

SUPPLEMENTAL INFORMATION #1

For Zoning Administrator Agenda of:
September 17, 2020

<input checked="" type="checkbox"/>	Consent Agenda Item	No. <u>C-1</u>
<input type="checkbox"/>	Continued Hearing Item	
<input type="checkbox"/>	Public Hearing Item	
<input type="checkbox"/>	Department Report	
<input type="checkbox"/>	Old Business	

Re: **Rambling Rose, LLC Special Permits**

Record Number: PLN-11129-SP

Assessor Parcel Numbers: 316-171-005, 316-185-008, 316-186-006
2292 Titlow Hill Road Blue Lake, CA 95525

Attached for the Zoning Administrator's record and review are the following supplementary information items:

1. Revised Executive Summary: See strikethrough and underline.
2. Revised Resolution of the Zoning Administrator: See strikethrough and underline.
3. Revised Recommended Conditions of Approval: See strikethrough and underline.
4. Revised Biological Resources Section 10.3: See strikethrough and underline.
5. Revised CEQA Addendum to the MND for the CMMLUO: See strikethrough and underline.
6. Public comment.

Recommended ~~Commission~~ Zoning Administrator Action

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

Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report, and adopt the Resolution approving the Rambling Rose, ~~ABC~~ LLC, Special Permit subject to the recommended conditions.

Revised Executive Summary: Rambling Rose, ~~ABC~~ LLC seeks approval of one Special Permit (SP) for an existing outdoor medical cannabis cultivation operation located on Assessor's Parcel Numbers (APN's) 316-171-005, 316-185-008, 316-186-006 which is approximately 160 acres in size. A Special Permit (SP) is also sought for an encroachment within in a class III Streamside Management Area, for structure removal and stream channel restoration and revegetation.

The project consists of an existing 9,000 SF outdoor medical cannabis cultivation operation. The Applicant proposes removal of a utility shed currently in the environmentally sensitive Streamside Management Area (SMA) with steep slopes. As a Condition of Approval, the Applicant will submit a remediation plan for this removal and restoration within and adjacent to an SMA. The up to 9,000 SF of outdoor cultivation would be within two areas. The north area is comprised of 2,129 sf of full sun outdoor in pots of varying sizes and two 595 sf hoop houses and one 372 sf hoop house. The south area is comprised of 1,692 sf of full sun outdoor and a 2,500-sf greenhouse. The project includes other ancillary structures and uses including a drying shed, a generator shed, a fuel shed and restroom facilities.

Irrigation water is currently sourced from an existing permitted groundwater well (Humboldt County Division of Environmental Health Permit # 16/17-0111). Water for irrigation is pumped from the well using a solar powered pump to the existing hard storage tanks or gravity fed from two points of diversion in the central and western property area to the tanks at lower elevation. There are an existing (5) 2,500-gallon tanks, (3) 500-gallon tanks, (4) 3,300-gallon tanks, (3) 2,800 gallon, (1) 1,200-gallon tanks, (2) 5,000-gallon tanks, (12) proposed 3,300-gallon tanks, and (4) proposed 5,000 gallon tanks, for a total of 106,400 gallons of existing and proposed storage. The Applicant estimates that 120,000 gallons of water is required for the annual operations. Cultivation areas will be watered at an agronomic rate and both by hand and using a drip system on timers to decrease runoff. Analysis of hydrologic connectivity shows that the well is not likely to be connected to the adjacent class II stream. The well, as measured on Google Earth, is 444 feet North perpendicular to the center of the run of the class II stream. The top of the aquifer was encountered at 77 feet below the stream perpendicular to the point measured from. The materials bored through, from the surface down were 19 feet of top soil, 21 feet of Blue Clay, 20 feet of Blue Franciscan Complex with Blue Clay, and 150 feet of Basalt. Therefore, hydrologic connectivity between surface and ground water is not likely. Forbearance will be implemented for all irrigation diversions. The Applicant has designated a (2) 2,500-gallon tanks, with a fire valve, near the end of the private road accessing the site to meet SRA and Firesafe regulations.

