



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: October 1, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Organic Medicinals, Inc., Special Permit and Zoning Clearance Certificate**
Record Number: PLN-2019-15602
Assessor's Parcel Number: 209-191-018
125 Shively Flat Road, Shively area

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Please contact Stephen Luther Planner, at 707-268-3737, or by email at sluther@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
June 18, 2020	Special Permit and Zoning Clearance Certificate	Stephen Luther

Project Description: A Special Permit for 33,560 square feet of new outdoor cannabis cultivation. A previous permit (APPS #12134) approved 10,000 square feet on the parcel. This application brings the total permitted cultivation area up to one acre. The site will also host up to nine (9) RRR sites with an additional 180,000 square feet. At full build-out total cultivation will be 223,560 square feet (5.13 acres). All commercial cultivation is full-sun outdoor and dry farmed in native soil. No irrigation water is used in cultivation. Ancillary propagation will occur in 8,000 square feet of temporary hoop houses. The applicant is also seeking a Zoning Clearance Certificate for a 10,000 square foot commercial nursery that will provide starts for use on the farm. In the future, the nursery may provide starts and seeds for pickup to be sold at a licensed offsite location. Water use for the whole nursery area is approximately 20,000 gallons. The water source is rainwater catchment and a permitted groundwater well. Water storage totals 8,000 gallons. Drying will occur in the propagation area. Processing will occur offsite. Power at the site is 100% renewable energy from RePower+ and the operator plans to install solar panels in the future. There will be twenty (20) workers onsite at peak harvest.

Project Location: The project is located in the Shively area, on the north side of Shively Flat Road, approximately 1,600 feet north from the intersection of Ewan Lane and Shively Flat Road, on the property known as 125 Shively Flat Road.

Present Plan Land Use Designation: Agricultural Exclusive (AE), Density: Range is 20 to 60 acres per unit, AVES Community Planning Area: Stafford-Redcrest, 2017 General Plan, Slope Stability: Low Instability (1).

Present Zoning: Agricultural Exclusive (AE), Flood Hazard Area (F)

Record Number: PLN-2019-15602

Assessor's Parcel Numbers: 209-191-018

Applicant	Owner	Agent
Organic Medicinals, Inc Jill Vanderlinden 125 Shively Flat Road Scotia, CA 95565	Jill Vanderlinden and John Francisco 125 Shively Flat Road Scotia, CA 95565	Same as Applicant

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

Major Issue: None.

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

Organic Medicinals, Inc.
Record Number: PLN-2019-15602
Assessor's Parcel Number: 209-191-018

Recommended Zoning Administrator Action:

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

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

Executive Summary

The project is for a Special Permit for 33,560 square feet of new outdoor cannabis cultivation and a Zoning Clearance Certificate for a 10,000 square foot commercial nursery. A previous permit approved 10,000 square feet (Apps #12134) on the parcel. This application would bring the total cultivation area up to one acre. The site is also proposing to host up to nine (9) Retired, Restored and Relocated (RRR) cultivation entitlements each totaling 20,000 square feet through the County RRR program. No RRR cultivation is being approved as a result of this permit. The combined total cultivation area on the site would be 223,560 square feet (5.13 acres). This is less than the allowed 8 acres and less than 20% of the Prime Ag soil.

The site has historically been used for intensive agriculture. It is located in the Flood Plain of the South Fork Eel River. The property is developed with five (5) existing non-exempt 120 SF sheds used for non-cannabis ag storage, a 100 SF outdoor kitchen that serves as a rain catchment roof, a 160 SF shipping container used for cannabis harvest storage, and an ag chemical locker. The sheds cannot be used for cannabis cultivation activities unless a Building Permit is obtained. The applicant will complete an Ag-Exemption letter of intent for all proposed greenhouses. All hoop structures must comply with the Flood Damage Prevention Ordinance and remove the hoops annually between October 16th and April 14th.

The site is accessed by Shively Road, to Ewan Road, to Shively Flat Road which leads to a private driveway to the subject parcel. A Road Evaluation Report was provided by the applicant self-certifying the access route meets the functional equivalency for a Category 4 road standard. The road meets the hydrologic functioning standards of the CCLUO. The Department of Public Works commented on the project referral. A condition of approval requires the driveway to be paved at the intersection of Shively Flat Road.

All cultivation is full-sun outdoor and dry farmed directly in the native soil. No irrigation water is used. Ancillary propagation for the cultivation operation will occur in ten (10) proposed hoop houses totaling 8,000 square feet. The applicant is also seeking a Zoning Clearance Certificate for a 10,000 square foot commercial nursery in ten (10) hoops that will provide starts for use on the farm. No supplemental lighting will be used. The commercial nursery will also produce seeds, clones, plants starts, and genetic material. Nursery products will be picked up by an outside party for sale off-site, with a maximum of two pickups per day. Water use for the whole nursery area is approximately 20,000 gallons. Because the seed production has the potential to result in pollen

drift, a condition of approval (COA #14) is recommended to require a pollen containment plan to be submitted prior to the production of seeds for commercial purposes. The pollen prevention plan shall include the requirement for the nursery to be enclosed in a manner which can be demonstrated to prevent the release of pollen from the nursery. The nursery sources water from rainwater catchment and supplements with a permitted groundwater well. The well is drilled through a clay layer and is not hydrologically connected to surface water. Water storage totals 8,000 gallons in (2) 2,500-gallon storage tank and (2) 1,500-gallon storage tank. Drying will occur in the propagation area. Processing will occur offsite. Up to twenty (20) seasonal workers are needed. The applicant will obtain renewable energy from RCEA RePower+ and the operator also plans to install solar panels in the future. An ongoing operation condition requires the applicant to demonstrate the use of 100% renewable energy. Two portable toilets will be located onsite for use by cultivation staff.

The property proposes to host up to nine (9) cultivation entitlements relocated to the site through the County's Retirement, Remediation and Relocation (RRR) program. At this time, the Site Plan notes that two (2) RRRs are coming from Happy Dream Farms (Apps 12560 and 11567), two (2) RRRs in the name of Organic Medicinals, LLC (Apps 12945 and 11333). One RRR from Apps 11660 will be split between Dry Farmed Organic Medicinals, Inc and Happy Dreams Farm, LLC. The additional four (4) RRR plots of 20,000 square feet each are placeholders for as yet unidentified retirement sites. RRR cultivation will be permitted separately under Zoning Clearance Certificates.

The cultivation site is located approximately 400 feet east of the South Fork Eel River. Humboldt County WebGIS shows Shively Creek running through the center of the parcel on the south side of a rail corridor that runs east-west through the parcel. The Biological Report prepared by NRM states that the US Army Corps of Engineers rerouted Shively Creek to flow into Panther Creek, which runs across the northern boundary of the parcel. Proposed outdoor cultivation areas are outside the Streamside Management Area (SMA) setbacks. Project activities would not impact riparian area associated with the SMA of Panther Creek and Bear Creek to the south. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan.

The project is in the Shively area, on a 45-acre parcel the east side of the Eel River. Humboldt Redwoods State Park is located across the river. The land to the north is private timberland. The westernmost 10 acres of the parcel are occupied by riparian forest and scrub, with species such as black cottonwood, red alder and coast redwood. The proposed project will occur in fields that have been in active agricultural operation for 15 years. A Biological Survey Report was prepared for the site by Natural Resources Management Corporation on May 22, 2019. The biologist evaluated the site for the presence of sensitive plant species. There are four (4) Northern Spotted Owl (NSO) activity centers within 1.3 miles of the project site. The nearest Northern Spotted Owl activity center is approximately 0.73 miles northwest of the cultivation area. Marbled Murrelet mapped final critical habitat is located approximately 0.5 mile southwest of the site. There is no suitable habitat on the site for NSO or Marbled Murrelet. There is the potential for willow flycatcher in the riparian area along the Eel River. Project activities are proposed within cultivated fields and there will be no impact on riparian habitat. California Department of Fish and Wildlife (CDFW) commented on the project on June 5, 2020 and staff responded in an email showing how the proposed project address concerns on flood plain development, light, and noise (see Attachment 5).

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff determined the existing cultivation and other aspects of the project were previously analyzed in the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis

Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project will result in modifications to the existing operation that will reduce and eliminate environmental impacts. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the Final EIR has been prepared for consideration per §15164 of the State CEQA Guidelines.

Public comments were received from two neighboring property owners. The primary concern raised in both comment letters were the potential release of pollen from the commercial seed production and because release of pollen from the site has the potential to negatively impact properties and improvements in the vicinity. The requirement to enclose the nursery and provide a pollen containment plan will ensure that pollen does not leave the site and affect other properties. Additional concerns were regarding the private access to the property, which is from a private driveway off of Shively Flat Road. The private driveway is not required to be a Road Category 4 or functional equivalent.

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

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

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

Resolution Number 20-

**Record Number: PLN-2019-15602
Assessor's Parcel Number: 209-191-018**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Organic Medicinals, Inc., Special Permit request.

WHEREAS, Organic Medicinals, Inc., submitted an application and evidence in support of approving the Special Permit for a 33,560 square foot outdoor cannabis operation utilizing dry farming with an 8,000 square foot ancillary nursery supplied by rainwater and a groundwater well. Power is provided by P.G.&E.; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-2019-15602) and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on June 18, 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 Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Zoning Administrator makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Special Permit Record Number PLN-2019-15602 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on June 18, 2020.

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

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

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

Resolution Number 20-

Record Number: PLN-2019-15602

Assessor's Parcel Number: 209-191-018

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Organic Medicinals, Inc., Zoning Clearance Certificate request.

WHEREAS, Organic Medicinals, Inc., submitted an application and evidence in support of approving the Zoning Clearance Certificate for a 10,000 square foot commercial nursery; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-2019-15602) and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on June 18, 2020.

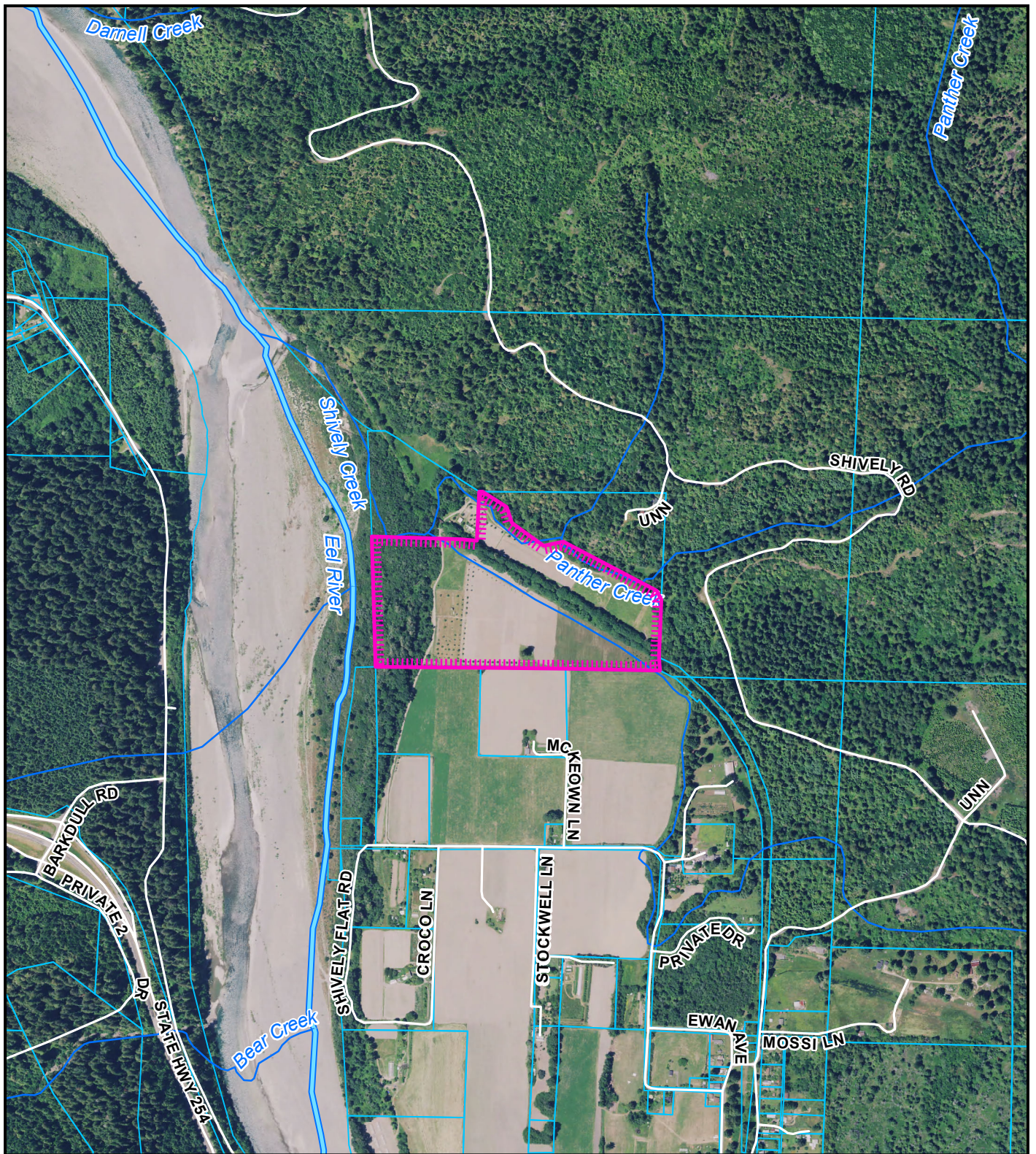
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

2. The Zoning Administrator considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
4. The Zoning Administrator makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
5. Zoning Clearance Certificate Record Number PLN-2019-15602 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on June 18, 2020.

