdes* (1977) 73 Cal.App.3d 183, 200 [city council abused its discretion by denying building permit; appellate court directed that writ petition be granted, ordering City to issue permit] (*Gabric*).) As explained by the court, “[p]assage of zoning laws and changes to be effected thereby are proper legislative matters. Denying of permits as was done here can effectively change the meaning of the zoning laws.” (*Id.* at 200-201.) Instead, “Such change is a proper subject for legislation, not piecemeal administrative adjudication.” *Ibid.*, quoting *Topanga Assn. for a Scenic Community* (1974) 11 Cal.3d 510, 522.)

Here, the County’s Cannabis Ordinance sets forth “established standards” for issuance of a CUP for commercial cannabis cultivation. By publicly acknowledging that the Adesa Project complies with these established standards but nevertheless voting against approval, these Planning Commissioners failed to act in their limited, and “quasi-

adjudicatory,” role and exceeded their authority by confusing the nature of the proceeding. This point was made with clarity by Commissioner Mitchell: “Either approve or give very specific reason why to deny.” Commissioner Newman also suggested that such piecemealed administrative adjudication based on disagreement with the County’s Cannabis Ordinance was “arbitrary.”

Put simply, the CUP hearing was not an occasion for the Planning Commission to try to change the existing zoning – which expressly, albeit “conditionally”, permits the proposed cannabis cultivation project on the subject property. To the extent a member of the Planning Commission may disagree with the County’s existing Cannabis Ordinance and would prefer not to implement it, we respectfully submit the proper approach would be refusal from the agenda item, not attempting to engage in informal, piecemealed re-writing of the County’s Cannabis Ordinance. (See *Gabric, supra*, 73 Cal.App.3d at 200-201; see also *Topanga, supra*, 11 Cal.3d at 522.)

* * *

We thank the Planning Commission for its continued consideration of the Adesa Project and respectfully request that the Planning Commission approve the Project. The Adesa team is available by telephone or Zoom to address any questions or concerns prior to the next scheduled Planning Commission meeting on August 20, 2020.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By:
Patrick M. Soluri

PMS/wra

Attachments: Exhibit 1, IS/MND Source/Reference list

cc: John Ford, Director, Planning & Building Department
(PlanningBuilding@co.humboldt.ca.us)
Cliff Johnson, Senior Planner (cjohnson@co.humboldt.ca.us)
Amy S. Nilsen, County Administrative Officer, (cao@co.humboldt.ca.us)
Jeffrey S. Blanck, County Counsel (jblanck@co.humboldt.ca.us)

EXHIBIT 1

24. SOURCE/REFERENCE LIST

The following documents were used in the preparation of this Initial Study. The documents are available for review at the Humboldt County Planning Department during regular business hours.

Adesa Organic, LLC. 2018. *Cultivation and Operations Plan, Four Mixed Light Cultivation Projects at 23550 Maple Creek Road (APNs 315-145-002, 315-211-003, and 315-211-004)*. February 2018.

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Adesa's responses to public comments:

1. Audubon Society comment

The comment asserts that the proposed project “would have a significantly higher footprint than if located on agricultural or industrial land closer to major highways and served by public utilities.” Even if this assertion were true, having a “higher” carbon footprint does not necessarily translate to a significant impact on GHG emissions. It is noted that the commenter does not identify a significance standard for GHG emissions, much less apply that standard to the proposed project. Nor does the commenter indicate any expertise on measuring carbon emissions.

1. The commenter's prediction of the number of miles traveled daily does not indicate how this is a significant impact in relation to any identified significance threshold.
2. The commenter provides no information about how the described vehicle traffic “would significantly impact [] the road.” The County has analyzed the project's impacts on roads in the area, and required mitigation from the applicant.
3. The commenter asserts that the extension of the electrical grid to the subject property would “be a growth inducing factor.” Any decision by an electrical utility in the future, which is purely speculative at this point, is a completely separate project from the proposal presently under consideration.

