

## SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of:  
June 18, 2020

<input checked="" type="checkbox"/>	Consent Agenda Item	<b>No. E-4</b>
<input type="checkbox"/>	Continued Hearing Item	
<input type="checkbox"/>	Public Hearing Item	
<input type="checkbox"/>	Department Report	
<input type="checkbox"/>	Old Business	

### Re: Rockaway Investments, LLC Conditional Use Permit

Record Number: PLN-12280-CUP  
Application Number: 12280  
Assessor Parcel Number: 208-111-028-000  
27710 State Highway 36, Bridgeville, CA 95526

Attached for the Planning Commission's record and review is the following supplementary informational items:

Attachment 1: California Department of Fish and Wildlife Project Referral Comments.

Attachment 2: California Division of Water Rights Project Referral Comments.

Attachment 3: CalFire Project Referral Comments.

Attachment 4: Revised Executive Summary with changes in **bold**.

Attachment 5: Revised Recommended Conditions of Approval with updates in **bold**.

Attachment 6: Revised Attachment 2 Required Findings for Approval with updates in **bold**.

Attachment 7: Revised Attachment 3 CEQA Addendum with updates in **bold**.

Attachment 8: Revised Attachment 5 of the project Staff Report with updates in **bold**.

**ATTACHMENT 1**

California Department of Fish and Wildlife Project Referral Comments



California Department of Fish and Wildlife  
CEQA: Project Referral Comments

Applicant: Rockaway Investments LLC		Date: 6/12/20
APPS No.: 12280	APN: 208-111-028	DFW CEQA No.: CEQA-12280-R1
<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 9,948 <input checked="" type="checkbox"/> Ancillary Nursery (SF): 1,400	

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

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 comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

**CDFW requests the following items be incorporated as conditions of Project approval:**

- ☒ The proposed Existing Project may have a potentially significant adverse effect on biological resources, specifically Northern Spotted Owl (*Strix occidentalis caurina*; NSO). Consistent with CEQA Guidelines, Section 15380, Northern Spotted Owl (NSO) has been identified as a threatened species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 *et seq.*) and under the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) qualifies it as an endangered, rare, or threatened species under CEQA.

The Project proposes to utilize greenhouse cultivation within NSO habitat (**220 feet from NSO observation and within 0.44mi of AC**). The biological report (BR) provided for this project indicates that the cultivation site is placed 288ft from an NSO nest and 909ft from an NSO AC, however, there appears to be several errors in these statements. First, the site is approximately 220ft from an NSO positive observation, and second the feature on CNDDB that the biologist referred to as a “AC” is a negative observation point. The BR further indicates that the project would have no significant impacts based primarily on the assumption that there is “no line of site” from the “nest” to the cultivation site. The “no impact” statement provides little justification and no supporting evidence for this assumption. Further, the BR did not include survey data of the area or disclose positive NSO observations adjacent to the site that occurred in 2019 as documented by Caltrans.

A primary supporting document for the BR includes the 2006 USFWS guidance document, *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owl and Marbled Murrelets in Northwestern California*. It is important to note, this guidance document is founded upon observations of NSO behavior and does not take physiological impacts into account. Further, USFWS guidance is based on temporary disturbance, during daylight hours and does not consider permanent, continuous, auditory and visual disturbance during both daylight and nighttime hours (highest activity period of NSO and their prey).

Many project related activities may pose significant impacts to NSO and result in harm, harassment, abandonment of territory, nest failure, or other physiological impacts that are difficult to monitor without extensive site-specific studies. For example, on-going disturbance from road use, generators, fans, and other equipment may disrupt foraging success of NSO, which primarily use hearing to hunt. Also, exposure to vehicle noise has been shown to increase stress hormone levels in NSO, which was particularly evident in males during times when they were exclusively responsible for feeding their mates and nestlings (Hayward et al. 2011). Components of “ancillary nurseries and facilities” such as artificial light, may disrupt nocturnal foraging and nesting NSO

through disorientation as well as decreased activity of prey species (Brown et al. 1988, Longcore and Rich 2004, 2016).

As the 2019 Caltrans NSO survey data indicates, the NSO AC (HUM0801) closest to the project site is active. If the County elects to approve this project, CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include, but are not limited to, the prohibition of generators, project lighting, dehumidifiers, and fans, including those used in ancillary structures (e.g. nurseries) during the breeding season (February 1 to July 9), each year. Following the breeding season, CDFW requests the succeeding measures, as conditions of Project approval:

- The construction of noise containment/dampening structures for all generators and fans on parcel; noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer. CDFW further requests, a noise attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.
  - That artificial light used for cannabis cultivation operations (including ancillary nurseries) be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. CDFW further requests, that security lighting be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. CDFW further requests, a light attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.
  - That timber removal be prohibited within 150ft of the designated cultivation sites.
- ☒ Water for this Project is sourced from a groundwater well. Excessive drawdown of groundwater may result in impacts to surface water habitats. Such modifications may result in significant and unintended impacts such as a decrease in the amount of water that would naturally flow to ecologically important waterbodies (e.g. springs and headwater streams) that provide critical habitat for sensitive fish and wildlife species. Given the proximity to Little Larabee Creek, an important tributary to the Van Duzen River that supports ESA and CESA listed species, CDFW recommends the County require evidence demonstrating well water is hydrologically disconnected from surface water. This site-specific documentation shall meet professional standards of practice and be prepared by a California registered professional geologist, hydrogeologist or engineer with experience in hydrogeological characterizations. CDFW further requests that the groundwater well be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this Project and require storage as necessary to avoid excessive drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.
- ☒ The primary power source for the project is solar power. CDFW recommends inspection of solar arrays for proper installation in order to prevent or reduce fire risk. Incorporate fire-safe measures into Project plans, such as placement of fire extinguishers at a nearby location, to prevent or reduce potential impacts to wildlife habitat caused by fire. Referral materials indicate generators

will be used as a back-up power supply. CDFW recommends measures be incorporated to avoid or minimize impacts to fish and wildlife, such as secondary containment for capturing fuel leaks, and generator housing for noise attenuation. Generators and associated fuels should be located outside of the floodplain and a minimum of 150 feet from streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).