The SMA encroachment areas will be restored and revegetated with native plants and protected

with erosion control measures as a condition of approval. Vegetation will be planted around existing and proposed cultivation areas to promote water infiltration and prevent sediment runoff to receiving waters. Areas around discharge points will be reinforced with straw waddles and sediment control fencing to prevent off-site transport. In June 2020, the applicant submitted a biological assessment which was for the purpose of evaluating the impacts of retaining or removing the Quonset hut which is within the Class III SMA. The assessment states that the effects of removing the Quonset hut would likely be greater than those of keeping it in place. The Hut's foundation can be seen in aerial images from 1977 and therefore predates the ratification of the SMA Ordinance. The Quonset Hut is not a part of the proposed cannabis project and will not be used to facilitate commercial cannabis cultivation. The shed which is not on a permanent foundation and encroaches further into the SMA will be removed and its footprint revegetated.

Cultivation activities will consist of one cycle for the outdoor cultivation. Once harvested, plants will be air dried on-site and in the proposed 800 SF drying shed. Cut flowers will be de-leafed and be prepared for drying. Once the proper moisture is achieved flowers will be bucked and placed into bins for curing. Cured flowers will be packaged to await transport to off-site processor. Trimmed waste material will be recycled composted on-site.

The Applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger (WDID 1B11630CHUM). A Water Resource Protection Plan (WRPP) has been prepared by Pacific Watershed Associates (PWA).

On November 1, 2019 the applicant submitted a Less-than-three-acre Timber Conversion Mitigation Plan prepared by Hohman and Associates. The Registered Professional Forester (RPF) found that the conversion was not carried out in compliance with the Forest Practice Rules. Reference was made to the numerous improvements that have been and are to be implemented to lessen water quality impacts on-site. The report was made available to CalFire and they replied in concurrence with the mitigation measures laid out in the report which predominantly pertain to water quality improvements.

The Applicant will comply with the International Dark Sky Association standards for lighting Zone 0 and Lighting Zone 1. Lighting used for nursery activities will be shielded and lights used will comply with CCMLUO requirements. Power to the site is provided by solar and a small Honda generator which operates at 48 to 57 dBA, which is less noise than a normal conversation. Based upon the inverse square law, if 57dB are measured at 23 feet from the generator, then 44dB will be measured at a further 100 feet.

All garbage and cannabis related waste is stored and composted in two secure 10x10' cannabis waste storage containers. The Applicant will self-haul waste weekly to a fully permitted and manned waste transfer facility (Hoopa Valley Public Utilities District and Humboldt Sanitation and Recycling). As part of the soil management plan, the applicant will compost plant related waste to use as soil amendments in secure bins to prevent nutrient transport. Fertilizers and pesticides are currently stored in a storage shed with secondary containment to prevent contamination with runoff.

The 1-2 employees will travel to the site daily as no on-site employee housing is proposed. Access to the site is via Titlow Hill road which is paved and meets Category 4 standards. The interior of the site is accessed via private access road approximately 4,075 feet in length. A Road Evaluation Report was prepared by Trinity Valley Consulting Engineers, Inc. The report states that the road will be operated under ongoing maintenance to minimize the transport of sediments and to keep pullouts clear of large vegetation and debris. It concluded by stating that the road, which also

serves as access to two other parcels, will provide for the intended use. Adequate parking for up to three employees is provided on site near the well site and near the residence. The eastern parking area was also described by the road evaluation as being a suitable emergency vehicle turnaround if managed as such. The gate is locked with a padlock. All interior structures have lockable doors and windows and all finished cannabis is stored in a separate locked facility. On the main entrance, as well as along the property lines, are posted with "No Trespassing" signs.

A known activity center for Northern Spotted Owl (NSO) is located 1.23 miles west of the project site. The project includes a generator, and construction activities could disturb NSO should they be on the project site during such activities. ~~The applicant will assume presence of Northern Spotted Owl and avoid impacts during breeding season (February 1 to July 9) and implement avoidance measures including the prohibition of construction work, generators, project lighting, and fans, including those used in ancillary structures. These restrictions shall remain in place until a qualified biologist, in consultation with CDFW, conducts a scoping report for Northern Spotted Owl and Marbled Murrelet habitat. 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 commencement of construction or use of any lights, generators, or fans. The project is conditioned that generator, fan and dehumidifier 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.~~ The proposed back-up generator is specified to operate at 57dB. Based upon the inverse square law, if 57dB are measured at 23 feet then 44dB will be measured at a further 100 feet.

A Biological Assessment was completed in May 2020. It concluded that restoration is needed to mitigate for degradation of upland habitat resulting from Oak removal. The assessment recommends no further oak tree removal, and to remove Douglas Firs to prevent meadow encroachment. The assessment also recommends that the Quonset hut be retained in the SMA given that its foundation is stable, non-erosive, and predates the ratification of the SMAO. Disturbance required for the removal of the Hut will likely result in greater adverse effects to water quality than keeping the structure. The Quonset hut is not a part of the cannabis project or premises.