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

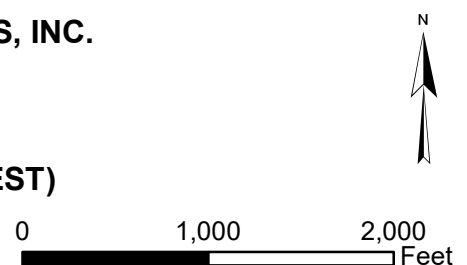
John Ford, Zoning Administrator
Planning and Building Department
County of Humboldt

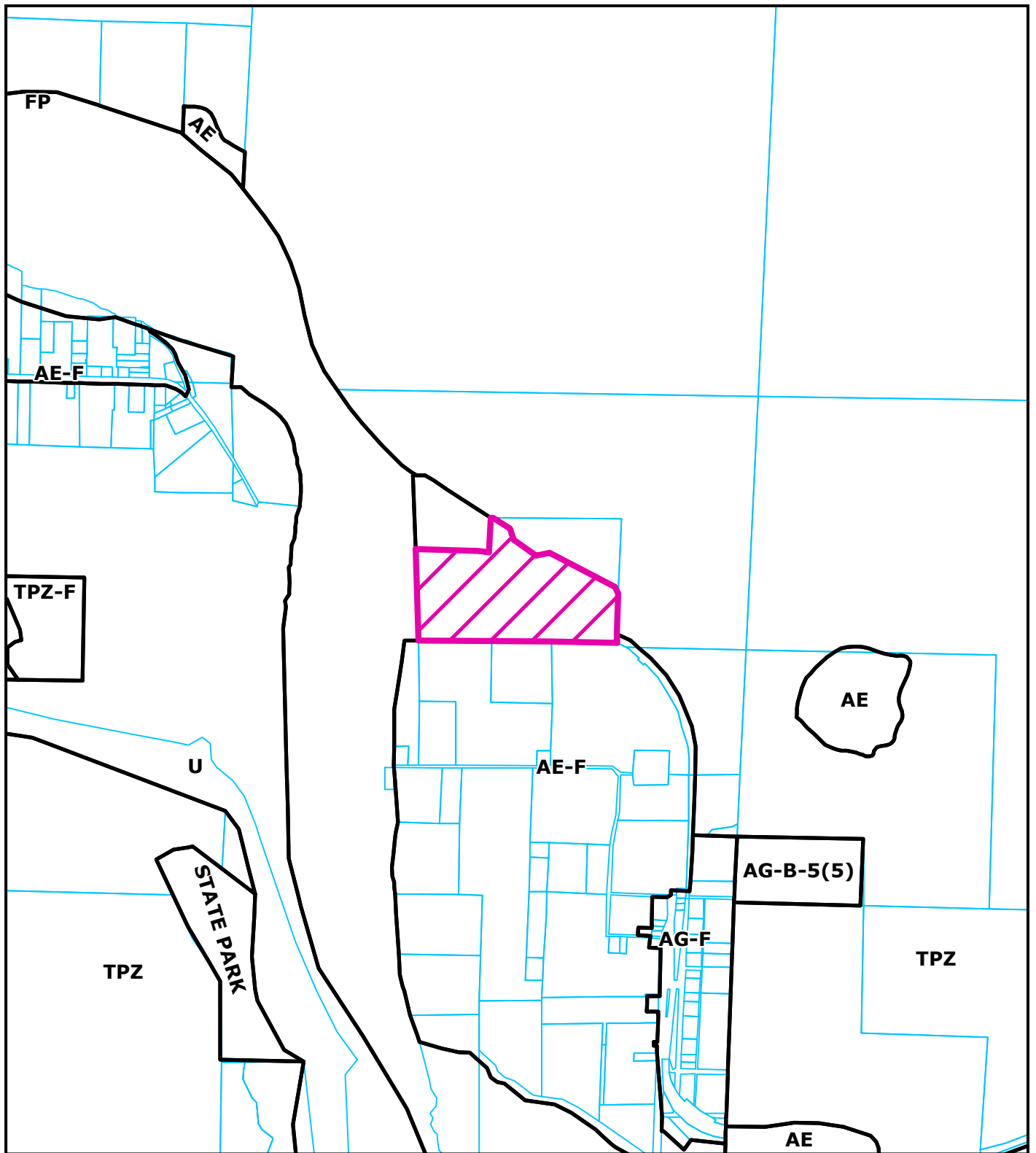


AERIAL MAP
PROPOSED ORGANIC MEDICINALS, INC.
PEPPERWOOD AREA
PLN-2019-15602
APN: 209-191-018
T01N R02E S29 HB&M (REDCREST)

Project Area = 

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






Project Area = 

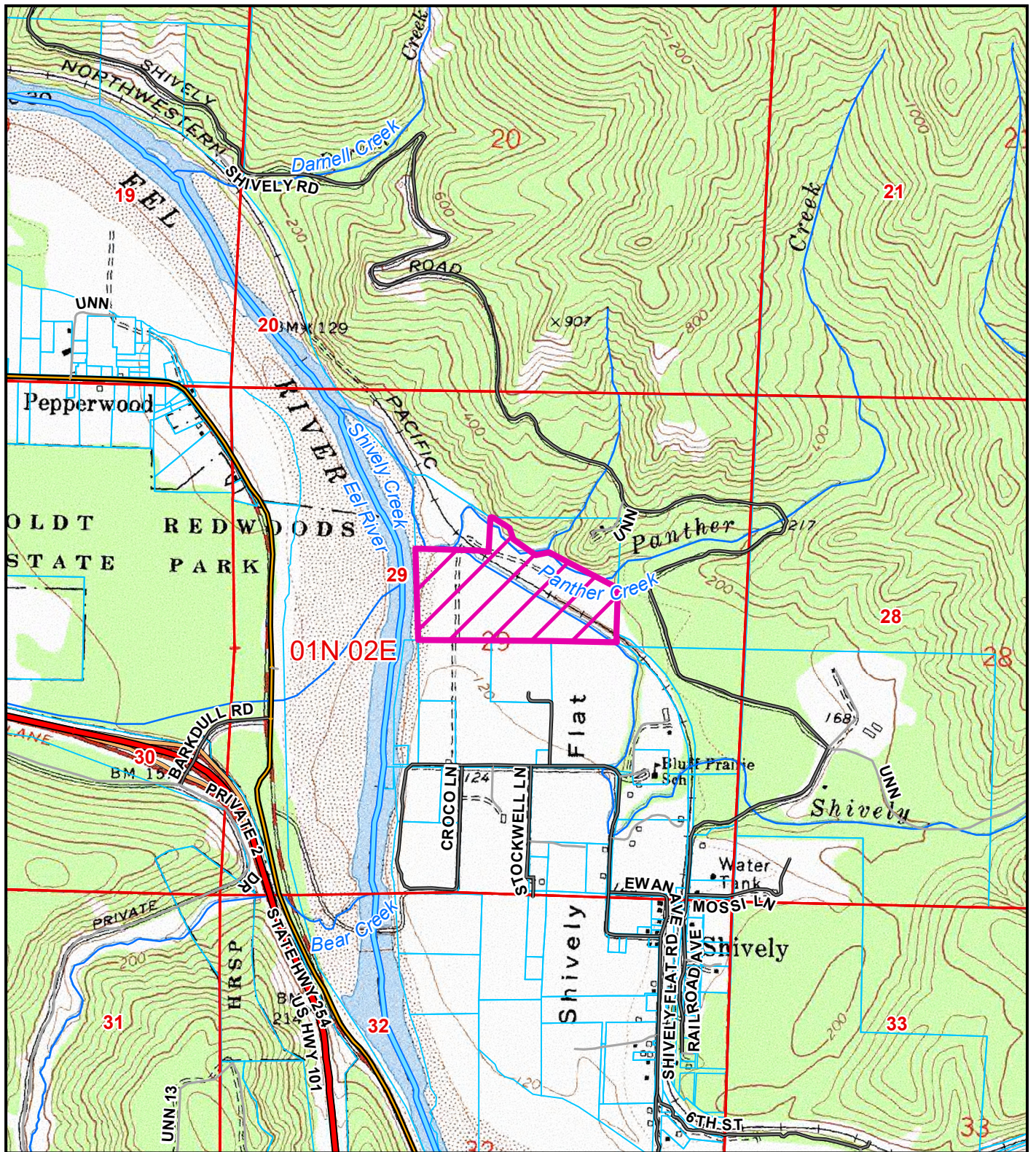
ZONING MAP
PROPOSED ORGANIC MEDICINALS, INC.
PEPPERWOOD AREA
PLN-2019-15602
APN: 209-191-018
T01N R02E S29 HB&M (REDCREST)

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



0 1,000 2,000 Feet

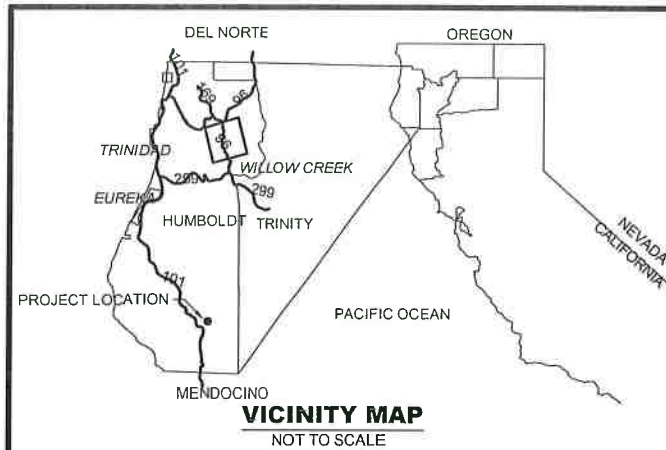




Project Area =

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

TOPO MAP
PROPOSED ORGANIC MEDICINALS, INC.
PEPPERWOOD AREA
PLN-2019-15602
APN: 209-191-018
T01N R02E S29 HB&M (REDCREST)



DIRECTIONS TO SITE:
FROM EUREKA, CA
-HEAD SOUTH ON US 101 ~29 MI
-TURN LEFT ONTO SHIVELY ROAD ~10.2 MI
-TURN RIGHT AND CONTINUE ON SHIVELY ROAD ~0.2 MI
-TURN RIGHT ON TO SHIVELY FLAT ROAD ~0.6 MI TO
SITE DRIVEWAY (ON RIGHT)

SHEET INDEX:

C0 - ZONING PLOT PLAN, VICINITY MAP, &
PROJECT NOTES
C1 - SETBACK EXHIBIT

GENERAL NOTES:

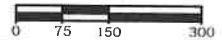
1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY GIS AND PERMIT RECORDS. SL CONSULTING SERVICES INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE EXISTING CULTIVATION AREAS.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.



APPS #11660 ZONE SUMMARY

ZONE A - 6,000 SF OUTDOOR (DRY FARMED ORGANIC MEDICINALS, INC)
ZONE B - 2,440 SF OUTDOOR (HAPPY DREAMS FARMS, LLC)
ZONE C - 3,560 SF OUTDOOR (HAPPY DREAMS FARMS, LLC)

22x34 SHEET: 1"=150'
11x17 SHEET: 1"=300'



CULTIVATION PLOT PLAN
APN: 209-191-018



PROJECT INFORMATION:

PROPERTY OWNER:
JILL VANDERLINDEN AND JOHN FRANCISCO
125 SHIVELY FLAT RD
SHIVELY CA 95565

OWNERS AGENT:
SL CONSULTING SERVICES INC
973 DOWLER DR
EUREKA, CA 95501
(707) 440-9033

SITE ADDRESS:
APN: 209-191-018
125 SHIVELY FLAT RD
SHIVELY, CA 95565

TREES TO BE REMOVED = NONE

PROPOSED OUTDOOR CULTIVATION AREA = 43,560 SQ. FT.
TOTAL PRIME AG SOIL AREA = 40.5 ACRES (HUMBOLDT GIS)
20% OF PRIME AG SOIL AREA = 8.10 ACRES
= 352,836 SQUARE FEET

EARTHWORK QUANTITIES = 0 CY

WATER = PRIVATE
SEWER = PRIVATE

PARCEL SIZE = ±44.78 ACRES

ZONING: = AE
GENERAL PLAN DESIGNATION = AE-F

BUILDING SETBACKS:

	AE	SRA
FRONT	30'	30'
SIDE	30'	30'
REAR	30'	30'

MAX. BLDG. HT. = NONE SPECIFIED

SRA AREA: = YES
IN COASTAL ZONE: = NO
IN 100 YR FLOOD ZONE: = YES

HOOP STRUCTURE INDEX

GH#0, #1, #2 - 12'X20' - ACCESSORY NURSERY (ORGANIC MEDICINALS, INC) APPS# 121234
GH#3 - 20'X100' - ACCESSORY NURSERY (HAPPY DREAMS FARM, LLC) APPS#12560
GH#4 - 20'X100' - ACCESSORY NURSERY (HAPPY DREAMS FARM, LLC) APPS#11567
GH#5 - 20'X100' - NURSERY (DRY FARMED ORGANIC MEDICINALS, LLC) APPS#15602
GH#6 - 20'X100' - ACCESSORY NURSERY (RRR SITE A)
GH#7 - 20'X100' - ACCESSORY NURSERY (RRR SITE B)
GH#8 - 20'X100' - ACCESSORY NURSERY (RRR SITE C)
GH#9 - 20'X100' - ACCESSORY NURSERY (RRR SITE D)
GH#10 - 20'X100' - ACCESSORY NURSERY (DRY FARMED ORGANIC MEDICINALS, LLC) APPS#15602
GH#11 - 10'X100' - COMMERCIAL NURSERY (DRY FARMED ORGANIC MEDICINALS, INC)
GH#12 - 10'X100' - COMMERCIAL NURSERY (DRY FARMED ORGANIC MEDICINALS, LLC)
GH#13 - 10'X100' - COMMERCIAL NURSERY (DRY FARMED ORGANIC MEDICINALS, LLC)
GH#14 - 10'X100' - COMMERCIAL NURSERY (DRY FARMED ORGANIC MEDICINALS, LLC)
GH#15 - 10'X100' - COMMERCIAL NURSERY (DRY FARMED ORGANIC MEDICINALS, LLC)
GH#16 - 10'X100' - COMMERCIAL NURSERY (DRY FARMED ORGANIC MEDICINALS, LLC)
GH#17 - 20'X50' - NURSERY (RRR SITE E)

JILL VANDERLINDEN AND JOHN FRANCISCO
125 SHIVELY FLAT RD SHIVELY CA 95565
PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

FILED RECD: SL
PROJ ASSOC: SL
DRAWN BY: SL
DATE: 12-14-19
SCALE: AS SHOWN

SHEET
C0

ATTACHMENT 1
Recommended Conditions of Approval

APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED PRIOR TO INITIATION OF OPERATIONS.