2. Ronald Wilson comments

a. Water: The MND addresses in detail how surface runoff will be addressed:

All excess irrigation runoff will be captured and recycled through an Everfilt mixed-media filtration system. No excess irrigation water is anticipated to run off site. Site topography is relatively flat at the cultivation and processing sites, with the slopes of these sites being 5-15%. There will be erosion control measures surrounding the water tanks in case of any accidental leaking. Use of OMRI-certified organic amendments will also reduce the potential for stormwater pollution and any adverse impacts to the watershed. The Adesa Organic, LLC project is enrolled as a Tier 2 discharger under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Cultivation Waste Discharge Regulatory Program (CCWDRP). The Waste Discharge Identification number for the Adesa Organic, LLC project is WDID# 1B161705CHUM. A separate Water Resources Protection Plan has been developed for the project.

(MND, p. 5.)

The commenter speculates that “pumps can be overwhelmed and fail.” Speculation about a worst-case-scenario is not substantial evidence of a significant impact. Further, it is reasonably to rely on regulatory compliance to address an impact.

b. Sewage: The issue of sewage treatment and disposal is addressed in the MND, which provides:

On-site Wastewater System

The project proposes a new onsite sewage disposal system to meet the needs of staff. This system will be constructed in accordance with the Humboldt County Department of Environmental Health sewage disposal system requirements. A site-specific Septic Suitability Report (SHN October 2016) has been prepared for the project in accordance with the standards of the Humboldt County Division of Environmental Health, to assess soil and groundwater conditions for this system, determine feasibility and the necessary size of the system, and guide the proposed development. The system will include toilet and handwashing facilities in the proposed ADA-compliant bathroom near the processing and storage facilities. The proposed leach fields are shown on the project site plan (Sheet 433A Site Plan, SHN June 2019).

As with water, the commenter speculates about a worst-case-scenario, which is not substantial evidence of a significant impact. Also, reliance on regulatory compliance is reasonable.

c. Noise: The County has extensively analyzed the issue of noise, and imposed a specific condition of approval that addresses this impact: “Any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.” This condition more than addresses any concern about noise from adjacent property owners.

d. Fire: The commenter raises generalized concerns about fire, but does not identify any specific aspects of the proposed project that create any particularized risk of fire. The County’s General Plan includes policies addressing fire risk, and the staff report reveals that the proposed project is consistent:

CALFIRE comments

recommended compliance with the requirements of the County’s Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The applicant is proposing development of two ponds totaling 4,298,000 gallons which will provide fire protection in addition to cultivation needs.

(Staff report, p. 39.)

3. Arthur Wilson: these generalized comments do not require responses
4. CHP:

These generalized comments about the condition of “the roads in the area” do not constitute substantial evidence of a fair argument of any significant impact. In fact, the letter does not address the specific project in any meaningful way. The MND has directly addressed whether there are any road hazard issues associated with the proposed project, and provides:

A Road Evaluation Report has been completed for the approximately 8 miles of Maple Creek Road used to access the proposed project site certifying equivalence to a Road Category 4 standard, and the County Department of Public Works has reviewed and approved the evaluation.

A Road Evaluation Report for the 1.1-mile private driveway has been completed by SHN Consulting Geologists and Engineers, proposing upgrades to this road to make it adequate for the proposed commercial uses (SHN December 2016a). Some of these improvements include stream crossing upgrades, creating turnouts on blind turns to improve safety, reducing grades, and rocking the road surface to make the road more durable in year-round conditions. The County Department of Public Works has reviewed the project, and will require improvements to the junction of the private road and Maple Creek Road in order to meet County visibility and encroachment standards.

(MND, p. 88.)

The only specific comment in the CHP letter is to “recommend[] considerations be made to improvement the roadways needed to access this site prior to implementation of the project in order to mitigate these dangers.” The MND’s analysis quoted above demonstrates that this recommendation has been carried out by the County.