Per the applicant and based on the Site Plan, all cultivation areas are setback at least 30-feet or more from property lines. No portions of any cultivation related appurtenant structures are located within the setback. All structures, except the two-story residence, are one story or less. The project site contains a cabin which is proposed for use as ancillary propagation. 240 sf will be used for propagation, and two cloning incubators are contained in the cabin. The other existing permanent structures are the generator shed, the fertilizer and chemical storage shed, and the wood/fuel shed. An 800-sf ag-exempt drying shed, a 160-sf ag-exempt storage shed is proposed and a 320-sf ag-exempt secure harvest storage structure are proposed. The structures conform to firesafe setback regulations required under Section 3115-2. All proposed structures will be built in conformance with the regulations.

In August of 2020, the applicant submitted a letter which stated their intent to expand their solar system and adopt solar power as their primary source of project electricity with an emergency back-up generator. As a condition of approval, the applicant must make this transition within two years of obtaining project approval.

There are no schools, school bus stops, churches, public parks, public lands, or known tribal cultural resources within 600-feet of the nearest cultivation area.

Environmental review for the proposed project as proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation and processing aspects of the project were previously analyzed in the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas. The addendum is included as Attachment 3.

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

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

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

REVISED RESOLUTION OF THE PLANNING COMMISSION ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-

Record Number: PLN-11129-SP

Assessor Parcel Numbers: 316-171-005, 316-185-008, and 316-186-006

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Rambling Rose, ~~ABC~~ LLC Special Permits request.

WHEREAS, Rambling Rose, ~~ABC~~ LLC submitted an application and evidence in support of approving one Special Permit for the existing 9,000 square foot (SF) outdoor medical cannabis cultivation. The project also includes a Special Permit for restoration work being done in the Streamside Management Area and a Special Permit for the ongoing use and maintenance of two points of diversion on the property.

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permits (Record Number PLN-11129-SP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on September 17, 2020.

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

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes all of the required findings in Attachment 2 of the Planning Division staff report for approval of Record Number PLN-11129-SP, based on the submitted substantial evidence; and
3. The Special Permits included in Record Number PLN-11129-SP are approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on December 5, 2019.

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

Administrator at a meeting held on the date noted above.

John Ford, Zoning Administrator
Planning and Building Department
County of Humboldt

ATTACHMENT 1

REVISED RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of project approval, the Applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #~~3-16~~15. 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. Photo documentation shall be provided, indicating that proper containment of all hazardous chemicals/materials within thirty-days, following execution of the final Project permit.
3. The Applicant shall provide portable toilet(s) to cultivation staff and the Applicant shall provide a copy of the receipt or invoice to the Planning Department, annually.
4. The Applicant shall pave the access road for minimum width of 20 feet and a length of 50 feet where it intersects the County road. An encroachment permit must be obtained prior to initiating work within the public right-of-way.
5. The Applicant shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition. Buildings that require permits or agricultural exemptions include the greenhouses, storage sheds, propagation nursery or shed and water tanks.
6. The Applicant shall remove the wooden shed existing within the Streamside Management Areas and adhere to and implement the recommendations of the Biological Assessment and the Site Management Plan.
7. The Applicant will submit a remediation and monitoring plan prepared by a qualified professional, for the removal of the structure within the Streamside Management Area and shall meet the requirements of that plan.
8. The Applicant shall adhere to and implement the recommendations of the Biological Resource Assessment prepared in May 2020.
9. The Applicant shall expand the existing solar system to facilitate the transition to solar power as the primary source of power for the project within two years of project approval.
10. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off of the Occupancy Permit by the Building Division shall satisfy this requirement.
11. The Applicant shall be compliant with the County of Humboldt's Certified Unified Program

Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

12. The Applicant shall adhere to and implement the recommendations in the Less-Than-3 Acre Timber Conversion Report Mitigation Plan prepared by Hohman and Associates dated November 1, 2019. ~~The applicant shall submit a copy of a Restocking Plan by a Registered Professional Forester (RPF) for "Site 1" the .3-acre conversion that occurred between 2014-2016 for review and approval by the Planning Department prior to starting restocking. The restocking plan shall include monitoring and reporting requirements for at least 3 years of monitoring and an 85% success rate. A letter from an RPF stating the restocking plan was complete or a confirm by Planning staff after a site visit will satisfy this condition.~~
13. The Applicant shall demonstrate the driveway and emergency vehicle turn around, signing and building numbers, conforming access to the planned 5,000-gallon tank for emergency water, and fuel modification standards conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The Applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
14. The applicant shall submit an ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES.
15. The applicant shall secure a Right to Divert and Use Water from the State Water Resources Control Board, Division of Water Rights for the points of diversion on the property.
16. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
17. ~~The Applicant shall assume presence of Northern Spotted Owl and avoid impacts during breeding season (February 1 to July 9) and implement avoidance measures including the prohibition of generators, project lighting, and fans, including those used in ancillary structures. These restrictions shall remain in place until a qualified biologist, in consultation with CDFW, conducts a scoping report for Northern Spotted Owl and Marbled Murrelet habitat. 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.~~
18. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding, and alignment has been repaired, inspected, and corrected as necessary.

19. The Applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
20. 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.
21. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. The intersection of the access road and the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
3. 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.
4. All artificial light used shall be fully contained within structures from between 30 minutes prior to sunset through 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and shall comply with International Dark Sky Standards Fixture Seal of Approval Program.
5. 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.
6. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
7. All refuse is to be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

8. 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.
9. 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.
10. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
11. Maintain enrollment with the State Water Board Cannabis Cultivation General Order (Order No. WQ 2019-0001-DWQ), if applicable, or any substantially equivalent rule that may be subsequently adopted by the State of California, County of Humboldt or other responsible agency.
12. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.
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. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
15. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
16. If any wildlife is encountered during the authorized activity, the Applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
17. Pay all applicable application and annual inspection fees.
18. The noise produced by any generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.

19. Any project related noise shall be contained to the extent feasible (e.g. containment of fans and dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.
20. 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.
21. The Master Log Books maintained by the Applicant to track production and sales shall be maintained for inspection by the County.
22. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
23. The operation shall participate in the Marijuana Enforcement Tracking Reporting & Compliance program administered by the State of California.

Performance Standards for Cultivation and Processing Operations

24. Pursuant to the MAUCRSA, Health and Safety Code section 19322(a)(9), an Applicant seeking a cultivation license shall "provide a statement declaring the Applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws

and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

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

27. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
28. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.
29. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #27 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
30. Acknowledgements to Remain in Full Force and Effect. Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.
31. Permittee further acknowledges and declares that:
- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
 - II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
 - III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.

32. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - c. The specific date on which the transfer is to occur; and
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
33. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #27 of the On-Going Requirements /Development Restrictions, above.
2. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the Applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

<p>Conservation and Open Space Chapter 10</p> <p><u>Revised Biological Resources</u> Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The California Natural Diversity Database indicates that several mapped sensitive species exist in the immediate vicinity of the subject property. The project does not propose any further ground disturbance, and it has been conditioned to require a Biological Resources Survey prior to any new ground disturbance.</p> <p>Records indicate that there is one known Northern Spotted Owl (NSO) activity center within 1.25 miles (6,600 feet) of the project site. <u>The project is conditioned that generator, fan and dehumidifier 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. The applicant shall assume presence of NSO and avoid impacts during breeding season (February 1 to July 9) and implement avoidance measures including the prohibition of generators, project lighting, and fans, including those used in ancillary structures. These restrictions shall remain in place until a qualified biologist, in consultation with CDFW, conducts a scoping report for Northern Spotted Owl and Marbled Murrelet habitat. 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. This has been made a condition of project approval.</u></p> <p>A Biological Assessment was completed in May 2020. It concluded that restoration is needed to mitigate for degradation of upland habitat resulting from Oak removal. The assessment recommends no further oak tree removal, and to remove Douglas Firs to prevent meadow encroachment. The assessment also recommends that the Quonset hut be retained in the SMA given that its foundation is stable, non-erosive, and predates the ratification of the SMAO. Disturbance required for the removal of the Hut will likely result in greater adverse effects to water quality than keeping the structure. Adherence to and implementation of all recommendations in the assessment are a condition of approval.</p>
---	---	--