- ☒ To minimize the risk of wildlife entrapment, CDFW recommends the County prohibit the use of synthetic netting (e.g., plastic or nylon) including photo or biodegradable plastic netting for the purpose of erosion control and/or cultivation operations. CDFW further recommends alternatives such as geotextiles, fiber rolls, and other erosion control measures be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Contain all hazardous chemicals/materials in wildlife proof storage containers. Hazardous materials should be stored outside of the 100-year floodplain and a minimum of 150ft from watercourses and/or wet areas.
- ☒ That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.
- ☒ That access roads leading to the site are assessed by an experienced licensed Professional and that BMP's are implemented within sixty-days following the execution of this agreement, to prevent sediment delivery to nearby watercourses/wet areas.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Chinook Salmon (*Oncorhynchus tshawytscha*), Steelhead Trout (*O. mykiss*), Coastal Rainbow Trout (*O. mykiss irideus*), Coastal Cutthroat Trout (*O. clarki clarki*), Prickly Sculpin (*Cottus asper ssp. 1*), Foothill Yellow-legged Frog (*Rana boylei*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), Sonoma Tree Vole (*Arborimus pomo*), Marbled Murrelet (*Brachyramphus marmoratus*), North American Porcupine (*Erethizon dorsatum*) and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

Scott Bauer  
Senior Environmental Scientist Supervisor  
California Department of Fish and Wildlife  
619 2nd Street  
Eureka, CA 95501

## References

- Brown, J. S., B. P. Kotler, R. J. Smith, and W. O. Wirtz II. 1988. The effects of owl predation on the foraging behavior of Heteromyid rodents. *Oecologia* 76:408–415.
- Hayward, L. S., A. E. Bowles, J. C. Ha, and S. K. Wasser. 2011. Impacts of acute and long-term vehicle exposure on physiology and reproductive success of the northern spotted owl. *Ecosphere* 2:art65.
- Longcore, T., and C. Rich. 2004. Ecological light pollution - Review. *Frontiers in Ecology and the Environment* 2:191–198.

**ATTACHMENT 2**

California Division of Water Rights Project Referral Comments

**From:** [Pham\\_Jonathan@Waterboards](mailto:Pham_Jonathan@Waterboards)  
**To:** [Planning Clerk](#)  
**Subject:** County Project Review for PLN-12280-CUP Rockaway Investments LLC  
**Date:** Wednesday, June 3, 2020 8:33:29 AM

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Good Morning,

Thank you for forwarding the project review request for Rockaway Investments LLC. Unfortunately, I did not see a review coversheet in the accelera archives so I hope an email response is acceptable.

From a Division of Water Rights perspective, I recommend approval for this project because they have already obtained a Small Irrigation Use Registration water right for their surface water diversion in addition to drilling a well for their water.

Thank you for your time and have a nice day. Let me know if you have any questions.

Best,  
Jonathan Pham  
Environmental Scientist  
Cannabis Registration Unit  
Division of Water Rights



**ATTACHMENT 3**

CalFire Project Referral Comments

Application Number

Key APN

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

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

**Forester Comments:**

Date:

Name:

**Battalion Chief Comments:**

**Summary:**

**ATTACHMENT 4**  
Revised Executive Summary

## Executive Summary

Rockaway Investments, LLC, is seeking a Conditional Use Permit for an existing 9,948 square-foot (sf) outdoor utilizing light deprivation and 1,400 of full sun outdoor cultivation commercial medical cannabis cultivation operation. The applicant proposes one (1) harvest per season. In addition, 900 sf ancillary propagation area. Annual projected water use is 95,000 gallons (8.37 gallons per square foot) and is sourced from a permitted groundwater well. Water storage totals 19,900 gallons contained within two 5,000-gallon tanks, one (1) 3,000-gallon tank, one (1) 1,100-gallon tank, and one (1) 800-gallon tank. Additionally, one (1) 2,500-gallon tank is designated for Fire Suppression in compliance with SRA requirements.

The project parcel is 40 acres in size with a slope designation of High Instability. The land use designation is Residential Agricultural and zoned Unclassified. Elevations on the project parcel range from approximately 900 feet in the southwestern portion of the parcel to 1,300 feet at the northeastern portion of the parcel. The cultivation area is approximately 1,200 feet. The parcel is north of Little Larabee Creek largely on southeast-northwest trending slope and is approximately two (2) miles east-northeast of Bridgeville. The cultivation area does not encroach within 200 feet of the Little Larabee Creek (Class 1 stream) nor the three (3) Class III seasonal streams on the project parcel. An Engineering Geologic Stability Assessment Report was completed for the project parcel August 13, 2018 by Lindberg Geologic Consulting with recommendations to further stabilize the cultivation pad. This report is included in Attachment 4 and the project has been conditioned to proceed with the recommendation to further stabilize the cultivation pad.