1. The applicant shall provide an invoice, or equivalent documentation, to the Department of Environmental Health to confirm the use of portable toilets to serve the needs of cultivation staff prior to or at the annual inspection. Portable toilets shall be removed from the site annually to comply with the Flood Damage Prevention Ordinance.
2. 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.
3. Power is to be supplied by PG&E. Applicant shall demonstrate the purchase of 100% renewable energy at time of annual inspection.
4. Noise generated from the operation, including solar powered fans, shall not exceed 50db at 100 feet from the noise source or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.12.6 Humboldt County Code.
5. No supplemental light shall be used in the propagation or commercial nurseries.
6. The applicant shall sign the Temporary Structures in the Flood Zone form agreeing to hoop houses from the site annually between October 16 and April 15.
7. No new structures shall be built in the Flood Plain, and no existing structures may be used in the cannabis operation, unless a Building Permit is obtained.
8. The applicant shall contact the local fire service provider [Redcrest Volunteer Fire Company] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. 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. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
9. The applicant shall obtain all necessary building permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including the nursery greenhouses. Applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Zoning Administrator.
10. The applicant shall provide the Planning Department of copy of the Site Management Plan

developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed.

11. The access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects with Shively Flat Road and Croco Lane. The applicant shall apply for and obtain an encroachment permit prior to commencement of any work in the County maintained right of way. Confirmation from the Department of Public Works that the work has been completed shall satisfy this requirement.
12. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
13. The applicant shall provide the results of an annual pump test evaluating the well draw down.
14. Prior to the production of seeds for commercial sale, a pollen containment plan to be submitted prior to the production of seeds for commercial purposes. The pollen containment plan shall include the requirement for the nursery to be enclosed in a manner which can be demonstrated to prevent the release of pollen from the nursery
15. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
16. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning

Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.

4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to County Code Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application, review for conformance with conditions and annual inspection fees.
12. Power is to be supplied by PG&E. Applicant shall demonstrate the purchase of 100% renewable energy at time of annual inspection.
13. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
14. The Master Logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
17. Participate in and bear costs for permittee's participation in the California Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.

18. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
19. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
20. The environmental impacts of improper waste disposal are significant and well documented. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
21. Artificial light used in cultivation operation will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO.

Performance Standards for Cultivation and Processing Operations

22. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
23. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
24. Cultivators engaged in processing shall comply with the following Processing Practices:
 - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
25. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.

- ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
26. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.
 - iv. Employee Safety Practices.
 - v. Toilet and handwashing facilities.
 - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - vii. Drinking water for employees.
 - viii. Plan to minimize impact from increased road use resulting from processing.
 - ix. On-site housing, if any.
27. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CCLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
- If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special 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 of the CCLUO.
28. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

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

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

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

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

Informational Notes:

1. Pursuant to Section 314-55.4.6.5.7 of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit.

2. 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.

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

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

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

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

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

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

ATTACHMENT 2

Required Findings for Approval

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

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

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

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan 2017, the Open Space Plan, and the Open Space Action Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations 4.8</p>	<p>Agricultural Exclusive (AE): This designation applies to bottomland farms and lands that can be irrigated. Typical uses include dairy, row crops, orchards, specialty agriculture, and horticulture.</p> <p>Avenue of the Giants Community Plan Area (AVES): This plan area is in southern Humboldt County and includes policies to protect resource production land, increase rural densities, provide economic development, and identification of areas of special concern.</p>	<p>The proposed project includes 33,560 square feet outdoor light deprivation cannabis cultivation on lands designated as Agricultural Exclusive. General and intensive agriculture are allowable use types for this designation.</p> <p>The proposed project is in the Shively area within the Stafford-Redcrest community in the AVES CPA. The proposed project will support the major policies of the AVES and Humboldt County General Plan which work in unison. The proposed project will consist of the production of an agricultural crop within an area designated as prime farmland. This is consistent with the history of agricultural production in the AVES CPA and Shively community. The proposed project will not degrade other environmental resources, nor will it preclude future use of any on-site or off-site agricultural land. In addition, it will preserve the existing rural nature of the project site and surrounding land uses. As such, the proposed project would be consistent with both the General Plan and AVES CPA.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,CT-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of</p>	<p>The site is accessed by Shively Road, to Ewan Road, to Shively Flat Road, which continues 0.1 miles past the end of the County-maintained portion of Shively Flat Road to the driveway for the subject parcel. A Road Evaluation Report was provided by the applicant self-certifying the access route meets Category 4 equivalent road standards. The Department of Public Works commented on the project. A condition of approval requires the intersection of the 0.1-mile private road with Shively Flat Road be paved to commercial standards.</p>

	<p>Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	
<p>Housing Chapter 8</p>	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located within Open Space Land Plan because the project site is planned Agriculture Exclusive, zoned Agriculture Exclusive, and in the Flood Hazard Combining Zone. The project can be found consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designation.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p>	<p>The project is in the Shively area, on a 45-acre parcel the east side of the Eel River. Humboldt Redwoods State Park is located across the river. The land to the north is private timberland. The westernmost 10 acres of the parcel are occupied by riparian forest and scrub, with species such as black cottonwood, red alder and coast redwood. The cultivation site is located approximately 400 feet east of the South Fork Eel River. Humboldt County WebGIS shows Shively Creek running through the center of the parcel on the south side of a rail corridor that runs east-west through the</p>

	<p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>parcel. The Biological Report prepared by NRM states that the US Army Corps of Engineers rerouted Shively Creek to flow into Panther Creek, which runs across the northern boundary of the parcel (see Attachment 4). Proposed cultivation areas are outside the Streamside Management Area (SMA) setbacks. Project activities would not impact riparian area associated with the SMA of Panther Creek and Eel River. The proposed project will occur in fields that have been in active agricultural operation for 15 years. No irrigation water is necessary because the operation is dry farmed. A review of the California Natural Diversity Database (CNDDDB) shows the obscure bumble bee mapped in the southeast corner of the parcel which is outside the project area. A Biological Survey Report was prepared for the site by Natural Resources Management Corporation on May 22, 2019 (see Attachment 4). The biologist evaluated the site for the presence of sensitive plant and wildlife species. Potential habitat exists for maple-leaved checkerbloom. None were detected during the seasonally appropriate survey. There are four (4) Northern Spotted Owl (NSO) activity centers within 1.3 miles of the project site. The nearest Northern Spotted Owl activity center is approximately 0.73 miles northwest of the cultivation area. Marbled Murrelet mapped habitat is located approximately 0.5 mile southwest of the site. There is no suitable habitat on the site for NSO or Marbled Murrelet. The optimal habitat is located in the Humboldt Redwood State Park across the river. There is the potential for willow flycatcher in the riparian area along the Eel River. Project activities are proposed solely within cultivated fields and will therefore have no impact. The project as conditioned to limit noise and light will have a less than significant impact.</p> <p>The project was referred to California Department of Fish and Wildlife on June 18, 2019. A request for comments was sent again on April 21, 2020. Comments were received on June 5, 2020. Staff responded</p>
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		to CDFW concerns regarding development in the flood plain, light, and generators in an email dated June 8, 2020.
<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 the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. NWIC responded indicating a Cultural Resource Survey may be needed. The Bear River Band responded indicating an archaeological survey is not required at this time. A Cultural Resource Survey was completed by Archaeological Research and Supply Company in December 2019. The report found no cultural resources. The Bear River Band THPO recommendation to incorporate inadvertent discovery protocols is included as an ongoing condition of approval.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</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 proposed cannabis cultivation will be full-sun outdoor, with no supplemental lighting used in cultivation. The ancillary commercial nursery activities will also be all outdoor with no supplemental lighting. The CCLUO requires that lighting used for cultivation activity comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.</p>
<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</p>	<p>The applicant is required to enroll in the State Cannabis Discharge program. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's</p>

	<p>water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-dG2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>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.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.</p>	<p>The operation will utilize portable toilets for cultivation staff. The project was referred to the County Division of Environmental Health which has recommended approval of the project. As an ongoing operational condition, the applicant must continue to furnish receipts showing the continual use of portable bathroom facilities.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>Power is provided by P.G.&E. No generator is used on site. The nearest Northern Spotted Owl activity center is approximately 0.73 miles northwest of the cultivation area. Marbled Murrelet mapped habitat is located approximately 0.5 mile southwest of the site. There is no suitable habitat on the site for NSO or Marbled Murrelet. The project will not create a substantial new noise source, as the proposed use is consistent with existing agricultural activities. Ongoing operational conditions require the applicant to maintain noise levels no more than 50 decibels as measured 100 feet from the source.</p>
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade</p>	<p>The parcel is mapped as having low geologic instability. The project site is not located in a mapped Alquist-Priolo fault zone or subject to liquefaction. The slopes where cultivation would occur are less than 5%. No grading would occur. The applicant is required to obtain Ag Exempt</p>

	<p>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>permits for greenhouses. The proposed agricultural use is not expected to be affected by geologic instability. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The project site is located in the <i>F - Flood Hazard Area Combining Zone</i> and is mapped within the 100-year flood zone (FIRM Panel 1465). The project proposes to construct temporary hoop houses in the flood zone for ancillary and commercial nursery related to cannabis cultivation. The temporary hoop houses will be deconstructed, and construction materials removed annually between October 16th and April 14th as stipulated in the Removal of Temporary Hoop House Agreement included as a Condition of Approval. Five (5) existing agricultural storage sheds cannot be used for cultivation unless a Building Permit is obtained. No new structures are proposed. The project will not impede the drainage of flood waters and does not pose a risk to the loss of public or private property from flood damage. The project site is not within a mapped dam or levee inundation area and is outside the areas subject to tsunami run-up. The project therefore complies with this section.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a mild to high fire hazard severity. The subject property is located within the Redcrest Volunteer Fire Department response area and within the State Fire Responsibility Area for fire protection (CAL-FIRE). California Department of Forestry and Fire Protection comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for</p>

		<p>minimizing wildfire danger in state responsibility designated areas.</p> <p>There will be a maximum of 20 employees on-site during peak operations. With respect to the Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>), all existing and proposed improvements are setback at least 30 feet from all property lines. Applicant has a designated fire turn-around and pullout area for emergency vehicles and 2,500 gallons of water storage dedicated for fire suppression.</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 [Redcrest Volunteer Fire Company] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. 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>
<p>Air Quality Chapter 15</p>	<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-G3)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	<p>Applications for grading and/or building permits shall be referred to the North Coast Unified Air Quality Management District (NCUAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCUAQMD fugitive dust emission standards.</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 Requirements	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The subject parcel has been determined to be one legal parcel described as Parcel 2 of PM 2247, Book 19 PM 147.
314-7.1 Agriculture Exclusive 314-21 Flood Hazard Areas	AE: This zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use F: Combining zone intended to minimize public and private losses due to flood and tsunami conditions.	The proposed project is a Special Permit for 33,560 square feet of new cannabis cultivation on a parcel zoned AE/F. The parcel will also receive nine (9) retirement sites totaling 180,000 square feet (4.13 acres). The proposed use is an agricultural use that is specifically allowed with a Special Permit in this zoning district under Section 314-55.4.5.1.3 of the Humboldt County Code.
Min. Lot Size	20 acres	44.78 acres
Min. Lot Width	100 feet	1,368 feet
Max. Ground Coverage	35%	20%
Minimum Yard Setbacks: (Through the SRA requirements)	Front: 30 feet Rear: 20 feet Side: 10% of the lot width on each side but not more than 20 feet SRA: 30 feet, all sides	>30 feet all sides
Max. Building Height	None specified	<35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	The cultivation site is located approximately 400 feet east of the South Fork Eel River. Humboldt County WebGIS shows Shively Creek running through the center of the parcel on the south side of a rail corridor that runs east-west through the parcel. The Biological Report prepared by NRM states that the US Army Corps of Engineers rerouted Shively Creek to flow into Panther Creek, which runs across the northern boundary of the parcel. Proposed outdoor cultivation areas are outside the SMA setbacks. Project activities would not impact riparian area associated with the SMA of Panther Creek and Bear Creek to the

		south. No irrigation water is necessary because the operation is dry farmed. The project will not impact any SMAs and therefore no Special Permit is required.
Off-Street Parking §314-109.1	<p>Off Street Parking: Multiple Use and Joint Use: whenever more than one use is proposed for a development site, the total off-street parking spaces required shall be the sum of the spaces required for each use.</p> <p>Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	20 spaces
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Commercial Cannabis Inland Land Use Regulation (CCLUO)		
§314-55.4.5.4 Permit Limits and Permit Counting	No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).	According to records maintained by the Planning Department, Organic Medicinals, Inc. submitted two other applications for cultivation. The combined cultivation area is less than eight acres. This application is one Special Permit for a 33,560-square-foot cultivation operation. The parcel will also receive nine (9) retirement sites totaling 180,000 square feet (4.13 acres). The RRR entitlements will be operated by distinct entities such that no entity is authorized more than 3 acres.
§314-55.4.6.0 Conversion of Timberland	Cultivation sites may only be located within a Non-Forested area that was in existence prior to January 1, 2016.	No timber conversion is proposed as part of the project. The project will occur in a field in agricultural use.