		<p>Two watercourses traverse the project site. A class III stream flows from the north property line for approximately 3,400 feet to the southwest and is a tributary to a blue line stream which flows across the width of the property from east to west and is approximately 200 feet south of the nearest cultivation area. The Class II watercourse is shown as Streamside Management Area (SMAs) in the County WebGIS. The project includes a Special Permit for an encroachment within the SMA for removal of a shed and revegetation of areas within and in proximity to the Class III watercourse. As a Condition of Approval, the applicant will submit a remediation and monitoring plan prepared by a qualified professional.</p>
--	--	---

ATTACHMENT 3

**REVISED 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***

APNs 316-171-005, 316-185-008, 316-186-006, Titlow Hill area, County of Humboldt

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

August 2020

Background

Modified Project Description and Project History - The 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 current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit for an existing 9,000 SF outdoor medical cannabis, and 240 square feet of propagation. The utility shed used for cannabis cultivation within and adjacent to the westerly Streamside Management Area will be removed and remediated. The site will be restored to its natural state.

Water for irrigation is sourced from an existing well and two points of diversion. The site contains a total of 106,400-gallons of hard tank storage. The applicant estimates, 120,000 gallons of water is required for the annual operations. Plants are harvested and dried on-site in a proposed 800 square-foot ag-exempt shed. All processing and operations associated with cannabis for Rambling Rose, ~~MBC LLC~~ will be conducted by the owners of Rambling Rose, ~~MBC LLC~~ with the assistance of two planned employees. All cannabis processing shall be conducted off-site at a licensed processing facility.

Power to the site is provided by solar and an emergency back-up generator. The modified project will also comply with provisions of the CMMLUO intended to eliminate impacts to sensitive species from noise and from light through the requirement to develop a light and noise attenuation plan. Compliance with these and other measures of the CMMLUO ensure consistency with the MND.

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 is to authorize the project, and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

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

- Registered Professional Forester evaluation prepared by Timberland Resource Consultants on November 1, 2019.
- Site Management Plan prepared by Trinity Valley Consulting Engineers, Inc. in May 2020.
- Steve's Septic Service prepared an On-Site Wastewater Treatment System Inspection Report on October 10, 2019.
- The Applicant prepared a Road Evaluation Report on December 17, 2019.
- The applicant submitted evidence of existing cultivation on December 30, 2016.
- Staff analysis of Hydrologic Connectivity carried out on November 5, 2019.
- Biological Assessment prepared by Corrina Kamoroff in May 2020.
- Biological Opinion from 1 Degree Consulting analyzing the effects of the proposed SMA restoration as described by the applicant's SMP and Biological Assessment as well as a historical assessment of when development occurred in the SMA completed June 2020.
- Final Lake and Streambed Alteration Agreement with California Fish and Wildlife dated June 2020.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation

into compliance with county and state requirements intended to adequately mitigate environmental impacts.

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.


Lippre, Suzanne

From: Jeff and Marisa St John <upperredwoodcreek@gmail.com>
Sent: Monday, September 14, 2020 1:10 PM
To: Planning Clerk
Subject: 9/17/20 Planning Commission 20-1194 Item - Use of Generators

Hello Planning Commissioners,

Please consider the following in your discussion about generators for any type of use:

- They are noisy. The sound travels for acres, if not miles. If nothing else, they are an annoying background noise when a person or fauna is used to not hearing them.
- They are using fossil fuels. Primary electrical production should be PG&E, solar, hydro, or some other renewable energy power. Generators should be for back-up purposes only.
- Installation not up to code and poor maintenance of a generator has been known to cause fires (contained to an individual parcel or causing a wildland fire).
- Depending on the size of the generator, a spill could be spoil the ground

 **Humboldt County**
California

[Sign In](#)

[Home](#) [Search](#) [Calendar](#) [Departments](#) [Supervisors/Commissioners](#) [Board of Supervisors](#) [Planning Commission](#) [CivicPlus Archives](#) [Granicus Archives](#)

[Share](#) [RSS](#) [Alerts](#)

Details

Reports

File #:

20-1194

Version: 1

Name:

Type:

Zoning Item

Status:

New Business

File created:

9/11/2020

In control:

Planning and Building

On agenda:

9/17/2020

Final action:

Title:

Consider sending letter to Board of Supervisors disallowing the use of generators. Discuss use of generators and the impacts on the environment and consider sending a letter to the Board of Supervisors requesting a policy change to disallow the use of generators.

History (0)

Text

Title

Consider sending letter to Board of Supervisors disallowing the use of generators. Discuss use of generators and the impacts on the environment and consider sending a letter to the Board of Supervisors requesting a policy change to disallow the use of generators.