The forest in this location is dominated by Douglas fir (*Pseudotsuga douglasii*). The trees on the project parcel are young and the understory is moderately dense with shrub and herbaceous vegetation. Herbaceous vegetation occurs along the road and the open, cleared area bordering the greenhouses and infrastructure. Stands of French broom occur along the road. A Biological Assessment was completed for the project parcel by Emerald Triangle Associates August 15, 2019. The general recommendations for sensitive wildlife species including recommendations for the Northern Spotted Owl, migratory birds, northern red-legged frog, and sensitive plant species. Of note is that a Northern Spotted Owl nest is located 288 feet from the project site, but due to topography the project site is outside the line of site from the nest. As no lights are associated with the cultivation and the primary source of power is solar, no impacts are expected to the species. The project has been conditioned to implement the recommendations of the Biological Assessment. **Comments from the California Department of Fish and Wildlife (CDFW) report that the Biological Assessment conducted by Emerald Triangle Associates was flawed in that the cultivation site is 220 feet from a NSO positive identification and that the Activity Center cited by the biologist is actually a negative observation point. Further, CDFW questions the statement of the Biologist's conclusion that the project would have "no impact" on NSO. CDFW believes this conclusion is an assumption, as the statement the Biologist made that there is "no line of site" from the "nest" is not sufficient supporting evidence of "no impact" to justify the "no impact" conclusion. CDFW also cites that the Biological Assessment did not include 2019 survey data collected by CalTrans that reported positive NSO observations adjacent to the project parcel. CDFW recommends several mitigation measures due to the potential that many of the cultivation activities may pose significant impacts to NSO. The mitigation measures recommended by CDFW have been incorporated into the conditions of approval.**

Existing outdoor cultivation consists of 1,400 sf full-sun outdoor and 9,948 sf outdoor light deprivation within greenhouses. The applicant anticipates two (2) cultivation cycles per annum. Pre-existing GH 5, and GH 6 have been removed and consolidated to GH 1 as shown on the Site Plan. This reconfiguration of greenhouses occurred because GH 6 was within a Streamside Management Area. Further, the southern full-sun outdoor cultivation area could not be accessed

directly from the project parcel, thus has been decommissioned. The pre-existing full-sun outdoor cultivation area has been removed and relocated to the north-east portion of the property, seen as CA 1 and CA 2 on the Site Plan. To date, all decommissioned areas have been restored to their original state. The proposed schedule of activities is outlined in Table 1.

Table 1. Proposed schedule of activities.

January	Winterization implemented on the site.
February	Cycle 1 clones are started in vegging greenhouse.
March	Cycle 1 clones are in vegetative state.
April	Cycle 1 clones are transferred to light-deprivation greenhouses.
May	Cycle 1 flowering in light-deprivation greenhouse. Cycle 2 clones are started in the vegging greenhouse.
June	Cycle 1 flowering in light-deprivation greenhouses
July	Harvest cycle 1. Cycle 2 clones are transferred to light-deprivation greenhouse.
August	Cycle 2 flowering in light-deprivation greenhouses.
September	Cycle 2. Harvest full outdoor plants. Store water in tank from the well.
October	Harvest cycle 2. Harvest full outdoor plants. Store water in tanks from the well.
November	Clean up site and prepare for winterization. Store water in tanks from the well.
December	Winterization implemented on the site.

All existing cultivation areas are now outside of the Streamside Management Areas, and the buffer zones associated with the North Coast Regional Order. The reconfiguration of the cultivation site (consolidating the pre-existing GH 5 and GH 6 to GH 1 and decommissioning and relocating the full-sun outdoor cultivation area to: CA 1, CA 2, and part to GH 1). Within the existing greenhouses above ground soil bags are utilized for plants. This allows the Applicant to better monitor environmental factors, to have more control on their watering procedures, and reduce impacts to the nearby habitat and watershed.

Drying and curing harvested cannabis is proposed to occur within the Dry Shed in which dehumidifiers are utilized. A letter of intent for agricultural exempt structures has been filed with the County Building Department for the Dry Shed, Generator Shed, and Nutrients Shed. Harvested cannabis will be processed at a third-party licensed processing facility.

Water is sourced solely from a permitted groundwater well. The Well Report for the newly drilled well shows the total depth of the boring to be 250 feet, with water in Shale below more than 20 feet of clay. In the original application, the Applicant was utilizing a surface water diversion from the nearby unnamed stream, which is a tributary to Little Larabee Creek. The Applicant also submitted an application for a riparian water right in 2017. Since the well was drilled in 2018 the applicant no longer utilizes the surface water diversion. The well has been permitted by the county. The Applicant did receive a Right to Divert and Use Water (HS00808) from the division of Water Rights on 4/6/2018, but is no longer using this diversion for a water source. The Right to Divert and Use Water document is included in Attachment 4 for reference. **The California Division of Water Rights recommended approval of the project due to the Applicant's due diligence in procuring a Small Irrigation Use Registration water right for their surface water diversion in addition to drilling a well for their primary water source for the cultivation.** The Applicant currently has 39,900 gallons of water storage on-site, however, is decommissioning the one (1) remaining 20,000-gallon water bladder to avoid the potential of it bursting and creating water quality issues. This will lower the total amount of water storage to 19,900 gallons. All tank locations and sizes are shown on the Updated Site Plan, and one (1) 2,500-gallon tank is designated for Fire Suppression in compliance

with the SRA requirements. The Well Report for the newly drilled well shows the total depth of the boring to be 250 feet, with water in Shale below more than 20 feet of clay. The Applicant currently hand waters cannabis crops at an agronomic rate and will install a drip irrigation system with a meter to reduce the use of water onsite and to accurately measure annual water usage. **Comments provided by the CDFW included concerns regarding the potential for hydrologic connectivity and the associate impacts to surface water habitats given the proximity to Little Larabee Creek. CDFW recommends the County require the Applicant provide evidence demonstrating the well water is hydrologically disconnected from surface water. CDFW recommendations have been incorporated into the conditions of approval.**