§314-55.4.6.4.3 Limitation on Use of Prime Soils	The cumulative area of any Cannabis Cultivation Site(s) located in areas identified as having Prime Agricultural Soil shall not exceed 20 percent of the area of Prime Agricultural Soil on the Parcel. Where occurring in areas with Prime Agricultural Soil, Cultivation shall only occur within the native soil. Removal of native soil and replacement with manufactured soil is prohibited. Exceptions to the in native soil planting requirement may be considered with a Use Permit.	Approximately 40 acres of the 45-acre site is mapped as Prime Agricultural Soils. The cumulative area of the proposed cannabis cultivation site is approximately 223,560 square feet (5.13 acres). This is less than 8 acres, the 20% threshold of the Prime Ag area on the parcel. The applicant is planting directly in the native soil. The project meets the referenced standard.
§314-55.4.6.4.4 Standard Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.	The applicant's site plan shows that the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. There are no residences within 300 feet of the cultivation area, and the cultivation area is setback 270 feet from adjacent undeveloped parcels. There are not any nearby Tribal Cultural Resources or Tribal Ceremonial Sites.
§314-55.4.11 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.12 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities.	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.

§314-55.4.12.0.73 Performance Standards– Road Systems	Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.	The subject parcel is accessed via a private driveway off Shively Flat Road. Shively Flat Road is a county road which is a Category 4 road suitable for the proposed commercial agriculture activity. The county portion of the road stops approximately 0.02 miles from the private driveway, however the 0.02-mile section of non-county maintained road is suitable for the traffic associated with the cannabis operation as this section of the road will not have any significant vehicle traffic. The site meets all referenced road standards.
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<p>§314-55.4.12.1.10 Performance Standards–</p> <p>Biological Resource Protection</p>	<p>Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1l, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.</p>	<p>The project is in the Shively area, on a 45-acre parcel the east side of the Eel River. Humboldt Redwoods State Park is located across the river. The land to the north is private timberland. The westernmost 10 acres of the parcel are occupied by riparian forest and scrub, with species such as black cottonwood, red alder and coast redwood. The proposed project will occur in fields that have been in active agricultural operation for 15 years. A Biological Survey Report was prepared for the site by Natural Resources Management Corporation on May 22, 2019. The biologist evaluated the site for the presence of sensitive plant and wildlife species. Potential habitat exists for maple-leaved checkerbloom. None were detected during the seasonally appropriate survey. There are four (4) Northern Spotted Owl (NSO) activity centers within 1.3 miles of the project site. The nearest Northern Spotted Owl activity center is approximately 0.73 miles northwest of the cultivation area. Marbled Murrelet mapped final critical habitat is located approximately 0.5 mile southwest of the site. There is no suitable habitat on the site for NSO or Marbled Murrelet. The optimal habitat is located in the Humboldt Redwood State Park across the river. There is the potential for willow flycatcher in the riparian area along the Eel River. Project activities are proposed solely within cultivated fields and will therefore have no impact. The project as conditioned to limit noise and light will have a less than significant impact.</p>
<p>§314-55.4.12.2 Performance Standards–</p> <p>Commercial Cannabis Cultivation</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities.</p>	<p>The project as proposed and conditioned meets all of the requirements stipulated in the cited section. In Attachment 1, these performance standards have been incorporated into the On-going Conditions of Approval that must be satisfied for the life of the project.</p>

<p>§314-55.4.12.4 Performance Standards–</p> <p>Light Pollution Control</p>	<p>a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise.</p> <p>b) Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.</p>	<p>The proposed project is for 33,560 square feet of new outdoor cultivation. The parcel will also receive nine (9) retirement sites totaling 180,000 square feet (4.13 acres). Clones are produced on-site, and seeds started in the on-site propagation and commercial nursery greenhouses. No supplemental light will be used in the nursery.</p>
<p>§314-55.4.12.5 Performance Standards–</p> <p>Energy Use</p>	<p>All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards:</p> <ul style="list-style-type: none"> • Grid power supplied from 100% renewable source; and • On-site renewable energy system with twenty percent net non-renewable energy use <p>Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.</p>	<p>The power source for the project is Pacific Gas and Electric (P. G. & E.) grid. No generators will be used. Conditions of approval require the applicant will demonstrate electricity is purchased through a 100% renewable energy source.</p>

<p>§314-55.4.12.6 Performance Standards–</p> <p>Noise</p>	<p>Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.</p>	<p>Power is provided by P. G. & E. No generator is used on site. The nearest Northern Spotted Owl activity center is approximately 0.73 miles northwest of the cultivation area. Marbled Murrelet activity is located approximately 0.5 mile southwest of the site. There is no suitable habitat on the site for NSO or Murrelet. The project is setback 270 feet from neighboring land uses. The proposed activity will not substantially increase the noise sources on the site. The site is currently approved for 10,000 square feet of outdoor cultivation. The project will result in temporary noise sources from the assembly and disassembly of temporary hoop houses for nursery activities. Noise sources include well pump, use of agricultural equipment, small snap fans, and dehumidifiers for drying. Ongoing operational conditions require the applicant to maintain noise levels no more than 50 decibels as measured 100 feet from the source.</p>
<p>§314-55.4.12.7 Performance Standards –</p> <p>Cannabis Irrigation</p>	<p>A Special Permit shall be required where Irrigation of Commercial Cannabis Cultivation Activities occurs wholly or in part using one or more Diversionary sources of water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.</p>	<p>The project will use approximately 20,000 gallons of water for on-site nursery activities. No irrigation water is necessary for the cultivation area because the operation utilizes dry farming cultivation practices. The applicant is proposing to utilize rainwater catchment supplemented by a non-diversionary well to use in ancillary and commercial nursery activities. The permitted well (Permit 17/18-1346) has been determined to be a groundwater well that is not hydrologically connected to surface water. The well drills through a clay layer before drawing water. An Operation of Law letter for the Notification of Lake and Streambed Alteration for the irrigation well (1600-2018-0522-R1) was received August 21, 2019. The use of the well water shall be metered, and a well-drawdown test completed annually.</p>

314-55.4.12.10 Performance Standards – Soils Management	A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.	The project starts seeds in the onsite nursery and plants directly in the native soil. The land is planted with a cover crop over winter that is tilled in for soil fertility. Crops will be rotated to manage soil health. Plant material is composted on site. Any left-over soil from the cannabis nursery will be reused in a native tree nursery area onsite.
314-55.4.12.13 Performance Standards – Remediation Activities	All remediation activities shall be conducted in accordance with the requirements for Mitigation and Monitoring Plans described within 314-61.1 of the Humboldt County Code, including the standards for documentation, reporting, and adaptive management.	All proposed cultivation will occur on existing agricultural land that was previously use for agricultural purposes. The site is hosting cultivation that is being retired on other parcels as part of the County Retirement, Relocation, and Restoration (RRR) program. The remediation for retired cannabis activities is documented in the Zoning Clearance Certificates for the respective retirement sites. Cultivation at the subject parcel is contingent on satisfactory completion of the restoration agreement for the retiring sites.
314-55.4.12.16 Performance Standards – Invasive Species Control	It is the responsibility of a certificate or permit holder to provide a plan to control the spread of invasive species.	The applicant shall remove any invasive species found on the parcel.

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.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
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§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 all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage. All commenting agencies have recommended approval or conditional approval of the project. While the commercial seed production has the potential to be materially injurious to properties or improvements in the vicinity, the requirement to enclose the nursery and develop a pollen containment plan will ensure no adverse impacts occur.
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5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The parcel was not included in the 2014 Housing Inventory.

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

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is for the approval of new outdoor cultivation utilizing dry farm methods, and a commercial nursery. The project site will host relocated cultivation from retired sites under the County's RRR program. Drying will occur in temporary structures, and additional processing will be off-site. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

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

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

APN 209-191-018, 125 Shively Flat Road, Shively, County of Humboldt

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

June 2020

Background

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

The modified project involves a Special Permit for 33,560 square feet of new outdoor cannabis cultivation. A previous permit approved 10,000 square feet (Apps #12134) on the parcel. This application brings the total up to one acre. The parcel will also receive nine (9) retirement sites totaling 180,000 square feet (4.13 acres). The combined total cultivation area on the site would be 223,560 square feet (5.13 acres). This is less than the allowed 8 acres and less than 20% of the Prime Ag soil.

All cultivation is full-sun outdoor and dry farmed directly in the native soil. No irrigation water is used. Ancillary propagation for the cultivation operation will occur in ten (10) proposed hoop houses totaling 8,000 square feet. The applicant is also seeking a Zoning Clearance Certificate for a 10,000 square foot commercial nursery in ten (10) hoops that will provide starts for use on the farm. No supplemental light will be used in the nursery. The commercial nursery will also produce seeds, clones, plants starts, and genetic material. Nursery products will be picked up by an outside party for sale off-site, with a maximum of two pickups per day. Water use for the whole nursery area is approximately 20,000 gallons. The nursery sources water from rainwater catchment and supplements with a permitted groundwater well. The well is drilled through a clay layer and is not hydrologically connected to surface water. Water storage totals 8,000 gallons in (2) 2,500-gallon storage tank and (2) 1,500-gallon storage tank. Drying will occur in the propagation area. Processing will occur offsite. Up to twenty (20) seasonal workers are needed. The site purchases 100% renewable energy from RePower+ and the operator plans to install solar panels in the future.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of new and existing cannabis operations. These include complying with County Fire Safe regulations, noise and light attenuation measures to limit disturbance to wildlife, limiting activities to daylight hours (8 am to 5 pm), supplying irrigation water from a Services District and electricity from PG&E, and utilizing a Category 4 equivalent road system.

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

1. Substantial changes are proposed in the project which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effect previously examined will be substantially more severe than shown in the Final EIR; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR 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 Final EIR recommended mitigations. The proposal to authorize 33,560 square feet of new outdoor cannabis cultivation on a site that proposes to also receive nine (9) retirement sites totaling 180,000 square feet (4.13 acres) is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Cultivation and Operation Plan received January 9, 2020
- Site Plan received June 2, 2020
- Biological Survey Report prepared by Natural Resources Management in May 2019.
- Road Evaluation Report received June 2, 2020
- Cultural Resource Survey completed by Archaeological Research and Supply Company in December 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.

The environmental analysis for the proposed project finds there are no new impacts not previously analyzed in the EIR. The project impact analysis conforms to the Final Environmental Impact Report Mitigation Monitoring and Reporting Program. The areas of Mineral Resources, Population and Housing, and Recreation are not further discussed as no impact was identified for these categories in the EIR.

Aesthetics

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

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

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

Discussion: The project is for outdoor cannabis cultivation in an existing agricultural field. The project will not impact scenic vistas or public views. The project is consistent with the visual character of the area. The project will not create a source of light or glare.

Agriculture and Forest Resources

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

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

Discussion: The project will utilize agricultural land for agricultural purposes. The prime agricultural is utilized for cannabis cultivation.

Air Quality and Greenhouse Gas Emissions

Impact 3.3-1: Construction-generated emissions of criteria air pollutants and precursors (Less than Significant).

Impact 3.3-2: Long-term operational emissions of criteria pollutants and precursors (Less than Significant).

Impact 3.3-3: Generation of greenhouse gas emissions (Less than Significant).

Impact 3.3-4: Exposure of people to objectionable odors (Less than Significant with Mitigation).

Mitigation Measure 3.3-4: Prohibit burning of cannabis and other vegetative material is a condition of project approval.

Impact 3.3-5: Impacts of climate change on the project (Less than Significant).

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

Biological Resources

Impact 3.4-1: Disturbance to or loss of special-status wildlife species and habitat (Less than Significant after Mitigation).

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

Mitigation Measure 3.4-1b: *Special-status amphibian preconstruction surveys.*

Mitigation Measure 3.4-1c: *Western pond turtle preconstruction surveys and relocation.*

Mitigation Measure 3.4-1d: *Nesting raptor preconstruction survey and establishment of protective buffers.*

Mitigation Measure 3.4-1e: *Northern spotted owl preconstruction habitat suitability surveys and determination of presence or absence.*

Mitigation Measure 3.4-1f: *Special-status nesting bird surveys and establishment of protective buffers.*

Mitigation Measure 3.4-1g: *Marbled Murrelet preconstruction habitat suitability surveys and establishment of protective buffers.*

Mitigation Measure 3.4-1h: *Generator noise reduction.*

Mitigation Measure 3.4-1i: *American badger preconstruction survey and establishment of protective buffers.*

Mitigation Measure 3.4-1j: *Fisher and Humboldt marten preconstruction survey and preservation of active den sites.*

Mitigation Measure 3.4-1k: *Preconstruction bat survey and exclusion*

Mitigation Measure 3.4-1l: *Preconstruction vole survey and relocation.*

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

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

requirements.

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

Mitigation Measure 3.4-3a: *Special-status plants.*

Mitigation Measure 3.4-3b: *Invasive plant species.*

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

Mitigation Measure 3.4-4: *Sensitive natural communities, riparian habitat, and wetland vegetation.*

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

Mitigation Measure 3.4-5: *Waters of the United States.*

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

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

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

Discussion: The project is in the Shively area, on a 45 acre parcel the east side of the South Fork Eel River. Humboldt Redwoods State Park is located across the river to the west. The land to the north is private timberland. The westernmost 10 acres of the parcel are occupied by riparian forest and scrub, with species such as black cottonwood, red alder and coast redwood. The proposed project will occur in fields that have been in active agricultural operation for 15 years. The cultivation site is located approximately 400 feet east of the South Fork Eel River.