August 12, 2020

SENT VIA EMAIL (planningclerk@co.humboldt.ca.us)

Hon. Alan Bongio, Chair
County of Humboldt Planning Commission
825 Fifth Street
Eureka, CA 95501

**RE: Adesa Organic, LLC Conditional Use Permit
Application Number 11923**

Dear Chair Bongio and Members of the Planning Commission:

This firm represents Adesa Organic, LLC (“Adesa”) concerning its application for a new commercial cannabis operation in Humboldt County (“Project”), which the Planning Commission (“Commission”) considered at its meeting on August 6, 2020. At that meeting, the Commission first voted 3-3-1 on a motion to adopt the Project’s Initial Study/Mitigated Negative Declaration (“IS/MND”) and approve the Project. Following that, the Commission voted 6-1 to continue the public hearing on the Project to August 20, 2020 with the hope of obtaining additional information from the California Department of Fish and Wildlife (“CDFW”) during that interim period.

The letter directly addresses certain concerns raised by Planning Commissioners at that hearing. While the overall sentiment expressed by all Planning Commissions was that the Project is “a good project,” and that Adesa “did a good job” – of satisfying the requirements of the County’s Cannabis Ordinance in “exemplary fashion,” three Commissioners nevertheless voted against approval, and one abstained. Three specific concerns were expressed by these Commissioners: (i) the length of the private roadway serving the Project; (ii) possible runoff into Cowan Creek, and (iii) uncertainty about impacts to biological resources. This letter will explain how Adesa has exhaustively addressed these issues as well as speak to more generalized concerns voiced by certain Planning Commissioners about the County’s Cannabis Ordinance.

1. The Private Road

Chair Bongio expressed concern at the meeting about the “long road” serving the Project. As the staff report explains, ingress and egress for the Project includes a “1.1-mile section of private road between Maple Creek Road and the proposed project facilities.” That said, both the staff report and Road Evaluation Report make clear that this is an existing road that will continue to be used whether the Project is approved or

not. Indeed, the improvements required by the County's conditions of approval as well as the Lake and Streambed Alteration Agreement ("LSAA") will reduce erosion, air quality and other environmental impacts associated with continued use of the private road. If the Project is approved, impacts will be even further reduced through Adesa's "transportation plan that mandates the use of company shuttles for transporting employees to the project site." These improvements – which will not occur with denial of the Project – would dramatically reduce any environmental impacts associated with this existing roadway.

2. Possible Runoff

An adjacent property owner, Ronald Wilson, made comments about possible surface water impacts associated with runoff affecting his property. Chair Bongio also mentioned possible "runoff" as a reason for voting against the Project. Concerns about water quality, whether resulting from surface runoff or sewage treatment, are misplaced. The IS/MND already explains in detail how surface runoff would be addressed:

All excess irrigation runoff will be captured and recycled through an Everfilt mixed-media filtration system. No excess irrigation water is anticipated to run off site. Site topography is relatively flat at the cultivation and processing sites, with the slopes of these sites being 5-15%. There will be erosion control measures surrounding the water tanks in case of any accidental leaking. Use of OMRI-certified organic amendments will also reduce the potential for stormwater pollution and any adverse impacts to the watershed. The Adesa Organic, LLC project is enrolled as a Tier 2 discharger under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Cultivation Waste Discharge Regulatory Program (CCWDRP). The Waste Discharge Identification number for the Adesa Organic, LLC project is WDID# 1B161705CHUM. A separate Water Resources Protection Plan has been developed for the project.

(MND, p. 5.)

In oral comments, Mr. Wilson stated that the "design looks pretty complete." That said, Mr. Wilson speculated, with no supporting analysis, that "pumps can be overwhelmed and fail." But the law is well settled that speculation such as this about a worst-case scenario is not substantial evidence of a significant impact. (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 373, 110 Cal.Rptr.2d 579 [CEQA does not require lead agencies "to engage in speculation in order to analyze a 'worst case scenario'"]; *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 453 ["An EIR, in

particular, need not analyze a “ ‘worst case scenario’ ”]; *North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. of Directors* (2013) 216 Cal.App.4th 614, 635 [same]; *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1068 [same].) In any case, if Adesa’s pumps did ever fail, they would need to be repaired, consistent with the site’s Waste Discharge Requirements issued by NCRWQCB.