Power is sourced primarily from solar and back-up generators. There are currently three (3) solar panels placed on wooden platforms, and three (3) generators on the site for power. All generators are located in the generator shed and are mainly used as back-up power to the existing solar panels. The generators will not exceed 50 decibels at 100-feet or to the nearest tree canopy. All fuel associated with these generators or other machinery on-site, will be contained to prevent any spill. **CDFW recommended that the solar panels being utilized for the primary source of power for the project be inspected to insure proper installation and to incorporate fire-safe measures as an addendum to the Cultivation and Operations and Site Plans (i.e. fire extinguisher locations). Further, CDFW recommends that measures also be taken to minimize impacts to fish and wildlife with regard to the generators. The recommendations provided by CDFW are regarding the power sources are included in the conditions of approval.**

All storage and use of fertilizers, and other agricultural chemicals are described in detail in Section 5: *Fertilizers, Pesticides and Herbicides*, of the Site Management Plan. Fertilizers and pesticides are stored within secondary containment, in the Nutrients Shed shown on the updated Site Plan. As well, all storage, use, and disposal of fuels is described in detail in Section 6: *Petroleum*, of the Site Management Plan. A list of chemicals used, is also included in the Site Management Plan report.

Security on the project parcel includes gates on the access road to the property. The cultivation areas are fenced and buildings are locked when unattended. The applicant is also proposing to install game cameras.

The applicant has utilized portable toilets and plans to do so going forward until a suitable location for a septic leach field can be determined and permitted. No employees are proposed.

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

**ATTACHMENT 5**

Revised Attachment 1: Recommended Conditions of Approval

**ATTACHMENT 1**

## RECOMMENDED CONDITIONS OF APPROVAL

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

1. The Applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 14. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The Applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. The Applicant shall secure grading permits for all grading that has been performed in connection to existing cultivation areas and facilities.
4. The Applicant shall install and utilize a water meter to keep track of irrigation use. Records from the meter shall be made available to the County upon request.
5. **The Applicant shall have the access roads leading to the project site assessed by an experienced licensed Professional to ensure that the Best Management Practices are implemented, within sixty-days following the execution of this permit, to prevent sediment delivery to nearby watercourses/wet areas.**
6. **The Applicant shall have the solar arrays inspected for proper installation by a qualified professional. The inspection report shall be submitted to the Planning Department for review and approval.**
7. **The Applicant shall amend the Cultivation and Operations Plan and the Site Plan to incorporate fire-safe measures including fire extinguisher locations to prevent and/or reduce potential impacts to wildlife habitat caused by fire.**
8. The Applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the NCRWQCB verifying that all their requirements have been met will satisfy this condition.
9. The Applicant shall execute and file with the Humboldt County Planning and Building Department the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
10. The Applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding 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.
11. The applicant shall secure permits for all existing and proposed grading (including, but not limited to flats and pond) and structures (including, but not limited to: the cabin, shop and 5



cargo containers) related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures and grading related to cannabis cultivation are permitted will satisfy this condition. No impervious floor shall be allowed for greenhouses.

12. 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.
13. The applicant shall contact the local fire service provider [Bridgeville Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services . If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division
14. The applicant shall adhere to the recommendations of the Biological Assessment completed by Emerald Triangle Associates including but not limited to sensitive wildlife species recommendations, Northern Spotted Owl, migratory birds, Northern Red-legged Frog, and sensitive plant species.

**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. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse

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

6. The applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
7. **The Applicant shall limit the operation to above ground cultivation. An archaeologist or cultural monitor will be required on-site during any ground disturbance, including geologic stability work, to monitor for any cultural resource artifacts that may be encountered.**
8. 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, Public Park, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
9. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
10. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
11. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.
12. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.
13. 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).
14. Applicant shall adhere to the recommendations of the Biological Assessment completed January 9, 2019 for the project parcel by O'Brien Biological Consultants.
15. **The groundwater well shall be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Should the results of the drawdown testing indicate the potential for the well to go dry or any other confounding factors regarding proximal wells, the County may require the Applicant to install additional water storage to mitigate excessive drawdown.**
16. No lights, generators or fans are permitted by this permit until a scoping report for Northern Spotted Owl and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species, and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Should the applicant propose to achieve noise attenuation by

placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.

17. The Applicant shall implement avoidance measures including, but not limited to, the prohibition of generators, project lighting, dehumidifiers, and fans, including those used in ancillary structures (e.g. nurseries) during the breeding season (February 1 to July 9), each year.
18. The Applicant shall construct noise containment/dampening structures for all generators and fans on parcel; noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer. CDFW further requests, a noise attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.
19. That artificial light used for cannabis cultivation operations (including ancillary nurseries) shall be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. Security lighting shall be motion-activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. CDFW further requests, a light attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.
20. Timber removal is prohibited within 150ft of the designated cultivation sites.
21. All imported soil located onsite shall be fully contained and setback a minimum of 150 feet from watercourses and/or wet areas.
22. Generators and associated fuels shall be located outside of the floodplain and a minimum of 150 feet from streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater. Generators and associated fuels shall be kept in secondary containment for capturing fuel leaks and located in a housing structure for noise attenuation.
23. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
24. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
25. This permit does not authorize the use of Anticoagulant rodenticides on the subject parcel. Anticoagulant rodenticides are prohibited.
26. Pay all applicable application and annual inspection fees.
27. Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation, permittee shall either: 1) forebear from any such diversion during the period from May 15th to October 31st of each year and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated, or 2) comply with the approved water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period, if required, based upon local site conditions, or 3) adhere to the RWQCB approved Water Resources Protection Plan or other clearance issued by the agency. If the method of compliance changes during the term of the Conditional Use Permits, permittee shall notify the Planning and Building Department and furnish appropriate documentation of compliance with this standard.