A Biological Survey Report was prepared for the site by Natural Resources Management Corporation on May 22, 2019. Humboldt County WebGIS shows Shively Creek running through the center of the parcel on the south side of a rail corridor that runs east-west through the parcel. The Biological Report states that the US Army Corps of Engineers rerouted Shively Creek to flow into Panther Creek, which runs across the northern boundary of the parcel. Proposed cultivation areas are outside Streamside Management Area (SMA) setbacks. Project activities would not impact riparian area associated with the SMA of Panther Creek and the South Fork Eel River. There are no wetlands identified on the site, and no impacts to wetlands are anticipated. Habitat for foothill yellow-legged frog may exist in Bear Creek located 2,300 feet to the southwest. Nesting habitat for the Western pond turtle is likely in the Eel river corridor. However, the project would have no impact on riparian areas.

Habitat for Cooper's hawk and sharp shinned hawk was identified in the vicinity of the project. Nesting habitat for sharp shinned hawk is located in riparian habitat on the western portion of the parcel. There is potential habitat for willow flycatcher in the riparian area along the Eel River. There are four (4) Northern Spotted Owl (NSO) activity centers within 1.3 miles of the project site. The nearest Northern Spotted Owl activity center is approximately 0.73 miles northwest of the cultivation area. The nearest Northern Spotted Owl activity center is approximately 0.73 miles northwest of the cultivation area. Marbled Murrelet mapped habitat is located approximately 0.5 mile southwest of the site. There is no suitable habitat on the site for NSO or Marbled Murrelet. The optimal habitat is located in the Humboldt Redwood State Park across the river outside the project

area. Likewise, habitat for the Humboldt marten and fisher exists in the State Park located 2,000 feet across the river, and project activities would have no impact on this habitat. In addition, the project is conditioned to limit noise generated from the project to 50db at 100' or at the nearest tree line, whichever is closer. There will be no generators or supplemental light used by the project.

The biologist evaluated the site for the presence of sensitive plant and wildlife species. Potential habitat exists for maple-leafed checkerbloom. None were detected during the seasonally appropriate survey. No special sensitive natural communities were found within the project area. There is no development proposed within the streamside buffers or wetland buffers and no impacts to sensitive natural communities, riparian habitat or wetland vegetation are anticipated. No habitat for Sonoma tree vole or American badger was identified in the vicinity of the project. No special status plant species or sensitive natural communities were found within the project area. It has been determined that there will be no impacts to special status plant species or sensitive natural communities. The Operations Manual (Attachment 4) for the project includes an Invasive Species Control Plan that satisfies the requirements of this mitigation measure.

Cultural Resources

Impact 3.5-1: Change in the significance of a historic resource (Less than Significant).

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

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

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

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

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

Discussion: No cultural resources were identified on the site according to a Cultural Resource Investigation prepared by Archaeological Research and Supply Company in January 2018. The project will adhere to the Inadvertent Discovery Protocol.

Geology and Soils

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

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

Impact 3.6-3: Potential of substantial soil erosion or loss of topsoil (Less than Significant).

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

Impact 3.6-5: Damage to or destruction of undiscovered paleontological resources (Less than Significant with Mitigation).

Mitigation Measure 3.6-5 *Protection of discovered paleontological resources.*

See Mitigation Measure 3.5-2 above.

Discussion: No new structures are proposed that would expose people to risk of life from earthquakes. The project occurs on flat land that has historically been used for agriculture. No grading will occur, and topsoil is preserved through the use of annual rotation and cover cropping.

Hazards and Hazardous Materials

Impact 3.7-1: Create a significant hazard through transport, use, or disposal of hazardous materials (Less than Significant).

Impact 3.7-2: Create potential human hazards from exposure to existing on-site hazardous materials (Less than Significant).

Mitigation Measure 3.7-2a: *Prepare Environmental Site Assessments.*

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

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

Impact 3.7-4: Emit hazardous emissions or handle hazardous materials within 0.25 mile of a school (No impact).

Impact 3.7-5: Result in a safety hazard for people residing or working in a project area that is located within 2 miles of a public airport or private use airport (No impact).

Impact 3.7-6: Impair emergency response or evacuation plans (Less than Significant).

Impact 3.7-7: Create a significant risk from wildfires (Less than Significant).

Discussion: The project will store fertilizers, herbicides and fuel for use in farm equipment in an existing agricultural shed. All hazardous materials are stored in a locked area with secondary containment in accordance with applicable regulations. The project does not expose the public to hazards. The project is in a rural area rated as a moderate fire risk area. The project would not impair emergency response or create a significant risk from wildfire. Project does not propose development of commercial cannabis facilities on existing commercial, business park, or industrial sites.

Hydrology and Water Quality

Impact 3.8-1: Construction water quality impacts (Less than Significant).

Impact 3.8-2: Operational water quality impacts (Less than Significant).

Mitigation Measure 3.8-2: *Minimum Size of Commercial Cultivation Activities.*

Impact 3.8-3: Groundwater supply impacts (Less than Significant).

Mitigation Measure 3.8-3: *Annual groundwater monitoring and adaptive management. The subject parcel exceeds 10 acres in size and is not subject to the requirements of*

Section 55.4.12.9 of the CCLUO regarding well drawdown testing.

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

Mitigation Measure 3.8-4: *Provision of drainage facilities to attenuate increases in drainage flows.*

Impact 3.8-5: Effects of diversion of surface water (No impact).

Mitigation Measure 3.8-5: *Implement water diversion restrictions and monitoring and reporting requirements.*

Discussion: The project is for outdoor cannabis cultivation in a flat agricultural field with well-draining soil. The project will not degrade any water sources or contribute to sedimentation. No construction is proposed. The project area is within the 100-year flood zone. No new permanent structures are proposed. All hoop houses and portable toilets will be temporary and removed from the site annually in order to comply with the County Flood Damage Prevention Ordinance. The project will utilize dry-farming methods such that no irrigation water is needed for the cultivation. An estimated 20,000 gallons of water will be used for propagation and a commercial nursery. Water is supplied via a permitted groundwater well that is drilled through a clay layer and has been determined to be hydrologically disconnected from surface water flows. A condition of approval requires the well be monitored for drawdown. Should the well become unproductive, the project must be modified to identify a new non-diversionary water source such as rainwater catchment.

Land Use and Planning

Impact 3.9-1: Potential for physical division of an established community (No impact).

Impact 3.9-2: Conflict with relevant plans, policies, and zoning adopted for the purpose of avoiding or mitigating an environmental effect (No impact).

Noise

Impact 3.10-1: Short-term, construction-related noise (Less than Significant).

Mitigation Measure 3.10-1: *Implement construction-noise reduction measures.*

Impact 3.10-2: Long-term non-transportation operational noise (Less than Significant).

Mitigation Measure 3.12-2: *Proper design of highway access points.*

Impact 3.10-3: Long-term traffic noise levels (No impact).

Discussion: The project is located in actively managed agricultural land. The area has been in agricultural production for more than 10 years. Noise sources from the operation will include typical farm equipment such as tractors and well pumps. Fans and dehumidifiers will be used in the greenhouses for propagation and drying. The construction and dismantling of temporary hoop houses would create short-term noise that is less than significant. The temporary noise impacts from these activities would not create a substantial increase in noise levels.

Public Services

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

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

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

Transportation and Circulation

Impact 3.12-1: Construction-related increase in traffic (Less than Significant).

Impact 3.12-2: Long-term increase in traffic (Less than Significant).

Impact 3.9-3: Potential for inadequate emergency access (Less than Significant).

Discussion: No construction is proposed. The commercial nursery will create a maximum of four trips per day from two trip trailer picking up clones. At peak activities, traffic from the project will result in up to forty trips per day from temporary agricultural workers. The access road Shively Flat Road is a paved road with a Category 4 functional capacity capable of meeting the 2-way traffic needs of the project at peak harvest. The paved road is accessed off a County-maintained portion of Shively Flat Road. The 0.02 miles of private road system are in good condition and meet standards for road maintenance.

Utilities and Service Systems

Impact 3.13-1: Exceed wastewater treatment requirements or wastewater treatment capacity and related infrastructure (No impact).

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

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

Impact 3.13-2: Provision of sufficient water supplies and infrastructure needs (No impact).

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

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

Discussion: The project will provide portable toilets and handwashing stations for cultivation staff. Water for propagation is sourced from an onsite groundwater well. Solid waste is taken to the Eel River Transfer Station in an amount the service station is capable of handling. The proposed project is not for new commercial indoor cultivation or a non-cultivation cannabis operation. The property is not serviced by a public wastewater system. The property is not serviced by a municipal water service.

Energy

Impact 3.14-1: Wasteful, inefficient, and unnecessary consumption of energy (No impact).

Impact 3.14-2: Demand for energy services and facilities (Less than Significant).

Discussion: The project is for outdoor cannabis cultivation with a commercial nursery, on-site drying and off-site processing, with minimal energy needs. As an ongoing operational condition, the project is required annually to furnish proof of the purchase of 100% renewable electricity through a program such as the Redwood Coast Energy Authority RePower+ program. There will be a less than significant increase in demand for renewable energy.

Wildfire

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

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 4

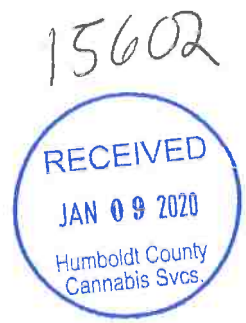
Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached - Site Plan dated June 2, 2020)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached - Cultivation and Operation Plan dated January 9, 2020).
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – see operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached – Notice of Applicability; Condition of Approval – provide copy of Site Management Plan and annual reporting documents)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department

of Fish & Wildlife. (Attached - Operation of Law letter for the Notification of Lake and Streambed Alteration for irrigation well (1600-2018-0522-R1) received August 21, 2019)

9. If the source of water is a well, a copy of the County well permit, if available. (Attached - Permit 17/18-1346)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Report for Shively Road received June 2, 2020. (Attached)
16. Division of Environmental Health Worksheet. (Attached)
17. Biological Survey Report prepared by Natural Resources Management May 22, 2019 (Attached)



Cultivation and Operation Plan
Organic Medicinals, LLC
125 Shively Flat Rd. Shively, CA 95565
APN#209-191-018

Meets performance standards for all CMMLUO and MAUCRSA cultivation and processing operations.

Parcel is enrolled in Tier 2 Classification with the North Coast Regional Water Quality Control Board. WDID No. 1B16036CHUM. The WDID for the General Order is 1_12CC402544.

Cultivation site is located on a 0% slope, 30 ft. from any property line, 300 ft. from any residence, 600 ft. from any church or other place of religious worship, public park, tribal cultural resource, school, or school bus stop. Cultivation area and associated facilities observe all the required setbacks from watercourses, wetlands, and environmentally sensitive habitats. Riparian buffer zones are present and maintained.

An existing permitted water well is on site. Well is not connected to the hydrological flow of the Eel River watershed per CDFW decision.

Two (2) 2,500-gallon potable water storage tanks are present. Tank A for livestock watering and fire suppression. Tank B for propagation area water, livestock watering and fire suppression.

Two (2) 1500-gallon portable water storage tanks are present for rainwater catchment. Used for propagation area water.

PG&E power on site. Projected solar installation planned. Signed up for renewable energy with the Redwood Coast Energy Authority.

Permitted outdoor cultivation area will be 43,000 ft². There will be no indoor or mixed light cultivation area.

Cultivation area will be outdoor, sun grown, and dry farmed, i.e. no water, irrigation, or runoff. Plants will be planted into the native soil. Cultivation area will be farmed without the use of fertilizers, pesticides, herbicides, fungicides, or any other applicants and or materials.. Cultivation area is farmed using organic practices. Cultivation site is located on prime agricultural soil. Property surrounding the cultivation area is an certified organic commercial farming operation. There is no surface water runoff.

Propagation area will be 5,000 ft². Area includes (2) 20'x100' non-permanent structures and an outside area for hardening off starts, sexing, selection and research and development. Solar string lights and solar fans will be used as needed. Nursery start annual projected water use is

approximately 5,000 gallons. Nursery/propagation area will be watered from an 2,500 gallon water tank as well as (2) 1500-gallon rainwater catchment tanks.

Full term seed stock will be planted in the spring. Nursery clones may be used to fill out cultivation area. Conditions withstanding, plants will be planted in the ground by the 15th of May. Cultivating, weeding, and general plant upkeep will be performed by hand. Rototilling will be done between plant rows for aeration and weed prevention. Plants will be harvested, fresh frozen or dried and cured, from late September through October. Fresh frozen is harvested and sent to a 3rd party processor. Drying and curing will be done using wood heat and electric fans. Dehumidifiers will be used as needed. Plants are cut to hang, dry, and cure in the propagation area and stored in safe secure storage. There will be no processing on site. Cover crop will be planted at the end of the season for the next years fertility and storm water management. Cannabis cultivation sites will be rotated annually implementing sustainable organic best practice methods to prevent disease, pest infestation, mold and mildew, and to allow for regeneration of fertility for the next season's crop.

All compostable plant material will be composted in designated composting area. There are no soil spoils. In the event that there is soil left over from propagation/nursery, it will be incorporated into the native tree propagation/nursery area to be used for riparian habitat regeneration. All pots or containers used for propagation and cultivation will be reused for the following seasons.