There are also no potentially significant impacts associated with the Project’s sewage treatment and disposal, which is also addressed in detail in the MND:

On-site Wastewater System

The project proposes a new onsite sewage disposal system to meet the needs of staff. This system will be constructed in accordance with the Humboldt County Department of Environmental Health sewage disposal system requirements. A site-specific Septic Suitability Report (SHN October 2016) has been prepared for the project in accordance with the standards of the Humboldt County Division of Environmental Health, to assess soil and groundwater conditions for this system, determine feasibility and the necessary size of the system, and guide the proposed development. The system will include toilet and handwashing facilities in the proposed ADA-compliant bathroom near the processing and storage facilities. The proposed leach fields are shown on the project site plan (Sheet 433A Site Plan, SHN June 2019).

As with surface runoff, any concern about sewage treatment and disposal is merely unsubstantiated speculation about a worst-case scenario. As established above, this is not substantial evidence of any significant impact.

In short, there are no legitimate, fact-based concerns about the Project’s potential impact on surface water quality. These issues have already been addressed in the IS/MND and the Project’s permitting documents.

3. CDFW Comments on the Project

Vice Chair Levy expressed concern about voting on the Project without first receiving formal comments on biological issues from CDFW. While CDFW did not submit formal comments during the IS/MND public comment period, CDFW has been very active on the Project by providing its comments and concerns during the IS/MND’s consultation period pursuant to CEQA Guidelines section 15063, subdivision (g). Indeed, CDFW comments about potential impacts to a single pair of golden eagles prompted the preparation of no fewer than six technical reports, including the following:

1. Natural Resource Assessment dated December 2017;
2. Technical memorandum by Gretchen O'Brien of SHN dated August 31, 2018;
3. Biological Assessment Addendum – Golden Eagle and Bald Eagle by Sandra Hunt-von Arb dated December 8, 2018;
4. Golden Eagle 2019 survey update report dated October 17, 2019 by Sandra Hunt-von Arb;
5. Technical Memorandum re: Golden Eagle Habitat in Maple Creek, California by Gretchen O'Brien dated November 19, 2019; and
6. Golden Eagle survey notes by Gretchen O'Brien for survey dated March 3, 2020.

All of these technical reports,¹ prepared by experts with unquestioned credentials, consistently concluded that there would be no substantial impact to golden eagle populations because: (i) the Project site is well located with an adequate buffer distance away (greater than one mile as indicated by CDFW via USFWS) from the nearest golden eagle nest as well as observed flight paths of the golden eagle individuals themselves; (ii) based on best available habitat mapping, the Project site provides lower quality habitat in comparison to what is available closer to the nest sites for this pair of golden eagles, which is reinforced by the observed non-use of the area by golden eagle individuals during 2019 surveys, and (iii) the typical territory size of this species (approximately a 10-mile radius) provides extensive high-quality habitat for the golden eagle individuals. As a result, there is simply not a substantial reduction in the number of the species or its range, which is the relevant standard for requiring an EIR under CEQA Guidelines section 15065 subdivision (a)(1).

These reports were summarized and forwarded by County staff to CDFW last December. We understand that CDFW subsequently determined not to provide any follow up comments during the comment period on the IS/MND. This is not the result of a failure of regulatory oversight, but rather a clear indication that CDFW's concerns have been fully addressed.

¹ These are just a few of the many investigations, studies and reports that were prepared specifically for the Project. Please see **Exhibit 1** for the complete IS/MND Source/Reference list.

4. Disagreement with the County's Cannabis Ordinance

A few Planning Commissioners voted against Project approval despite describing it as a “good project” and acknowledging that “the applicants have done a good job of meeting the requirements [of the County’s Cannabis Ordinance].” Vice Chair Levy characterized Adesa’s compliance with the County’s Cannabis Ordinance as “exemplary.” These commissioners acknowledged on the record that they would not be willing to approve any cannabis project at this location, or at any location at higher elevations in the County. In essence, these Planning Commissioners appear to have voted against the Project based on their disagreement with the County’s Cannabis Ordinance itself, and not anything specific to the Project or its application materials. California law provides this is not a proper reason to deny the Project.