28. At least one water meter shall be installed on the water line providing irrigation flow to the cultivation site. The water meter shall have the capacity to measure at least 100,000 gallons of flow before resetting. The water meter shall be used to measure the amount of water provided to the cultivation area during the forbearance period. The meter shall be installed at a point on the water line that provides an accurate measurement of the water used for irrigation. Household water use at the caretaker's residence shall be separately metered if required.
29. The noise produced by a generator used for cannabis drying, curing, and processing shall not be audible by humans at neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
30. 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.

**ATTACHMENT 6**

Revised Attachment 2 Required Findings for Approval 1. General Plan Consistency

**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 Plan;
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, and;
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).
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a. Is categorically or statutorily exempt; or
  - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

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

Plan Section(s)	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><b>Residential Agriculture (RA40):</b> Large lot residential uses that typically rely upon on-site water and wastewater systems. RA40 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses. Allowable uses include single family residential, second residential unit, guest house, and residential accessory uses.</p> <p>Density range is 5 to 160 acres/unit.</p>	<p>The Applicant is proposing to permit an existing 1,400 sf full-sun outdoor and 9,948 sf outdoor light deprivation commercial cannabis cultivation on lands designated as Residential Agriculture (<b>RA-40</b>). General and intensive agriculture and similar compatible uses are allowable use types for this designation.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Bridgeville Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>

Plan Section(s)	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-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Access to the site is from a private driveway, via Highway 36. The applicant-submitted Road Evaluation for the private driveway stated that the road is developed to the equivalent of a road category 4 standard. <b>As a condition of approval, the Applicant shall have the access roads leading to the project site assessed by an experienced licensed Professional to ensure that the Best Management Practices are implemented, within sixty-days following the execution of this permit, to prevent sediment delivery to nearby watercourses/wet areas.</b></p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The 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>



Plan Section(s)	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>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 an Open Space Action Program because the project site is located <b>within an area classified with a very high fire severity rating. Please see discussion below in regarding fire hazards. The proposed cannabis cultivation, an agricultural operation, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources.</b> Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</p>

Plan Section(s)	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>According to the California Natural Diversity Database (CNDDB), there are mapped Special Status species on the subject parcel. <b>As reported in the Biological Assessment conducted May 2, 2019</b>, the nearest Northern Spotted Owl (NSO) nest is located within 288 feet of project site while the nearest NSO activity center is located 909 feet from the cultivation area. Due to the topography of the area the project site is outside the line of site if the NSO nest. The nearest mapped Marbled murrelet habitat is located approximately 8.9 miles to the west of the project site. Impacts from cannabis cultivation to NSO and Marbled murrelet are primarily from noise and light and from the use of rodenticides. <b>Comments from the California Department of Fish and Wildlife (CDFW) report that the Biological Assessment conducted by Emerald Triangle Associates was flawed in the that the cultivation site is 220 feet from a NSO positive identification and that the Activity Center cited by the biologist is actually a negative observation point. Further, CDFW questions the statement of the Biologist's conclusion that the project would have "no impact" on NSO. CDFW believes this conclusion is an assumption, as the statement the Biologist made that there is "no line of site" from the "nest" is not sufficient supporting evidence of "no impact" to justify the "no impact" conclusion. CDFW also cites that the Biological Assessment did not include 2019 survey data collected by CalTrans that reported positive NSO observations adjacent to the project parcel. CDFW recommends several mitigation measures due to the potential that many of the cultivation activities may pose significant impacts to NSO. The mitigation measures recommended by CDFW have been incorporated into the conditions of approval.</b></p>

Plan Section(s)	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>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>The project was referred to the Northwest Information Center (NWIC), the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. Although the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council did not respond, the standard inadvertent discovery conditions of approval be applied to the proposed project. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources. <b>As conditioned, The Applicant shall limit the operation to above ground cultivation. An archaeologist or cultural monitor will be required on-site during any ground disturbance, including geologic stability work, to monitor for any cultural resource artifacts that may be encountered.</b></p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The Applicant is proposing to permit an existing 1,400 sf full-sun outdoor and 9,948 sf outdoor light deprivation commercial cannabis cultivation. Any on-site lighting (e.g. ancillary nursery lighting, etc.) shall comply with attenuation shall follow International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <a href="https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/">https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/</a>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low-pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. A light attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit. State Highway 36 is considered a scenic highway, however, the commercial cultivation operation is not and will not be visible from the highway.</p>

Plan Section(s)	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); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The applicant has submitted a Site Management Plan under the State Cannabis General Order. The SMP was submitted by Green Roads Consulting and is dated July 3, 2018. The applicant is required to adhere to and implement the requirements contained in the Site Management Plan. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. The project is consistent with the Water Resource policies of the General Plan.</p>