Waste management includes self-hauling to a fully permitted solid-waste landfill or transformation facility on weekly or as needed basis.

All State Water Board Winterization protocols will be adhered to.

If sighted, invasive species will be removed and controlled by hand or mechanical cultivation.

A portable toilet as well as a hand washing station are on site and serviced regularly.

There will be seasonal as needed labor. There is no on site housing, or increased road usage. There is a deeded access road from Shively Flat Road to the operations site (parcel# 209-191-018). Road is 20' wide and well maintained. Meets road standards.

Security: 6ft. tall deer and orchard (steel wire) fencing with a galvanized steel top wire. Applicants on site daily, including nights and weekends. Primary residence of applicant ½ mile from operation site. Area will be monitored by security cameras where required.

Commercial Nursery
Cultivation and Operations Plan
Zoning Clearance Certificate: 10,000 ft²
APN: 209-191-018
Amended: 05/25/2020

The commercial nursery will be used for on-site production of cultivation site stock and research and development. The commercial nursery will also produce seeds, clones, plant starts, and genetic material. Seeds, clones, plant starts and genetic material for sale will be picked in the Loading and Pickup Zone up by an outside party, for sale off-site, with a maximum of two (2) pickups per day, and will be entered into the Metrc System as required by the State of California. No supplemental lighting is used in the outdoor nurseries. Water use for the commercial nursery is approximately 10,000 gallons, and will be sourced from a groundwater well. The site also proposes nursery areas in Greenhouses #1-10 that are ancillary to the proposed cultivation areas.

Included in the commercial nursery site are:

Outdoor Area: 4,000 ft²

Commercial Greenhouse #11: 10' x 100', Dry Farmed Organic Medicinals, LLC

Commercial Greenhouse #12: 10' x 100', Dry Farmed Organic Medicinals, LLC

Commercial Greenhouse #13: 10' x 100', Dry Farmed Organic Medicinals, LLC

Commercial Greenhouse #14: 10' x 100', Happy Dreams Farm, LLC

Commercial Greenhouse #15: 10' x 100', Happy Dreams Farm, LLC

Commercial Greenhouse #16: 10' x 100', Dry Farmed Organic Medicinals, LLC

Commercial Greenhouse #17: 10' x 35', Happy Dreams Farm, LLC

North Coast Regional Water Quality Control Board

June 8, 2018

WDID:1_12CC402544

JILL VANDERLINDEN
125 SHIVELY FLAT ROAD
SHIVELY, CA 95565



Subject: Notice of Applicability - Waste Discharge Requirements Water
Quality Order WQ-2017-0023-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov.

Sincerely,


On Behalf Of
Digitally signed by
Kason Grady
Date: 2018.06.08
14:05:21 -07'00'

Matthias St. John
Executive Officer
North Coast Regional Water Quality Control Board

180605_2L-1_12CC402544_organic medicinals_1B16036CHUM_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ-2017-0023-DWQ, ORGANIC MEDICINALS, HUMBOLDT COUNTY APN(s) 209-191-018; WDID: 1_12CC402544

Jill VanderLinden (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on May 25, 2018, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board *Cannabis Cultivation Policy-Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order). This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC402544**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B16036CHUM.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA).

1. FACILITY AND DISCHARGE DESCRIPTION

All dischargers enrolled under the North Coast Regional Water Board’s Order (R1-2015-0023) or the Central Valley Regional Water Board’s Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

The information submitted by the Discharger states the disturbed area is , no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 2 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at <http://www.waterboards.ca.gov/cannabis>. The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP,

Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement *Site Management Plans* that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Quality Control Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. Enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- ii. Access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- iii. Inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iv. Sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

3. TECHNICAL REPORT REQUIREMENTS

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by August 22, 2018, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with the Monitoring and Reporting Program (MRP). Attachment B of the General Order provides guidance on the contents for the annual reporting requirement. Annual reports shall be submitted to the Regional Water Board by March 1 following the year being monitored. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 2 Low Risk with the current annual fee assessed at \$1,000. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Notice of Termination, including a *Site Closure Report* at least 90 days prior to termination of activities and include a final MRP report.

6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Regional Water Board reserves the right to inspect the site before approving a NOT. Attachment C of the General Order includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the Regional Water Board staff by telephone at (707) 576-2676 or email at northcoast.cannabis@waterboards.ca.gov so that a site-specific compliance schedule can be developed.

cc: Kevin Porzio, State Water Resources Control Board, dwq.cannabis@waterboards.ca.gov
Michael Vella, California Department of Food and Agriculture, michael.vella@cdfa.ca.gov
Cheri Sanville, California Department of Fish and Wildlife, cheri.sanville@wildlife.ca.gov
Steve Werner, Humboldt County Planning Division, swerner@co.humboldt.ca.us
Jill VanderLinden 121 Ewan Avenue Shively, CA 95565
John Francisco 121 Ewan Avenue Shively, CA 95565



February 22, 2019

Jill Vanderlinden
Organic Medicinals Inc.
125 Shively Flat Road, Scotia, CA 95565
organicmedicinalsinc@gmail.com



**Subject: Notification of Lake or Streambed Alteration No. 1600-2018-0522-R1
Om Cannabis
Humboldt County Assessor's Parcel Number 209-191-018**

Dear Jill Vanderlinden:

On August 31, 2018 the California Department of Fish and Wildlife (CDFW) received your Notification of Lake or Streambed Alteration (Notification). CDFW had 30 days (until September 30, 2018) to determine if your notification was complete.

The Department is required to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you within 60 calendar days from the date the Notification is complete. Therefore, the Department had until October 30, 2018 to issue you a draft Agreement or inform you that an Agreement is not required. Due to current staffing limitations, the Department did not meet that date. As a result, by law, you may now complete the project described in your notification without an Agreement.

Please note that pursuant to Fish and Game Code (FGC) section 1602, subdivision (a)(4)(D), if you proceed with this project, it must be the same as described and conducted in the same manner as specified in the notification and any modifications to that Notification received by CDFW in writing prior to the date of this letter. This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify CDFW before you may begin your project. Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of FGC section 1602.

Your notification includes, but is not limited to, the following information: The usage of a private well to irrigate an existing specialty outdoor cannabis cultivation operation of 10,000 square feet.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include FGC sections 5650 and 5652 which make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place

Conserving California's Wildlife Since 1870

Jill Vanderlinden
February 22, 2019
Page 2 of 2

where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials. A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, CDFW may impose civil penalties administratively against any person found by CDFW to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

Other statutes in the FGC that might apply to your activity, include, but not limited to the following sections: 2080 et seq. (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); 1908 (rare native plants); 3511, 4700, 5050, and 5515 (fully protected species); 3503 (bird nests and eggs); 3503.5 (birds of prey); 5901 (fish passage); 5937 (sufficient water for fish); and 5948 (obstruction of stream), and the requirements set forth in the Forest Practice Act (Pub. Resources Code, § 4511 et seq.) for projects on private timberlands.

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site. As indicated in your Notification, the Applicant requests the Department to first contact Jill Vanderlinden to schedule a date and time to enter the property where the project described in this notification will take place, in the event the Department determines that a site inspection is necessary. This condition does not apply to CDFW enforcement personnel. Please note this letter is only valid until October 30, 2023, which is 5 years from the date the Department was required to provide a Draft Agreement.

If you have any questions regarding this letter, please contact Greg O'Connell, Environmental Scientist at gregory.oconnell@wildlife.ca.gov.

Sincerely,


Cheri Sanville
Senior Environmental Scientist Supervisor

cc:

Greg O'Connell, gregory.oconnell@wildlife.ca.gov

NorthCoast.Cannabis@Waterboards.ca.gov

County of Humboldt, Department of Planning and Building, Cliff Johnson
C.Johnson@co.humboldt.ca.us

State of California
Well Completion Report
Form DWR 188 Submitted 6/14/2018
WCR2018-004563

Owner's Well Number _____ Date Work Began 05/30/2018 Date Work Ended 06/13/2018
Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
Secondary Permit Agency _____ Permit Number 17/18-1346 Permit Date 02/14/2018

Well Owner (must remain confidential pursuant to Water Code 13752)		Planned Use and Activity
Name <u>Jill Vanderlinden</u>	Activity <u>New Well</u>	
Mailing Address <u>125 Shively Flat Road</u>	Planned Use <u>Water Supply Domestic</u>	
City <u>Scotia</u> State <u>CA</u> Zip <u>95565</u>		

Well Location					
Address <u>125 Shively Flat RD</u>			APN <u>209-191-018</u>		
City <u>Scotia</u>	Zip <u>95565</u>	County <u>Humboldt</u>	Township <u>01 N</u>		
Latitude _____ N		Longitude _____ W		Range <u>02 E</u>	
Deg. _____	Min. _____	Sec. _____	Deg. _____	Min. _____	Sec. _____
Dec. Lat. <u>40.4399140</u>			Dec. Long. <u>-123.9778350</u>		
Vertical Datum _____			Horizontal Datum <u>WGS84</u>		
Location Accuracy _____			Location Determination Method _____		
			Baseline Meridian <u>Humboldt</u>		
			Ground Surface Elevation _____		
			Elevation Accuracy _____		
			Elevation Determination Method _____		

Borehole Information	Water Level and Yield of Completed Well
Orientation <u>Vertical</u> Specify _____	Depth to first water <u>52</u> (Feet below surface)
Drilling Method <u>Other - Under-Ream</u> Drilling Fluid <u>Air</u>	Depth to Static _____
<u>Down-Hole Hammer</u>	Water Level <u>63</u> (Feet) Date Measured <u>06/13/2018</u>
Total Depth of Boring <u>200</u> Feet	Estimated Yield* <u>30</u> (GPM) Test Type <u>Air Lift</u>
Total Depth of Completed Well <u>200</u> Feet	Test Length <u>4</u> (Hours) Total Drawdown <u>137</u> (feet)
	*May not be representative of a well's long term yield.

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	18	brown top soil
18	32	brown silty sand
32	38	course brown sand
38	82	brown rounded gravel
82	101	blue clay & sandstone mix
101	106	shale
106	126	blue sand stone
126	137	shale
137	161	sandstone, shale mix
161	200	shale mulache franciscan

Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specificatons	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (Inches)	Description
1	0	120	Blank	Low Carbon Steel	Grade: ASTM A53	0.188	6			
2	0	100	Blank	PVC	OD: 4.500 in. SDR: 21 Thickness: 0.214 in.	0.214	4.5			
2	100	200	Screen	PVC	OD: 4.500 in. SDR: 21 Thickness: 0.214 in.	0.214	4.5	Milled Slots	0.032	

Annular Material						
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description	
0	20	Bentonite	Other Bentonite		Sanitary Seal	
20	200	Filter Pack	Other Gravel Pack	3/8 Inch	Pea Gravel	

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	200	10

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.			
Name		FISCH DRILLING	
Person, Firm or Corporation			
3150 JOHNSON ROAD	HYDESVILLE	CA	95547
Address	City	State	Zip
Signed  <i>electronic signature received</i>	06/14/2018	683865	
C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number	

Attachments	
scan.pdf - Location Map	

DWR Use Only									
CSG #	State Well Number	Site Code	Local Well Number						

										N
--	--	--	--	--	--	--	--	--	--	---

Latitude Deg/Min/Sec

										W
--	--	--	--	--	--	--	--	--	--	---

Longitude Deg/Min/Sec

TRS:

APN:

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Jill VanderLinden

APN: 209-191-018

Planning & Building Department Case/File No.: _____

Road Name: Gwan Ave. (complete a separate form for each road)

From Road (Cross street): Shively Rd.

To Road (Cross street): Shively Flat Rd.

Length of road segment: 0.15 mi. _____ miles Date Inspected: 05/25/2020

Road is maintained by: ☒ County ☐ Other _____

(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

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

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

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

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

Signature

05/25/2020
Date

Name Printed

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

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Jill VanderLinden APN: 209-191-018

Planning & Building Department Case/File No.: _____

Road Name: Shively Flat Rd. (complete a separate form for each road)

From Road (Cross street): Ewan Ave.

To Road (Cross street): Deeded Access Rd.

Length of road segment: 0.61 mi. miles Date Inspected: 05/25/2020

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

Check one of the following:

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

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

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

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

Signature

05/25/2020
Date

Jill VanderLinden
Name Printed

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



Division of Environmental Health

100 H Street - Suite 100 - Eureka, CA 95501

Phone: 707-445-6215 - Toll Free: 800-963-9241

Fax: 707-441-5699

envhealth@co.humboldt.ca.us

Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits

Applications for CMM Clearances and/or Permits are reviewed by the Division of Environmental Health (DEH) for compliance with regulations intended to protect public health and the environment. Individuals preparing a CMM Permit Application are encouraged to provide information addressing the items listed below, as applicable, to assist DEH with a timely review. If the requested information is already provided in a complete operations manual submitted to the Planning Division, provide the page and section numbers where it is located.

Name of Business: Organic Medicinals Primary Contact Person: Jill Vander Linden
Site Address: 125 Shively Blvd. Phone: 707-599-1058
APN: 209-191-018 Email: organic.medicinalsinc@gmail.com

General Project Description (cultivation, processing, manufacturing; seasonal vs year round etc.)