It is established that the enactment or amendment of zoning regulations “are legislative, but variances and similar administrative decisions [including CUPs] are adjudicative.” (*Arnel Development Co. v. City of Costa Mesa* (1980) 28 Cal.3d 511, 519-520.) Based on the critical distinction between land use actions that are “legislative” in character and those which are supposed to be “quasi-judicial”, California law provides that “administrative decisions must implement established standards and rest upon findings supported by substantial evidence.” (*Arnel Dev. Co., supra*, 28 Cal.3d at 519-20, relying on C.C.P., §1094.5.) An adjudicatory hearing on a CUP application may not be turned into an occasion to change land use legislation. (E.g., *Security Nat. Guaranty Inc. v. Calif. Coastal Comm.* (2008) 159 Cal.App.4th 402 [administrative appeal is not occasion for agency to re-write its land use legislation].)

It is improper for local agencies to informally re-write or change the significance of existing zoning and planning legislation without going through the formal, public process of legislating such changes. (*Gabric v. City of Rancho Palos Verdes* (1977) 73 Cal.App.3d 183, 200 [city council abused its discretion by denying building permit; appellate court directed that writ petition be granted, ordering City to issue permit] (*Gabric*).) As explained by the court, “[p]assage of zoning laws and changes to be effected thereby are proper legislative matters. Denying of permits as was done here can effectively change the meaning of the zoning laws.” (*Id.* at 200-201.) Instead, “Such change is a proper subject for legislation, not piecemeal administrative adjudication.” *Ibid.*, quoting *Topanga Assn. for a Scenic Community* (1974) 11 Cal.3d 510, 522.)

Here, the County’s Cannabis Ordinance sets forth “established standards” for issuance of a CUP for commercial cannabis cultivation. By publicly acknowledging that the Adesa Project complies with these established standards but nevertheless voting against approval, these Planning Commissioners failed to act in their limited, and “quasi-

adjudicatory,” role and exceeded their authority by confusing the nature of the proceeding. This point was made with clarity by Commissioner Mitchell: “Either approve or give very specific reason why to deny.” Commissioner Newman also suggested that such piecemealed administrative adjudication based on disagreement with the County’s Cannabis Ordinance was “arbitrary.”

Put simply, the CUP hearing was not an occasion for the Planning Commission to try to change the existing zoning – which expressly, albeit “conditionally”, permits the proposed cannabis cultivation project on the subject property. To the extent a member of the Planning Commission may disagree with the County’s existing Cannabis Ordinance and would prefer not to implement it, we respectfully submit the proper approach would be refusal from the agenda item, not attempting to engage in informal, piecemealed re-writing of the County’s Cannabis Ordinance. (See *Gabric, supra*, 73 Cal.App.3d at 200-201; see also *Topanga, supra*, 11 Cal.3d at 522.)

* * *

We thank the Planning Commission for its continued consideration of the Adesa Project and respectfully request that the Planning Commission approve the Project. The Adesa team is available by telephone or Zoom to address any questions or concerns prior to the next scheduled Planning Commission meeting on August 20, 2020.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By:
Patrick M. Soluri

PMS/wra

Attachments: Exhibit 1, IS/MND Source/Reference list

cc: John Ford, Director, Planning & Building Department
(PlanningBuilding@co.humboldt.ca.us)
Cliff Johnson, Senior Planner (cjohnson@co.humboldt.ca.us)
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EXHIBIT 1

24. SOURCE/REFERENCE LIST

The following documents were used in the preparation of this Initial Study. The documents are available for review at the Humboldt County Planning Department during regular business hours.

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Adesa's responses to public comments:

1. Audubon Society comment

The comment asserts that the proposed project “would have a significantly higher footprint than if located on agricultural or industrial land closer to major highways and served by public utilities.” Even if this assertion were true, having a “higher” carbon footprint does not necessarily translate to a significant impact on GHG emissions. It is noted that the commenter does not identify a significance standard for GHG emissions, much less apply that standard to the proposed project. Nor does the commenter indicate any expertise on measuring carbon emissions.

1. The commenter's prediction of the number of miles traveled daily does not indicate how this is a significant impact in relation to any identified significance threshold.
2. The commenter provides no information about how the described vehicle traffic “would significantly impact [] the road.” The County has analyzed the project's impacts on roads in the area, and required mitigation from the applicant.
3. The commenter asserts that the extension of the electrical grid to the subject property would “be a growth inducing factor.” Any decision by an electrical utility in the future, which is purely speculative at this point, is a completely separate project from the proposal presently under consideration.

2. Ronald Wilson comments

a. Water: The MND addresses in detail how surface runoff will be addressed:

All excess irrigation runoff will be captured and recycled through an Everfilt mixed-media filtration system. No excess irrigation water is anticipated to run off site. Site topography is relatively flat at the cultivation and processing sites, with the slopes of these sites being 5-15%. There will be erosion control measures surrounding the water tanks in case of any accidental leaking. Use of OMRI-certified organic amendments will also reduce the potential for stormwater pollution and any adverse impacts to the watershed. The Adesa Organic, LLC project is enrolled as a Tier 2 discharger under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Cultivation Waste Discharge Regulatory Program (CCWDRP). The Waste Discharge Identification number for the Adesa Organic, LLC project is WDID# 1B161705CHUM. A separate Water Resources Protection Plan has been developed for the project.

(MND, p. 5.)

The commenter speculates that “pumps can be overwhelmed and fail.” Speculation about a worst-case-scenario is not substantial evidence of a significant impact. Further, it is reasonably to rely on regulatory compliance to address an impact.

b. Sewage: The issue of sewage treatment and disposal is addressed in the MND, which provides:

On-site Wastewater System

The project proposes a new onsite sewage disposal system to meet the needs of staff. This system will be constructed in accordance with the Humboldt County Department of Environmental Health sewage disposal system requirements. A site-specific Septic Suitability Report (SHN October 2016) has been prepared for the project in accordance with the standards of the Humboldt County Division of Environmental Health, to assess soil and groundwater conditions for this system, determine feasibility and the necessary size of the system, and guide the proposed development. The system will include toilet and handwashing facilities in the proposed ADA-compliant bathroom near the processing and storage facilities. The proposed leach fields are shown on the project site plan (Sheet 433A Site Plan, SHN June 2019).

As with water, the commenter speculates about a worst-case-scenario, which is not substantial evidence of a significant impact. Also, reliance on regulatory compliance is reasonable.

c. Noise: The County has extensively analyzed the issue of noise, and imposed a specific condition of approval that addresses this impact: “Any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.” This condition more than addresses any concern about noise from adjacent property owners.

d. Fire: The commenter raises generalized concerns about fire, but does not identify any specific aspects of the proposed project that create any particularized risk of fire. The County’s General Plan includes policies addressing fire risk, and the staff report reveals that the proposed project is consistent:

CALFIRE comments

recommended compliance with the requirements of the County’s Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The applicant is proposing development of two ponds totaling 4,298,000 gallons which will provide fire protection in addition to cultivation needs.

(Staff report, p. 39.)

3. Arthur Wilson: these generalized comments do not require responses
4. CHP:

These generalized comments about the condition of “the roads in the area” do not constitute substantial evidence of a fair argument of any significant impact. In fact, the letter does not address the specific project in any meaningful way. The MND has directly addressed whether there are any road hazard issues associated with the proposed project, and provides:

A Road Evaluation Report has been completed for the approximately 8 miles of Maple Creek Road used to access the proposed project site certifying equivalence to a Road Category 4 standard, and the County Department of Public Works has reviewed and approved the evaluation.

A Road Evaluation Report for the 1.1-mile private driveway has been completed by SHN Consulting Geologists and Engineers, proposing upgrades to this road to make it adequate for the proposed commercial uses (SHN December 2016a). Some of these improvements include stream crossing upgrades, creating turnouts on blind turns to improve safety, reducing grades, and rocking the road surface to make the road more durable in year-round conditions. The County Department of Public Works has reviewed the project, and will require improvements to the junction of the private road and Maple Creek Road in order to meet County visibility and encroachment standards.

(MND, p. 88.)

The only specific comment in the CHP letter is to “recommend[] considerations be made to improvement the roadways needed to access this site prior to implementation of the project in order to mitigate these dangers.” The MND’s analysis quoted above demonstrates that this recommendation has been carried out by the County.