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<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 proposed project utilized solar as the primary power source with three (3) back-up generators. According to the California Natural Diversity Database (CNDDB), there are mapped Special Status species on the subject parcel. <b>As reported in the Biological Assessment conducted May 2, 2019</b>, the nearest Northern Spotted Owl (NSO) nest is located within 288 feet of project site while the nearest NSO activity center is located 909 feet from the cultivation area. <b>Comments from the California Department of Fish and Wildlife (CDFW) report that the Biological Assessment conducted by Emerald Triangle Associates was flawed in the that the cultivation site is 220 feet from a NSO positive identification and that the Activity Center cited by the biologist is actually a negative observation point. Further, CDFW questions the statement of the Biologist's conclusion that the project would have "no impact" on NSO. CDFW believes this conclusion is an assumption, as the statement the Biologist made that there is "no line of site" from the "nest" is not sufficient supporting evidence of "no impact" to justify the "no impact" conclusion. CDFW also cites that the Biological Assessment did not include 2019 survey data collected by CalTrans that reported positive NSO observations adjacent to the project parcel. CDFW recommends several mitigation measures due to the potential that many of the cultivation activities may pose significant impacts to NSO. The mitigation measures recommended by CDFW have been incorporated into the conditions of approval.</b></p>

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic &amp; 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. Also, it is not in an area where historic landslides have taken place. The cultivation operations take place on ground that is seismically classified as high instability. An Engineering Geologic Stability Assessment Report was completed for the project parcel August 13, 2018 by Lindberg Geologic Consulting with recommendations to further stabilize the cultivation pad. This report is included in Attachment 4 and the project has been conditioned to proceed with the recommendation to further stabilize the cultivation pad.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The project site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at over 30 miles distance from the coast and over 900 feet above mean sea level, is outside the areas subject to tsunami run-up. The project is consistent with the flood policies of the General Plan.</p>

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within an area with a very high hazard severity <b>rating</b>. The parcel is located within the Bridgeville Fire Protection District's response area and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. <b>The project has been conditioned to require 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.</b></p> <p>According to the operations plan, only the applicants and one employee will be on-site. Total water storage totals 19,900 gallons (after the 20,000-gallon water bladder is decommissioned) contained within two 5,000-gallon tanks, one (1) 3,000-gallon tank, one (1) 1,100-gallon tank, and one (1) 800-gallon tank. Additionally, one (1) 2,500-gallon tank is designated for Fire Suppression in compliance with SRA requirements. Conditions of approval for the project require the applicant to demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The proposed project has designated for emergency vehicle turn-around. <b>CDFW recommended that the solar panels being utilized for the primary source of power for the project be inspected to insure proper installation and to incorporate fire-safe measures as an addendum to the Cultivation and Operations and Site Plans (i.e. fire extinguisher locations).</b> The project is consistent with the fire protection policies of the Safety Element.</p>

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
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>If grading is required for any of the projects described in this document, the applicant will be required to obtain a permit from the Building Inspection Division and the North Coast Air Quality Management District (NCAQMD) as a condition of project approval. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. This requirement is included in as a condition of project approval.</p>
Water Resources Chapter 11  Onsite Wastewater Systems	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>Sanitation for the existing cannabis operation is provided by a portable toilet contractor.</p>

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



Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2  Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 208-111-028 is one legal parcel as described by Lot Line Adjustment (LLA22-83(m)) approved by Humboldt County. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-8.1  Unclassified (U)	<b>Unclassified (U):</b> All of the unincorporated area of the County not otherwise zoned is designated as Unclassified.	The applicant is seeking a Conditional Use Permit and Special Permits for an existing 1,400 sf full-sun outdoor and 9,948 sf outdoor light deprivation commercial cannabis cultivation operation on property zoned U. The proposed use is specifically allowed with a Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Min. Lot Area:	6,000 square feet	40 acres
Maximum Ground Coverage:	40%	<5%
Minimum Lot Width:	50 feet	1,278 feet
Minimum Lot Depth:	100 feet	1,670 feet
Minimum Yard Setbacks:  (Through the SRA setbacks)	Front: 20 feet Rear: 10 feet Side: 5 feet  SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Side: >30 feet
Max. Building Height:	None specified	<35 feet
§314-61.1 HCC Streamside Management Area Regulation	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs)	Complies: The parcel does contain a SMA, however, the cultivation operation is well outside 200 feet of the Little Larabee Creek SMA. All cannabis related operations

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
	and other wet areas such as natural ponds, springs, vernal pools, marshes, and wet meadows (exhibiting standing water year-long or riparian vegetation) to implement the County's Open Space Element of the General Plan.	proposed for this project are located outside of the SMA buffers (50 feet for Class III streams, 100 feet for Class II Streams). As conditioned, the project complies with this section.
<b>314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§314-55.4.8.2  Timber Conversion	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.	The project site is a forested site zoned Unclassified, and there is no evidence of timber conversions for cannabis cultivation. <b>The project has been conditioned to prohibit timber removal within 150ft of the designated cultivation sites.</b>
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	<p>On parcels 5 acres or larger in and size zoned AG, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation.</p> <p>On parcels 5 acres to 320 acres in size and zoned AG, a Zoning Clearance Certificate may be issued for new mixed-light cultivation up to 10,000 sf.</p>	The proposed action is a Conditional Use Permit for existing 9,948 square-feet (sf) outdoor utilizing light deprivation and 1,400 sf of full sun outdoor cultivation commercial cannabis cultivation on APN 208-111-028-000-000, which is an approximate 40-acre parcel parcel zoned U. Aerial imagery on Terra Server indicates that existing cultivation operations on the property began sometime before 2015. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant has applied for no other cannabis activity permits, and is entitled to four. This application is to permit existing 9,948 square-feet (sf) outdoor utilizing light deprivation and 1,400 sf of full sun outdoor cultivation commercial cannabis cultivation. If approved, the applicant will hold one permit.
§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.	Processing will occur at a third-party licensed processing facility.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application, and shows all the required information was received. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	Annual water use is 95,000 gallons. Water for the project is sourced from a groundwater well. Water storage totals 19,900 gallons contained within two 5,000-gallon tanks, one (1) 3,000-gallon tank, one (1) 1,100-gallon tank, and one (1) 800-gallon tank. Additionally, one (1) 2,500-gallon tank is designated for Fire Suppression in compliance with SRA requirements. <b>The Applicant procured a Small Irrigation Use Registration water right for their surface water diversion in addition to drilling a well for the primary water source.</b> The project has been conditioned to meter water and report water usage for irrigation for the life of the project. <b>The project has also been conditioned such that the groundwater well shall be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Should the results of the drawdown testing indicate the potential for the well to go dry or any other confounding factors regarding proximal wells, the County may require the Applicant to install additional water storage to mitigate excessive drawdown.</b>
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The site plan submitted by the applicant, which was verified by staff, shows that all cultivation facilities are set back more than 30 feet from property lines and more than 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources (TCRs).

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-55.4.11.o Performance Standards- Generator Noise	<p>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.</p>	<p>The project's primary power source is solar with three (3) back-up generators. According to the California Natural Diversity Database (CNDDDB), there are mapped Special Status species on the subject parcel. The nearest Northern Spotted Owl (NSO) nest is located within 288 feet of project site while the nearest NSO activity center is located 909 feet from the cultivation area. The nearest mapped Marbled murrelet habitat is located approximately 8.9 miles to the west of the project site. Impacts from cannabis cultivation to NSO and Marbled murrelet are primarily from noise and light and from the use of rodenticides. Because potential habitat exists on the subject parcel, special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat. The applicant is required to show compliance with these conditions prior to use of artificial lighting or noise-generating equipment.</p>

<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence That Supports the Zoning Finding</b>
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The application for the project site was filed on August 15, 2016.

**4. Public Health, Safety and Welfare.** The following table identifies the evidence which supports finding that the proposed location of the use 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 properties or improvements in the vicinity.

<b>Code Section</b>	<b>Summary of Applicable Requirements</b>	<b>Evidence that Supports the Required Finding</b>
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since the project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.

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

<b>Code Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence that Supports the Required Finding</b>
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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.	The project will not impact the ability of the parcel to be developed for residential purposes and is therefore consistent with the residential density utilized by the HCD.
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#### 6. Environmental Impact:

As the CEQA lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, on-site processing, development within a Streamside Management Area and setback reduction from adjacent public lands. The environmental document on file includes detailed discussions of all the relevant environmental issues.





<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>According to the California Natural Diversity Database (CNDDDB), there are mapped Special Status species on the subject parcel. <b>As reported in the Biological Assessment conducted May 2, 2019</b>, the nearest Northern Spotted Owl (NSO) nest is located within 288 feet of project site while the nearest NSO activity center is located 909 feet from the cultivation area. Due to the topography of the area the project site is outside the line of site if the NSO nest. The nearest mapped Marbled murrelet habitat is located approximately 8.9 miles to the west of the project site. Impacts from cannabis cultivation to NSO and Marbled murrelet are primarily from noise and light and from the use of rodenticides. <b>Comments from the California Department of Fish and Wildlife (CDFW) report that the Biological Assessment conducted by Emerald Triangle Associates was flawed in the that the cultivation site is 220 feet from a NSO positive identification and that the Activity Center cited by the biologist is actually a negative observation point. Further, CDFW questions the statement of the Biologist's conclusion that the project would have "no impact" on NSO. CDFW believes this conclusion is an assumption, as the statement the Biologist made that there is "no line of site" from the "nest" is not sufficient supporting evidence of "no impact" to justify the "no impact" conclusion. CDFW also cites that the Biological Assessment did not include 2019 survey data collected by CalTrans that reported positive NSO observations adjacent to the project parcel. CDFW recommends several mitigation measures due to the potential that many of the cultivation activities may pose significant impacts to NSO. The mitigation measures recommended by CDFW have been incorporated into the conditions of approval.</b></p>
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<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 proposed project utilized solar as the primary power source with three (3) back-up generators. According to the California Natural Diversity Database (CNDDB), there are mapped Special Status species on the subject parcel. <b>As reported in the Biological Assessment conducted May 2, 2019</b>, the nearest Northern Spotted Owl (NSO) nest is located within 288 feet of project site while the nearest NSO activity center is located 909 feet from the cultivation area. <b>Comments from the California Department of Fish and Wildlife (CDFW) report that the Biological Assessment conducted by Emerald Triangle Associates was flawed in the that the cultivation site is 220 feet from a NSO positive identification and that the Activity Center cited by the biologist is actually a negative observation point. Further, CDFW questions the statement of the Biologist's conclusion that the project would have "no impact" on NSO. CDFW believes this conclusion is an assumption, as the statement the Biologist made that there is "no line of site" from the "nest" is not sufficient supporting evidence of "no impact" to justify the "no impact" conclusion. CDFW also cites that the Biological Assessment did not include 2019 survey data collected by CalTrans that reported positive NSO observations adjacent to the project parcel. CDFW recommends several mitigation measures due to the potential that many of the cultivation activities may pose significant impacts to NSO. The mitigation measures recommended by CDFW have been incorporated into the conditions of approval.</b></p>
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**ATTACHMENT 7**  
Revised CEQA Addendum