Cultivation - Seasonal
dry farmed - outdoor - planted in ground -
grown organically; no applicants

Wastewater (page ___ section ___)

- Connected to public sewer No Onsite waste water system No
- Number of Employees: average 0 peak operations: _____
- Hours of Operation/shifts per day: average _____ peak operations: _____
- Additional flow from processing: 0 GPD. Description of effluent N/A
- Describe the proposed and existing wastewater generating structures and method(s) of effluent disposal.

portable toilet
and hand washing station

None

N/A *grey water from
handwashing station discharged
outside of production area

Water Source (page ___ section ___)

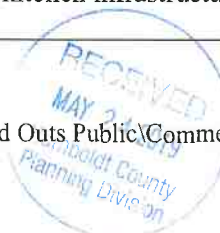
- Describe and show the water source(s) available on the property and what they serve.
 - ☐ Public Water System
 - ☒ Well Permit Number(s): 17/18-1346
 - ☐ Unpermitted Well
 - ☐ No Existing Water Source
 - ☐ Spring
 - ☐ Approved Surface Water/Description _____
 - ☐ Unapproved Surface Water/Description _____
 - ☐ Other: _____

- Describe the approximate daily water demand for the current and projected uses on the property and method used to calculate demand:

Dry farmed - no daily water
Use - meters on hoses - water as needed
only for propagation area.

Consumer Protection (page ___ section ___)

- List/Describe any food production or service: None
- Describe and show on site plan, any existing or proposed kitchen infrastructure: None



Note: DEH does not currently regulate edible cannabis products. Any other food production may require a Plan Check and permitting.

Hazardous Materials (page ____ section ____)

- List/describe production/cultivation machinery (e.g. generator, tractor, OHV, trimmer, heaters etc.): tractor, implements, Dehum,
- Equipment Maintenance/Service (e.g., changing oil, antifreeze, etc.): Onsite or Offsite
- List/describe fuel/oil(s) used or produced onsite (e.g. gasoline, diesel, propane, other?); Provide amounts and storage method(s): Propane - Hot water on demand handwashing & cleaning
- List/describe all compressed gases, cleaners, solvents and sanitizers (including, but not limited to, household chemicals, bleach and alcohol). Provide amounts and storage method(s): propane, Vinegar, alcohol, Pr. Bronners soap, eco dishwashing fluid, 1 bottle each, not compressed
- List/describe fertilizers, soil amendments and biocides (including organic ones). Provide amounts and storage method/area(s): 0

*Attach Safety Data Sheets (SDS)

Solid Waste/Recycling (page ____ section ____)

- List/describe the different anticipated solid waste/recycling, composting products and anticipated amounts: less than 500 lbs.
"pack it in pack it out policy"
- Describe, and show on the site plan, the designated area for storage of recycling and solid waste (containers stored outside must be covered): behind 10x10 shed on S.W. side of back field and garbage can,
- Describe waste removal plan including frequency and destination Covered, located @ hand washing station
 - ☒ Garbage (1x/week) 1x week
 - ☒ Recycling(x/month) 4x month (avoid nuisances including odors and vermin.)
 - Hauling via Garbage/Recycling Service: _____ or Self Haul ☒
- Preferred permitted solid waste/recycling facility: Eel River Recovery

Note: Spent growth medium with no further agricultural use is considered solid waste. It must be stored under cover until it can be hauled to a waste facility.

ARCHAEOLOGICAL RESEARCH AND SUPPLY COMPANY

COVER PAGE



- A. SHIVELY, HUMBOLDT COUNTY, CA, APN 309-191-018
- B. HUMBOLDT COUNTY COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO) PERMIT NUMBER: 12134
- C. JILL VANDERLINDEN
- D. PROJECT DESCRIPTION
 - 1. Archaeological Inventory
 - 2. 53-acres, 35-acres surveyed
 - 3. Cannabis permit, potential impacts include cultivation in one area, associated roads and infrastructure
 - 4. Unfettered access to property, visibility approximately 80-100%
- E. HUMBOLDT COUNTY MEDICAL CANNABIS ORDINANCE PERMIT
- F. THIS REPORT IDENTIFIES AND INVENTORIES HISTORIC RESOURCES WITHIN THE PROJECT AREA AND PROVIDES RECOMMENDATIONS FOR MITIGATION OR THE NEED FOR FURTHER ARCHAEOLOGICAL WORK.
- G. RESULTS
 - 1. RESOURCES IN AND OUT OF APE: NONE
 - 2. RESOURCES AFFECTED OR NOT BY PROJECT: NONE
 - 3. SPECIAL CIRCUMSTANCES: 80-100% VISIBILITY, SURVEYED THE ENTIRE 53-ACRE PARCEL.
 - 4. REQUESTED ACTION BY SPECIFIC LAW: NO FURTHER ARCHAEOLOGICAL WORK PER CEQA VIA HUMBOLDT COUNTY ORDINANCES.
 - 5. CONTACT: NICK ANGELOTT 707-402-6203; nangelott.cso@gmail.com



C7

ATTACHMENT 5

Referral Agency Comments and Recommendations

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Conditional Approval	Attached
Division of Environmental Health	✓	Approval	On file with Planning
State Water Resources Control Board- Department of Water Rights	✓	Approval	Attached
California Department of Fish & Wildlife	✓	Comments	Attached
CAL FIRE	✓	No comments	Attached
NWIC	✓	Comments	On file with Planning
Bear River Band	✓	Inadvertent discovery protocol	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
Humboldt County Agricultural Commissioner		No response	
RWQCB		No response	
NCUAQMD		No response	
Redcrest Volunteer Fire Company		No response	
Scotia Union School District	✓	No comments	
Fortuna Union School District		No response	
District Attorney		No response	
Humboldt County Sheriff	✓	Approval	On file with Planning



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT ~ PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

PRE-SITE INVESTIGATION FORM

THIS IS NOT A PERMIT DOCUMENT

APPLICATION INFORMATION

Name

Address 1 Jill VanderLinden **Address 2** 125 Shively
Flat Rd

City Scotia **State** CA **Zip** 95565

OWNERS NAME AND MAILING ADDRESS

Name Vanderlinden Jill & Francisco John E

Email

Address 1 **Address 2**

City Shively **State** CA **Zip** 95565

SITE INFORMATION

Parcel Number 209-191-018-000 **Application Number** PLN-2019-15602

Street Address 125 Shivley Flat Rd **City** Shivley **State** CA **Zip** 95565

PRESITE INVESTIGATION

Project is already started Yes

Soil report is required due to

Project is in flood zone A per Yes

Flood elevation certificate required No

Plans stamped by a licensed person required No

SRA water storage requirements apply No

Appr.SRA req. need to be shown on plot plan No

Driveway slope appears to be Under 16%

Grading permit required No

Incomplete submittal Construction Plan No

Erosion and sediment control measures req. Small Projects

AOB Inspection No

Project appears to be within wet area None

FIRM panel number 1455F

Is 2nd Flood Certificate Required? No

SRA requirements apply No

Lot created prior to 1992 Yes

Plot plan incomplete, must be revised Yes

Submit engineered foundation for None

Applicant must locate property lines No

Other concerns exist Yes

Inspector Notes

7/2/19

Planning Referral Comments: See presite photos in documents.

1. Submit revised site / plot plan show all structures including size and use and all setbacks from the above stated to each other and property lines.

2. Existing structures used in the cannabis operation shall not be used until all required permits have been obtained.

3. Recommend approval based on the condition that all required building and Ag Exempt permits are obtained.

Building Division Comments

1. Non-exempt 10x12 storage structures have been built prior to this presite in violation of County Flood Ordinance. See presite photos in documents.

2. Project is in flood zone AE-F.

3. Aerial Map submitted shows improvements out of property boundaries.

4. Complete and submit Ag Exemption letter of intent for all proposed greenhouses and Ag structures.

QUESTIONS? Please contact the County of Humboldt Building Division



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

6/18/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, **Building Inspections**, Redcrest VFC: FPD, RWQCB, NCUAQMD, Scotia USD: School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Organic Medicinals, Inc. **Key Parcel Number** 209-191-018-000

Application (APPS#) PLN-2019-15602 Planning Application **Assigned Planner** Chris Alberts 268-3771

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

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

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

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

Return Response No Later Than: 7/3/2019

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

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

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

Other Comments:

SEE ALL COMMENTS IS PRESITE INSPECTION.

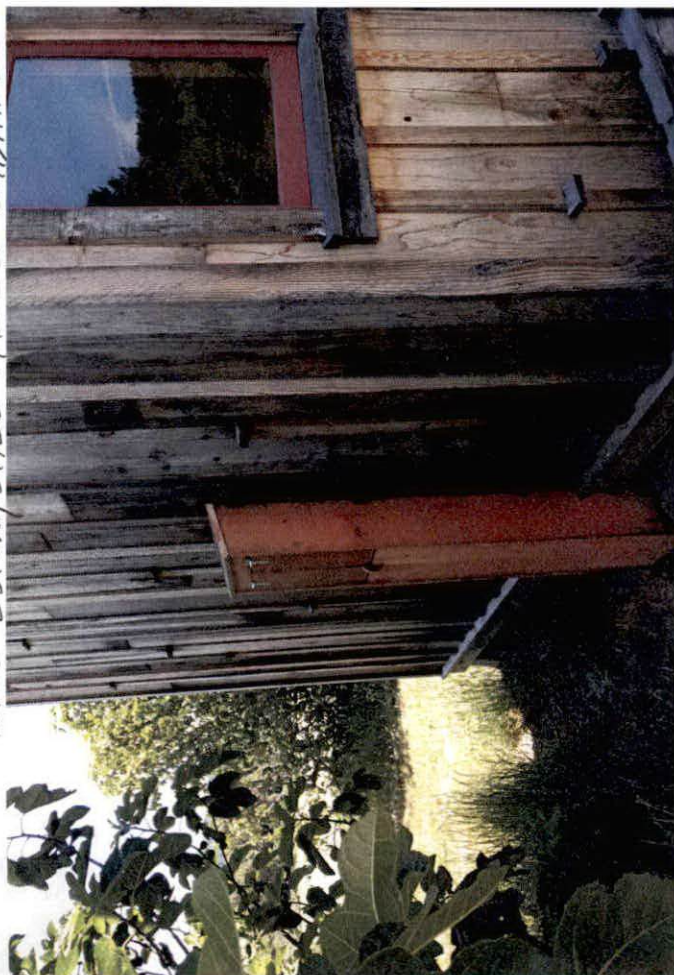
DATE:

7/5/19

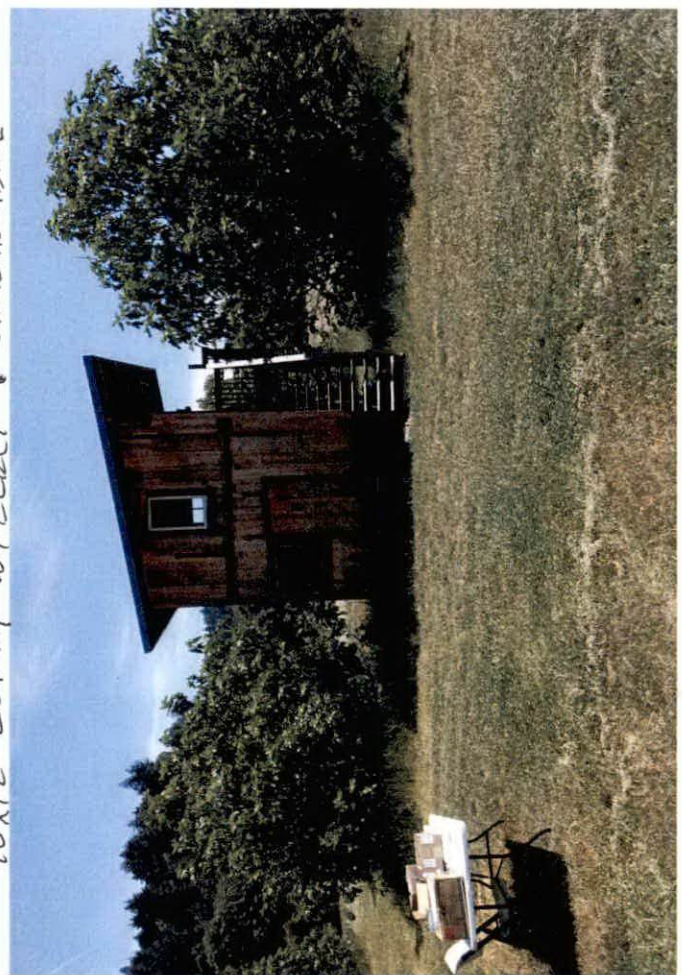
PRINT NAME:

MARC PHIPPEN

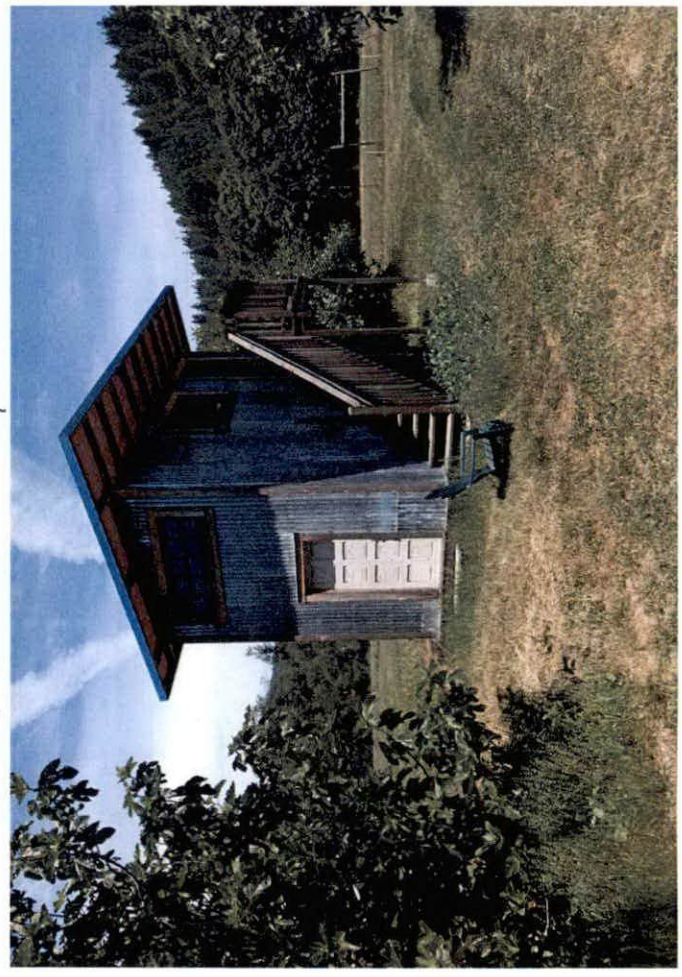
AREA 1
10X12-2 STORY SHED w/ ELECT. SUBPANEL
SHED #3



10X12-2 STORY w/ ELECT. SAME AS ABOVE



7/11/19
PLN-2019-15602
AP# 209-191-018
(FLOOD ZONE) 1455F MAP 143' BFE
AE-F
AREA 1 2-STORY SHED #2



AREA 1 SHED #1

10X12 SHED W/ 2 FLOORS + ELEV.