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

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

**APN 208-111-028-000, on the southeast side of Highway 36, approximately 1.80 miles east and 0.34  
miles north as the crow flies from the intersection of Highway 36 and Alderpoint Road, on the  
property known to be in the southwest quarter of the southeast quarter of Section 7 of Township 01  
North, Range 04 East, Humboldt Base & Meridian., Bridgeville area, County of Humboldt**

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

**May 2020  
Background**

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

The modified project involves a **A** Conditional Use Permit for an existing 9,948 square-foot (sf) outdoor utilizing light deprivation and 1,400 sf of full sun outdoor cultivation commercial cannabis cultivation operation. The applicant proposes two (2) cultivation cycles per annum. In addition, 900 sf ancillary propagation area is proposed. Annual projected water use is 95,000 gallons (8.4 gallons per square foot) and is sourced from a well. **The project has been conditioned to groundwater well shall be inspected annually to evaluate drawdown, and the potential for the well to go dry. Further, the project has been conditioned so the County may require additional water storage based on the findings of the drawdown testing.** Water storage totals 19,900 gallons contained within two 5,000-gallon tanks, one (1) 3,000-gallon tank, one (1) 1,100-gallon tank, and one (1) 800-gallon tank. Additionally, one (1) 2,500-gallon tank is designated for Fire Suppression in compliance with SRA requirements. Processing will occur at a third-party licensed processing facility. Power is sourced from solar panels with three (3) back-up generators. **According to the Biological Assessment conducted on the project parcel,** the nearest Northern Spotted Owl (NSO) nest is located within 288 feet of project site while the nearest NSO activity center is located 909 feet from the cultivation area. The nearest mapped Marbled murrelet habitat is located approximately 8.9 miles to the west of the project site. **Comments from the California Department of Fish and Wildlife (CDFW) report that the Biological Assessment conducted by Emerald Triangle Associates was flawed in the that the cultivation site is 220 feet from a NSO positive identification and that the Activity Center cited by the biologist is actually a negative observation point. Further, CDFW questions the statement of the Biologist's conclusion that the project would have "no impact" on NSO. CDFW believes this conclusion is an assumption, as the statement the Biologist made that there is "no line of site" from the "nest" is not sufficient supporting evidence of "no impact" to justify the "no impact" conclusion. CDFW also cites that the Biological Assessment did not include 2019 survey data collected by CalTrans that reported positive NSO observations adjacent to the project parcel. CDFW recommends several mitigation measures due to the potential that many of the cultivation activities may pose significant impacts to NSO. The mitigation measures recommended by CDFW have been incorporated into the ongoing conditions of approval.** Prohibition of use of synthetic netting, refuse contained in wildlife proof storage containers, noise containment structures for the generators, lighting conditions to meet International Dark Sky Association standards, prohibition on anticoagulant rodenticides, requirements to leave wildlife unharmed have all been added in the ongoing conditions of approval. The operation uses solar and generators, and generators as back-up.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise, light, and other standards to limit disturbance to PLN-12280-CUP Rockaway Investments, LLC May 7, 2020 Page 41 wildlife, compliance with all state agency requirements, and compliance with setback requirements.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162

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

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

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize 9,948 square-foot (sf) outdoor utilizing light deprivation and 1,400 sf of full sun outdoor cultivation commercial cannabis cultivation operation and minor improvements necessary to bring the operation into compliance with the CMMLUO, as well as the special permit for a reduction to the required setback to public lands, is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents:

- A Biological Assessment for APN 208-111-028 by Emerald Triangle Associates August 15, 2019.
- An Engineering Geologic Assessment Soils Report for APN 208-111-028 prepared by Lindberg Geologic Consulting February 29, 2020.
- Road Evaluation Report prepared by applicant April 23, 2018.
- Operations Plan and Site Plan for Rockaway Investments, LLC on APN 208-111-028, both updated submitted March 8, 2019.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

#### **FINDINGS**

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

#### **CONCLUSION**

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

**ATTACHMENT 8**

Revised Attachment 5 of the project Staff Report



## ATTACHMENT 5

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. As of the date of this staff report no referral responses had been received.

<b>Referral Agency</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	No Response	
Public Works Land Use Division	No Response	
Division of Environmental Health	<b>Approval</b>	<b>On file with Planning and in Accela</b>
CAL FIRE	<b>No comment at this time.</b>	<b>Attached</b>
California Department of Fish and Wildlife	<b>Conditional Approval</b>	<b>Attached</b>
NWIC	<b>Confidential</b>	<b>On file with Planning and in Accela</b>
CAL TRANS	No Response	
<b>Bear River</b> Band of Rohnerville Rancheria and the	<b>Confidential</b>	<b>On file with Planning and in Accela</b>
Intertribal Sinkyone Wilderness Council	No Response	
Bridgeville Unified School District	No Response	
Bridgeville Fire Protection District	No Response	
NCRWQCB	No Response	
Sheriff	<b>Approval</b>	<b>On file with Planning and in Accela</b>
County Counsel	No Response	

<b>Referral Agency</b>	<b>Recommendation</b>	<b>Location</b>
NCUAQMD	No Response	
California Division of Water Rights	<b>Approval</b>	<b>On file with Planning and in Accela</b>