2-(E) PROPAGATION GREENHOUSES AREA 2



AREA #2

OUTDOOR KITCHEN H2O HEATER + STOVE



PROPAGATION AREA PREMISES 2

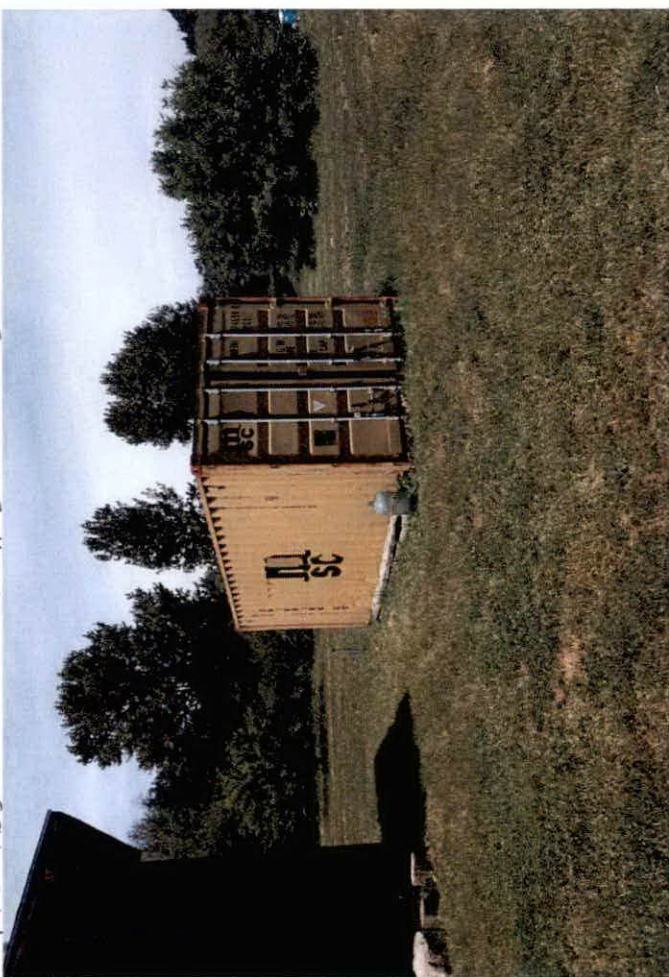


7/1/19 PLN-2019-15602

2-10X12 SHEDS w/ELECT. & PLUMBING/WOODSTOVE



10X12 SHED #1 STORAGE CONTAINER



WATER STORAGE TANKS



STORAGE / SOLID WASTE

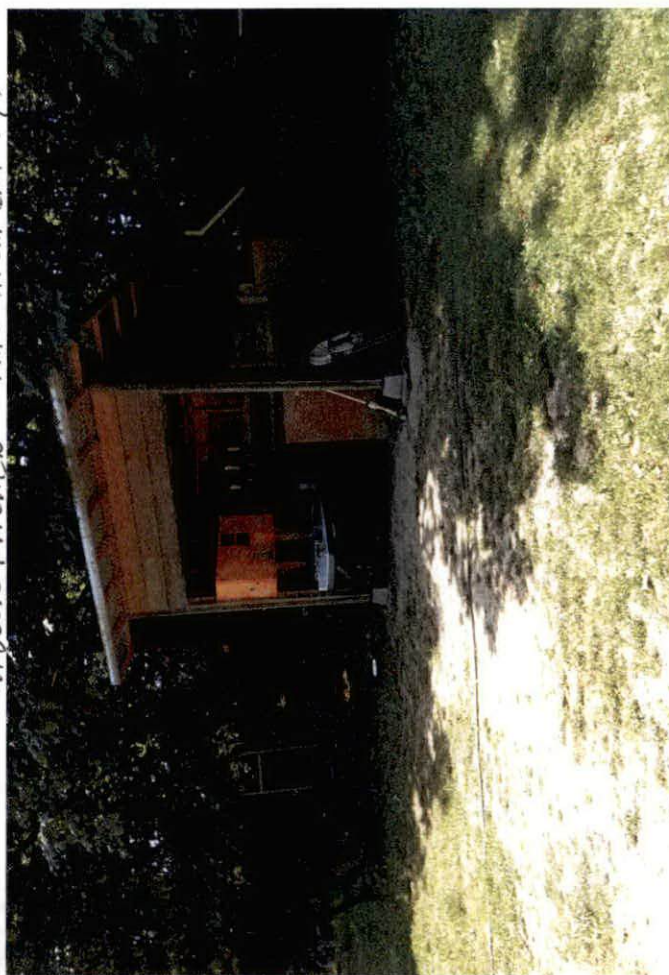


OUTDOOR KITCHEN

RAIN CATCHMENT SYS.



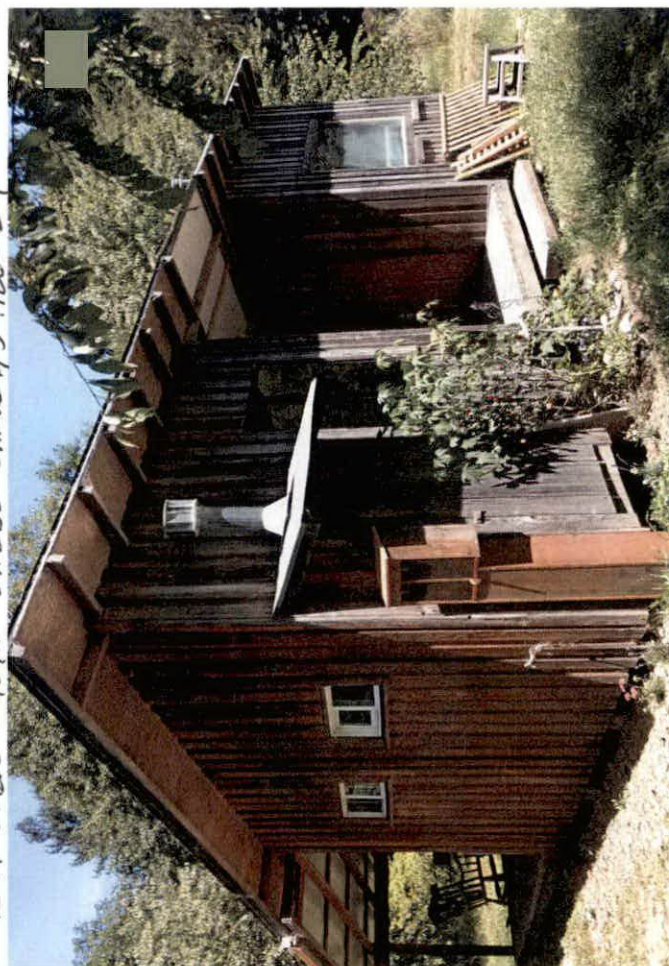
OUTDOOR KITCHEN RAIN CATCHMENT SYS.



ROOF OVER COVER 2 - 10 X 12 SHEDS H²O HEATER WOODSTOVE



ROOF OVER 2-10X12 SHEDS SAME AS ABOVE ↑





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

ON-LINE
WEB: CO HUMBOLDT CA US

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

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Chris Alberts, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 07/03/2019

RE:

Applicant Name	ORGANIC MEDICINALS INC
APN	209-191-018
APPS#	PLN-2019-15602

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted inaccurate road evaluation report, dated November 28, 2017, with Part A-Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

The report does not accurately state the route to the subject parcel. There are multiple roads used (not one) to get to the subject parcel. The road evaluation report does not provide a separate road evaluation for each road segment. One route starts from State Highway 101 then proceeds to County maintained roads Shively Road (C4F012) to Ewan Avenue (5F060) to Shively Flat Road (5F010), then proceeds approximately 0.02 miles on the non-County maintained portion of Shively Flat Road until the driveway to the subject parcel is located.

Applicant should provide updated road evaluation report (and appropriate forms) that reflects the route taken to the subject parcel.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 15602

☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**

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

☐ **COUNTY ROADS- DRIVEWAY (PART 2):**

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

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

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

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

☐ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

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

☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT INTERSECTION WITH COUNTY MAINTAINED RD)**

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

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

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

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**

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

// END //



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

6/18/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Redcrest VFC:FPD, RWQCB, NCUAQMD, Scotia USD:School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Organic Medicinals, Inc. **Key Parcel Number** 209-191-018-000

Application (APPS#) PLN-2019-15602 Planning Application **Assigned Planner** Chris Alberts 268-3771

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

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

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

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

Return Response No Later Than: 7/3/2019

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

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

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

Other Comments: Utilizes dry farming techniques and supplements
with groundwater well when needed. Does not need a Water Right.

DATE: 6/21/19 PRINT NAME: Cheyene Keniston



California Department of Fish and Wildlife
CEQA: Project Referral Comments

Applicant: Organic Medicinals Inc.		Date: 6/05/20
APPS No.: PLN-2019-15602	APN: 209-191-018-000	DFW CEQA No.: CEQA-2019-0318-R1
<input checked="" type="checkbox"/> New	Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 43,000 <input checked="" type="checkbox"/> Nursery (SF): 5,000	

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.

Please note the following information and/or requested conditions of Project approval:

- ☒ Floodplains are an important physical and biological part of riverine ecosystems. All rivers flood, and flooding is a natural and recurring event in river systems. Development in floodplains often eliminates benefits of natural flooding regimes such as deposition of river silts on valley floor soils and recharging of wetlands. Allowing non-essential development and habitat conversion in floodplains will result in degradation of riverine and riparian habitats and negatively impact the fish and wildlife species that depend upon them. To best protect California's riverine and riparian habitats, CDFW believes it is wise public policy to maintain and restore floodplain functions and to prevent, whenever practicable, the development of residential and commercial structures in areas that are not already protected by existing levee systems. CDFW recommends the project be redesigned (as applicable) to keep permanent structures and associated equipment and materials (e.g. generators, portable toilet facilities, fuel, fans, imported soil, etc.) out of the 100-year floodplain (i.e. structurally elevated or relocated from October 15 through April 16 of each year).
- ☒ Artificial light pollution may adversely affect fish and wildlife species in the Project vicinity in several ways including but not limited to disruption of circadian rhythms, suppressed immune response, changes in foraging behavior, altered navigation, altered predator-prey relationships, impacts on reproduction, and phototaxis. Adhering to International Dark-Sky Standards, will minimize impacts to sensitive species, potentially affected by this Project. CDFW requests, a Light Attenuation Plan be submitted, approved, and implemented prior to the use of lights as applicable to the Project. International Dark-Sky 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. See: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>
- ☒ To minimize the risk of wildlife entrapment, 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 recommends that 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.

- ☒ Fully contain all imported soil located onsite (as applicable to the project) 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.
- ☒ Relocate all generators (if applicable) and associated fluids to stable surfaces, setback a minimum of 150ft from streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).
- ☒ This Project proposes a solar power array. CDFW recommends the inspection of solar arrays for proper installation 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.
- ☒ A Final Lake or Streambed Alteration Agreement (1600-2018-0522-R1) has been issued to the applicant.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Pacific Lamprey (*Entosphenus tridentatus*), Inland Threespine Stickleback (*Gasterosteus aculeatus microcephalus*), Prickly Sculpin (*Cottus asper ssp. 1*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), 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

From: [Luther, Stephen](#)
To: [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)
Cc: [Johnson, Cliff](#); [Phillips, Erin@Wildlife](mailto:Phillips.Erin@Wildlife); [Bocast, Kalyn@Wildlife](mailto:Bocast.Kalyn@Wildlife)
Subject: RE: CEQA Referral_APPS-15602_CEQA-2019-0318_CDFW
Date: Monday, June 8, 2020 1:27:00 PM
Attachments: [image001.png](#)

Thank you Scott. I'd like to provide the County's response as outlined in the staff report.

No new buildings are proposed in the flood plain. Development will consist of temporary hoop houses for nursery activities and portable toilets that will be removed from the site annually between October 16th and April 15th. No supplemental light will be used in the nurseries, and all cultivation is full-sun outdoor in native soil (no soil imported). All setbacks to watercourses are met. No generators are used in this project. The solar array will be inspected.

Thank you,



Stephen Luther
Planner, Cannabis Division
[Planning and Building Department](#)
707.268.3737

From: Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>
Sent: Friday, June 05, 2020 4:53 PM
To: Luther, Stephen <SLuther@co.humboldt.ca.us>
Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Phillips, Erin@Wildlife <Erin.Phillips@Wildlife.ca.gov>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Subject: CEQA Referral_APPS-15602_CEQA-2019-0318_CDFW

Gentlemen,

Please see attached. Have a good weekend!

Sincerely,

Scott Bauer
Senior Environmental Scientist Supervisor
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street, Eureka, CA 95501
(707) 441-2011

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: