



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: November 19, 2020
To: Humboldt County Planning Commission
From: John H. Ford, Director of Planning and Building Department
Subject: **Green Crows, LLC, Conditional Use Permit**
Record Number: PLN-11976-CUP
Assessor's Parcel Number (APN): 033-120-013
798 Fish Canyon Road, Benbow area

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Please contact Meghan Ryan, Senior Planner, at (707) 445-7541 or by email at mryan2@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date November 19, 2020	Subject Conditional Use Permit	Contact Meghan Ryan
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Project Description: A Conditional Use Permit to allow for continued cultivation of 14,814 square feet consisting of 11,314 square feet of outdoor cannabis and 3,500 square feet of mixed light cannabis. There will be 1,814 square feet of propagation. Cultivation activities extend from April to October. There will be one harvest annually. Annual water use is 188,500 gallons. Water for irrigation use is provided by a rain catchment system. There is 274,000 gallons of water storage in a series of hard-sided tanks and bladders. The applicant is proposing to construct an 800-square-foot processing facility as shown on the site plan. The applicant is also proposing to construct a 288-square-foot drying shed and a 384-square-foot storage shed. A maximum of four employees are required during peak operations. Power is provided by solar and generators will be used as a back-up power source for emergencies only.

Project Location: The project is located in Humboldt County, in the Benbow area, on the east side of Fish Canyon Road, approximately 0.8 miles southeast from the intersection of Benbow Drive and Fish Canyon Road, on the property known as 789 Fish Canyon Road.

Present Plan Land Use Designation: Residential Agriculture (RA); 2017 General Plan; Density 20-160 acres per unit; Slope Stability: High Instability (3).

Present Zoning: Agriculture Exclusive (AE); Planned Unit Development (P).

Record Number: PLN-11976-CUP

Assessor Parcel Number: 033-120-013

Applicant

Green Crows, LLC
Attn: Jonathan Crough
PO Box 534
Garberville, CA 95542

Owner

Jonathan Crough
PO Box 534
Garberville, CA 95542

Agent

Mika Cook
PO Box 128
Bridgeville, CA 95526

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines.

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

Major Issues: None.

Green Crows, LLC
Record Number: PLN-11976-CUP
Assessor's Parcel Number: 033-120-013

Recommended Commission 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 Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and approve the proposed Jonathan Crough project subject to the recommended conditions.

Executive Summary: A Conditional Use Permit that would allow for the continuation of a 14,814-square-foot existing, outdoor cannabis cultivation operation located on APN 033-120-013, which is approximately 21.29 acres in size. The parcel is currently developed with agriculture accessory structures. Cultivation is occurring in four distinct cultivation areas. All product grown on-site is processed in a proposed 800-square-foot processing facility as shown on the site plan. The applicant is also proposing to construct a 288-square-foot drying shed and a 384-square-foot storage shed. The applicant is proposing to install an Onsite Wastewater Treatment System (OWTS) to accommodate a bathroom and handwashing facilities in the processing structure. There will be a maximum of four employees during peak operations. Electricity is sourced from generators. Security measures include located gates, security cameras and video surveillance recording.

Estimated annual irrigation usage is a maximum of 188,500 gallons (16 gallons/sf/cycle). Water for irrigation use is sourced from a rainwater catchment system. There is 274,00 gallons of water storage in hard-sided tanks and bladders. Cannabis is irrigated by drip irrigation to eliminate potential water runoff and to minimize irrigation needs. Conditions of approval require the applicant to replace the water bladders with hard-sided tanks within two years from the effective date. The *Site Management Plan (SMP)* prepared by Mika Cook dated December 24, 2019, stated there is one culvert on the subject parcel. Conditions require the applicant to demonstrate the culvert is appropriately sized to handle a 100-year storm event. If maintenance or replacement is required, the applicant will submit a Lake or Streambed Alteration Notification to the California Department of Fish and Wildlife (CDFW). Conditions of approval require the applicant to install water flow meters in accordance with applicable regulations and require the applicant to adhere to and implement all recommendations and requirements of the Final Streambed Alteration Agreement, if issued by CDFW.

There are no mapped species of special concern on the California Natural Diversity Database. Fish Creek, a Class II watercourse is located on the north western portion of the subject parcel. The nearest mapped Marbled murrelet habitat is location 1.96 miles to the southwest of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 1.27 miles to the southwest and the nearest NSO Activity Center is located 1.32 miles to the southwest of the project site. Artificial lighting is proposed for use within 1,000-square-foot propagation greenhouse. Greenhouses are equipped with fans and power is provided by P. G. & E. and a solar array. Generator use is limited to use for emergency purposes only. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known sensitive receptors. Due to the proximity of the cultivation area to NSO habitat, a proposed condition of approval to this project would require the applicant to maintain generator and fan noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. Planning staff believes that use of supplemental lighting complying with dark-sky standards can adequately address any lighting impacts on NSO and is recommending a condition of approval be added to this permit that would prohibit mixed-light in the propagation greenhouses until the applicant can

demonstrate compliance with these noise standards. The applicant is proposing to reorganize a portion of the historic full sun cultivations into greenhouses in both the lower and upper flat. Reorganization of the historically full sun cultivation area into greenhouses will allow for two cultivation cycles, however, the number of growing days will remain the same or less. Greenhouses will allow for additional climate control to reduce unnecessary water use. Because the reorganization will allow for improvement over the baseline conditions, staff supports the reorganization.

Access to the site is off Fish Canyon Road. According to the *Road Evaluation Report* prepared by David Nicoletti, P.E., the access road leading up to Fish Canyon Road and Fish Canyon Road were evaluated to determine if the roads meet the functional capacity of a Category 4 road and Category 1 road standards (see Attachment 4). The Road Evaluation Report contained recommendations to bring the roads into compliance, including general maintenance, such as unclogging culverts and mowing grass and installation of best management practices, such as rolling dips, to minimize sedimentation from the roads. Conditions of approval require the applicant to adhere to and implement the recommendations from the Road Evaluation Report. As conditioned, the project complies with this section.

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

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

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

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As Lead Agency, the Department has determined that the Project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

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

**Record Number: PLN-11976-CUP
Assessor Parcel Number: 033-120-013**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Green Crows, LLC, Conditional Use Permit request.

WHEREAS, Green Crows, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for 14,814 square feet of cultivation consisting of xx full sun outdoor areas and xx greenhouses. Propagation occurs in one greenhouse approximately 1,000 square feet in size. Annual water use is 188,500 gallons. Water for irrigation is provided by a rainwater catchment system. There is also 274,000 gallons of water storage in hard-sided tanks and bladders; the bladders will be replaced as a condition of approval. Processing, including drying, curing and trimming, occur on the subject parcel within a 1,200-square-foot structure. The applicant must process at an off-site licensed processing facility until the Onsite Wastewater Treatment System is permitted and installed. A maximum of four employees are required for peak operations. Electricity is sourced from generators; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Record Number: PLN-11976-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on November 19, 2020; and

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

1. The Planning Commission considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance; and
1. Planning Commission makes all the required findings in Attachment 2 of the Planning Commission staff report for Record Number: PLN-11976-CUP based on the submitted substantial evidence; and
2. The Conditional Use Permit (Record Number: PLN-11976-CUP) is approved as recommended and conditioned in Attachment 1.

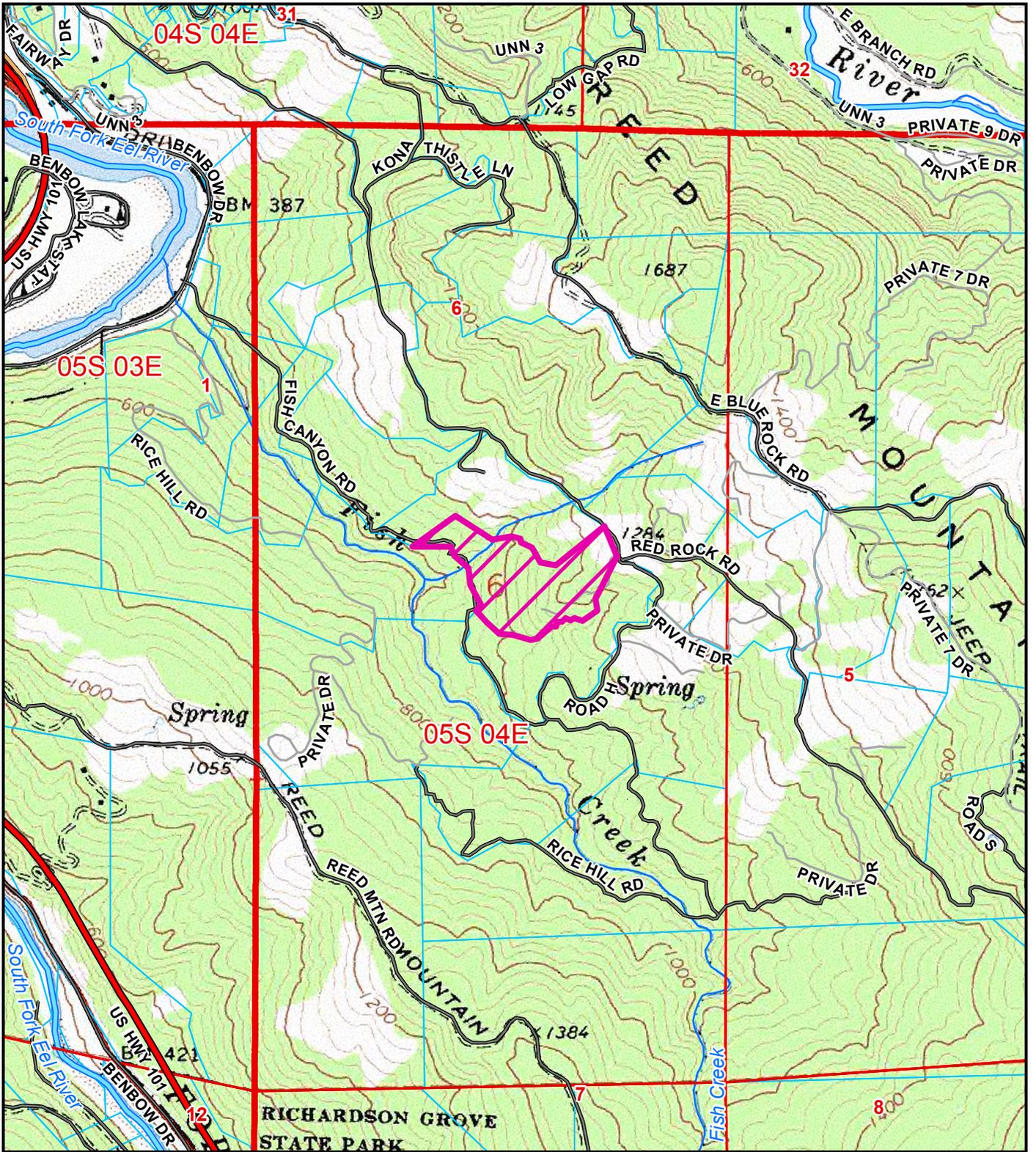
Adopted after review and consideration of all the evidence on November 19, 2020.

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

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

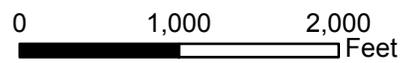
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department

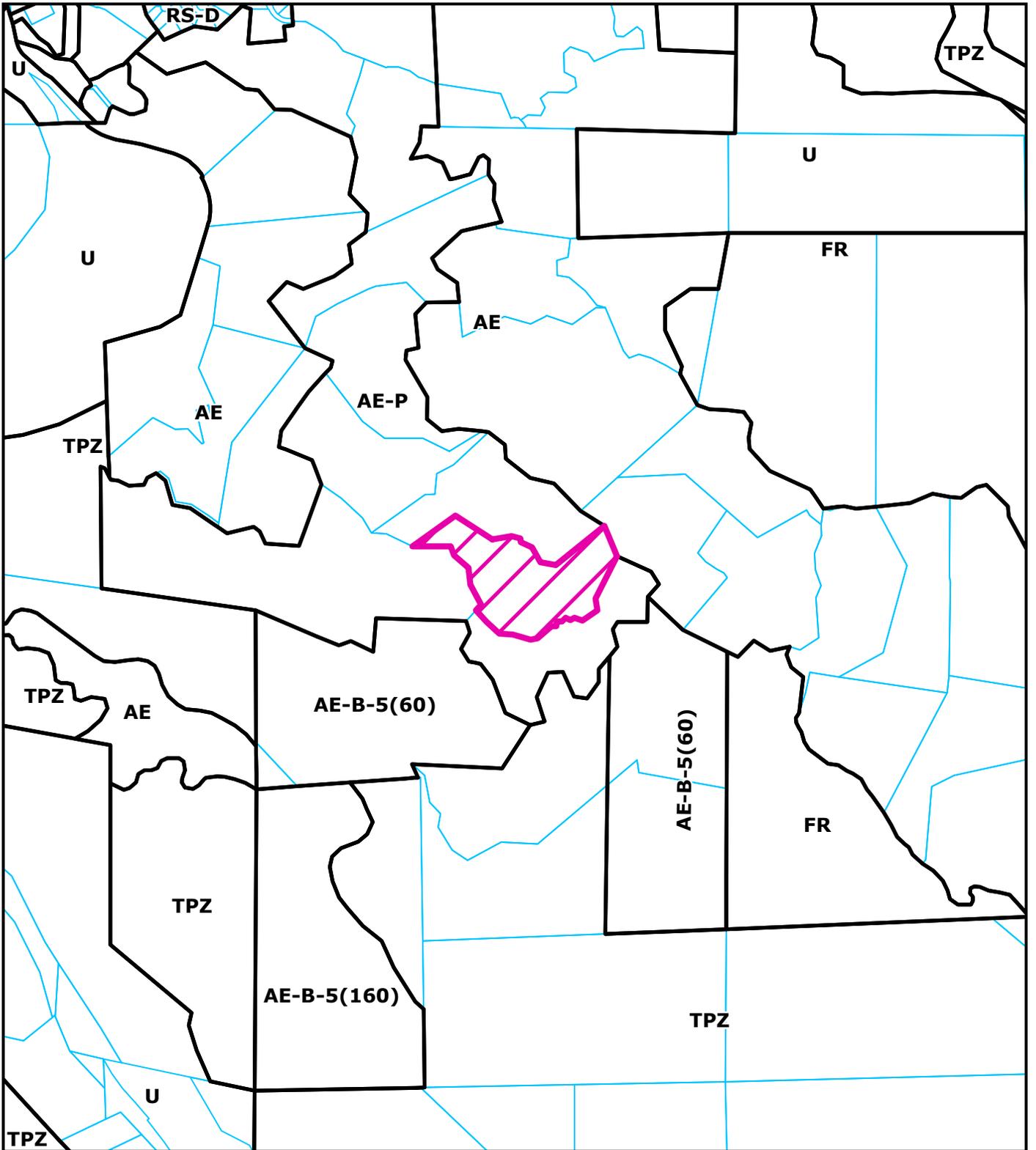


Project Area = 

TOPO MAP
PROPOSED JONATHAN CROUGH
BENBOW AREA
CUP-16-478
APN: 033-120-013-000
T05S R04E S6 HB&M (GARBERVILLE)

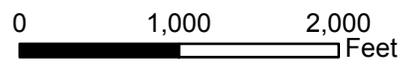


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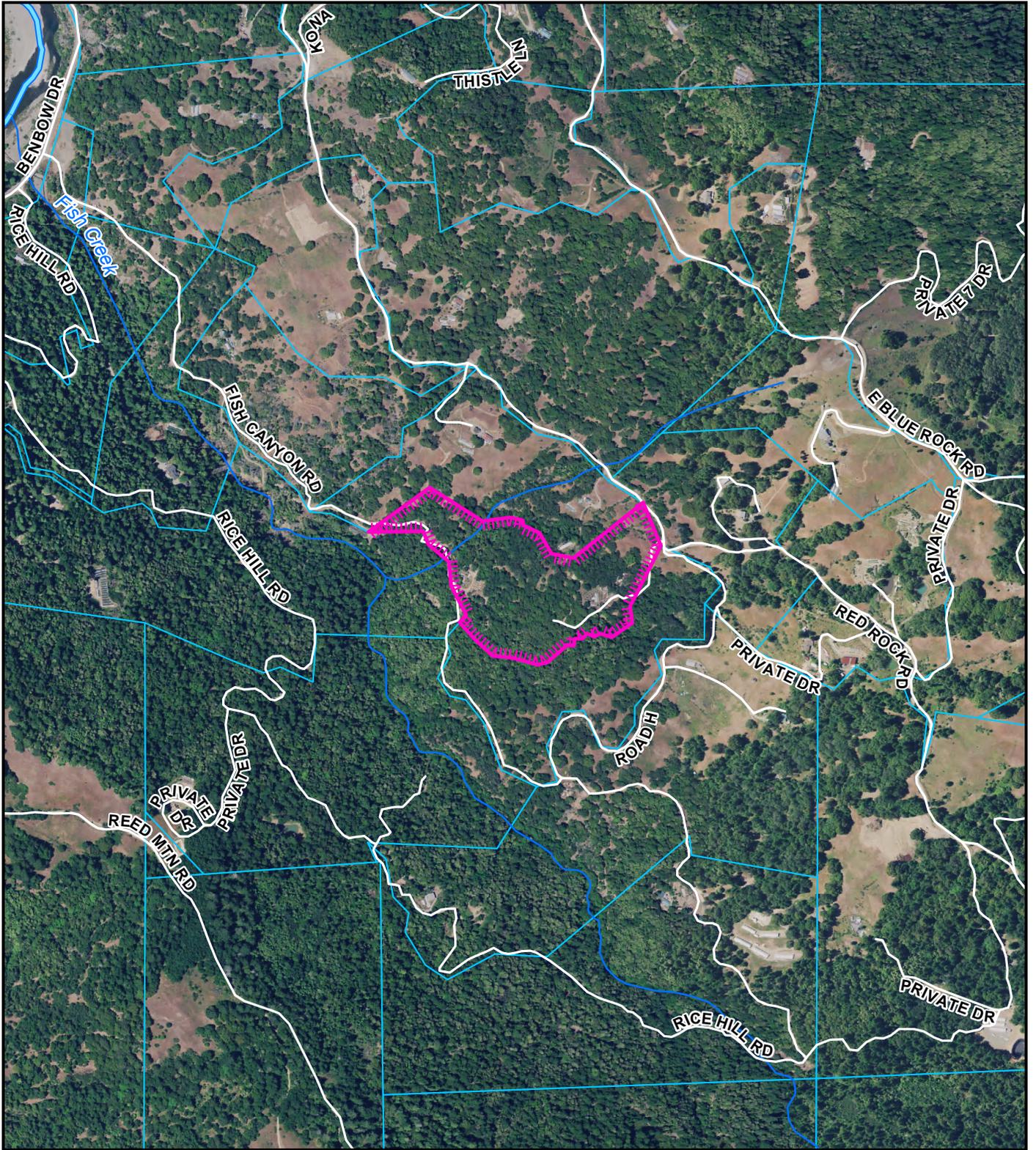


Project Area = 

**ZONING MAP
 PROPOSED JONATHAN CROUGH
 BENBOW AREA
 CUP-16-478
 APN: 033-120-013-000
 T05S R04E S6 HB&M (GARBERVILLE)**



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.

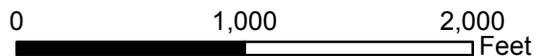


Project Area = 

AERIAL MAP
PROPOSED JONATHAN CROUGH
BENBOW AREA
CUP-16-478
APN: 033-120-013-000
T05S R04E S6 HB&M (GARBERVILLE)

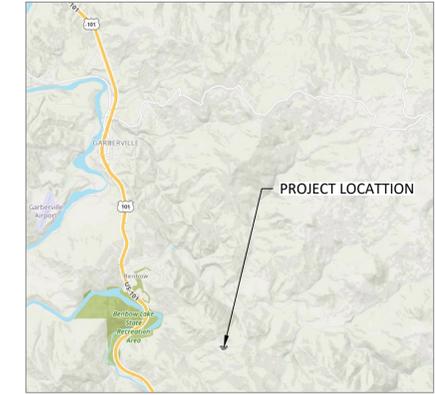


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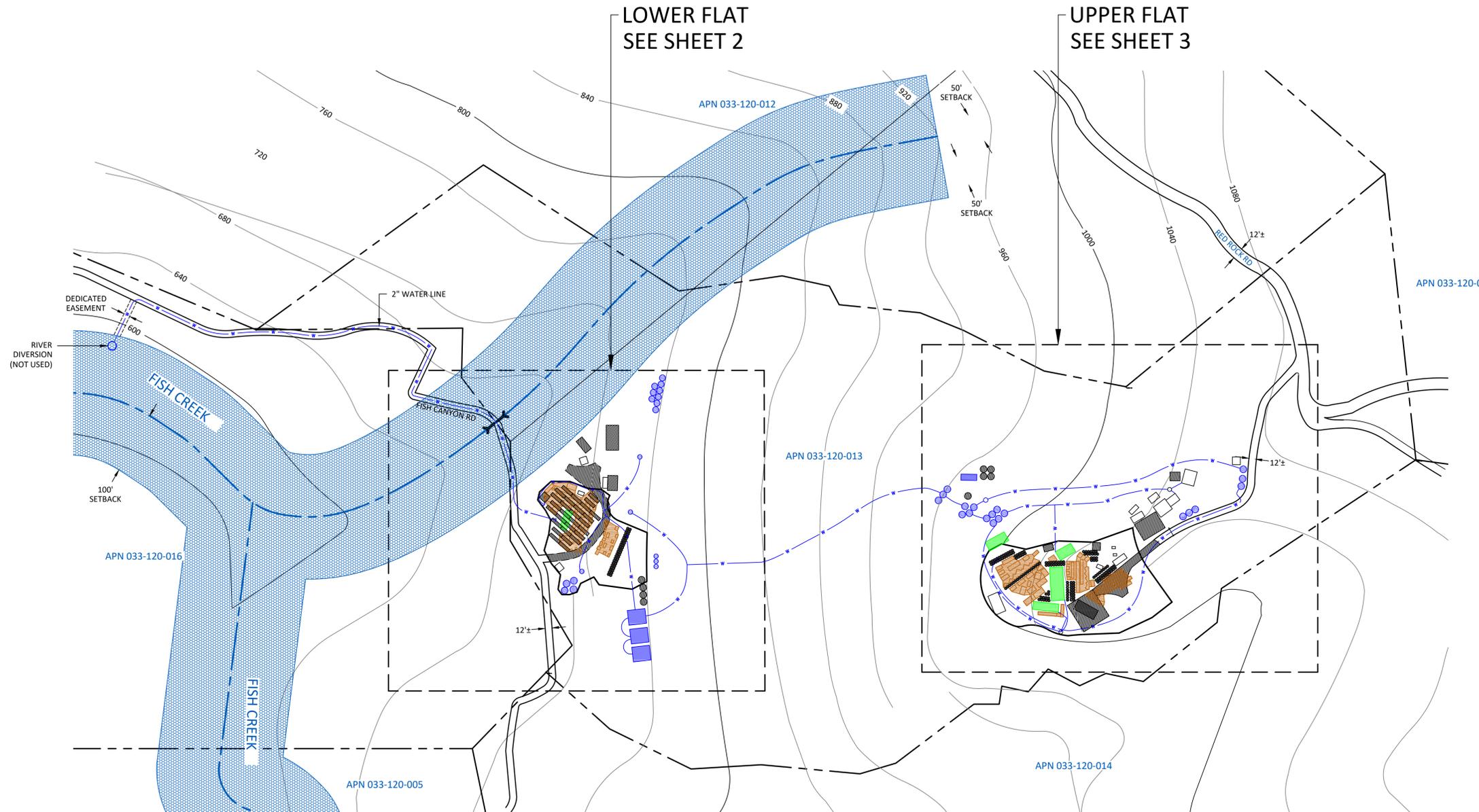
PLOT PLAN

APN: 033-120-013
789 RED ROCK RD
GARBERVILLE, CA

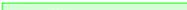


VICINITY MAP
N.T.S.

DIRECTIONS FROM EUREKA:
TAKE US-101 SOUTH, TAKE EXIT 636 TOWARD BENBOW. KEEP LEFT TO TAKE RAMP TOWARD BENBOW DR. SLIGHT LEFT TURN ONTO LAKE BENBOW THEN A LEFT TURN ONTO BENBOW DR. TAKE FIRST RIGHT ONTO FAIRWAY DR. FOLLOWED BY A LEFT TURN ON RED ROCK DR. APPROX. 2 MILES THE ENTRANCE TO THE UPPER FLAT WILL BE ON THE RIGHT.



LEDGEND

-  STREAM / CREEK
-  CULVERT
-  PROPERTY LINE
-  2" WATER LINE (UNLESS OTHERWISE NOTED)
-  EXISTING GREEN HOUSES
-  EXISTING OUTDOOR
-  EXISTING WATER STORAGE
-  PROPOSED
-  STREAM MANAGEMENT AREA

PLOT PLAN
SCALE 1" = 100'

GENERAL NOTES:
WATER: ONSITE - PRIVATE
POWER: SOLAR & GENERATOR (BACK-UP)
CREEKS / STREAMS: STREAM
GRADING: SEE GRADING PLAN
WASTE WATER: ONSITE PORT-A-JOHN
PHONE:
TREES TO BE REMOVED: NONE
ZONING: AE-P

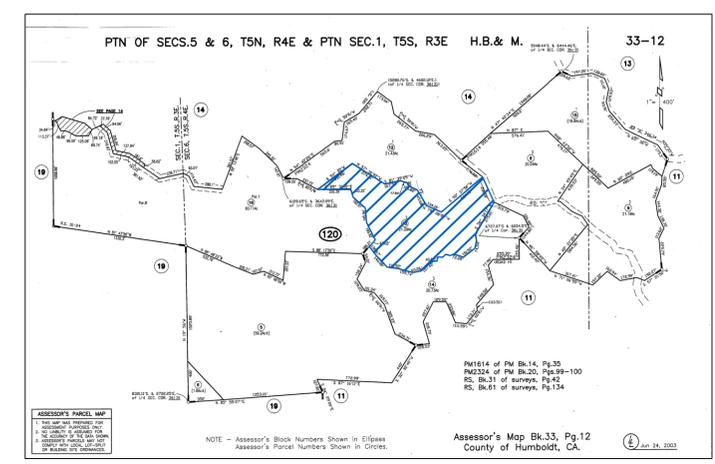
CONTRACTOR ALERT!
CONTRACTOR MUST CONTACT USA DIG AT 800-227-2600 AT LEAST 72 HOURS BEFORE ANY EARTHWORK OR ACTIVITIES THAT MAY IMPACT EXISTING UNDERGROUND UTILITIES. EXISTING UTILITY ALIGNMENTS BOTH HORIZONTALLY AND VERTICALLY MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION ACTIVITIES.

SRA REQUIREMENTS
PROVIDE ADEQUATE WATER STORAGE AND DELIVERY AS OUTLINED BY SRA ORDINANCE AND CALFIRE REQUIREMENTS.
PROVIDE ADEQUATE TURN AROUND AND PULLOUTS AS OUTLINED BY SRA ORDINANCE AND CALFIRE REQUIREMENTS.

CULTIVATION NOTES
THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600' OF CULTIVATION AREAS
THERE ARE NO OFFSITE RESIDENCES WITHIN 300' OF CULTIVATION AREAS.

SHEET INDEX

- 1 OVERALL PLOT PLAN
- 2 LOWER AREA
- 3 UPPER AREA



PARCEL MAP
N.T.S.

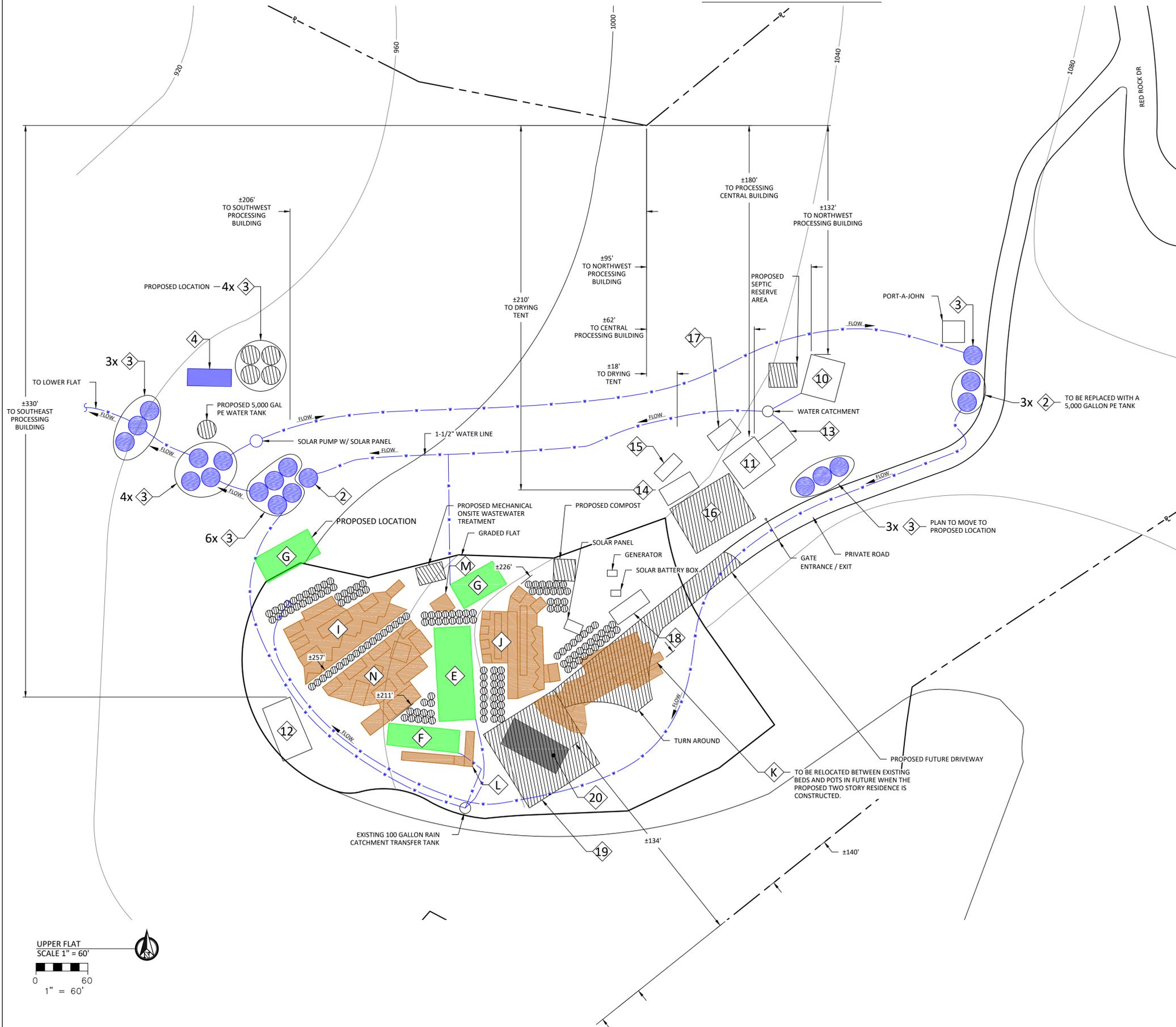
GREEN CROW LLC
APN: 033-120-013
789 RED ROCK RD
GARBERVILLE, CA

DRAWN	RGN
CHECK	
APPROVED	
DATE	2020/10/15
JOB NUMBER	001

PLOT PLAN

SHEET NO. **1**

UPPER FLAT



KEYNOTE TABLE				
STRUCTURE TYPE				
ITEM	DESCRIPTION	DIMENSION/ CAPACITY/ AREA	QUANTITY	YEAR CONSTRUCTED
2	PE WATER TANK	3,000 GALLONS	2	2012
3	PE WATER TANK	5,000 GALLONS	16	2012
4	WATER BLADDER (TO BE REPLACED WITH 5,000 GALLON PE TANK)	15,000 GALLONS	1	2012
10	DRYING / PROCESSING BUILDING	10' X 10' X 8' ±100 SF	1	2012
11	DRYING / PROCESSING BUILDING	10' X 20' X 8' ±200 SF	1	2012
12	DRYING SHED	25' X 20' X 8' ±500 SF	1	2012
13	DRYING TENT	12' X 18' X 8' ±216 SF	1	2012
14	KITCHEN (PERSONAL USE)	12' X 18' X 8' ±216 SF	1	2012
15	UTILITY TRAILER (HAZ-MATERIAL STORAGE)		1	2012
16	(PROPOSED) MULTI-USE BUILDING FOR PROCESSING, PACKAGING, & STORAGE	40' X 30' X 8' ±1,200 SF	1	FUTURE (METAL)
17	TRAILER (PERSONAL USE)	8' X 24' X 16' ±192 SF	1	2012
18	RV (PERSONAL USE)		1	2012
19	(PROPOSED) TWO STORY HOUSE (TO BE RELOCATED TO NEW LOCATION. TO MAKE WAY FOR PROPOSED RESIDENCE.)	48' X 50' X 35' ±4800 SF	1	FUTURE (WOOD)
20	IMMATURE PROPAGATION (TO BE RELOCATED TO NEW LOCATION. TO MAKE WAY FOR PROPOSED RESIDENCE.)	20' X 50' 1,000 SF	1	2012

CULTIVATION TYPE				
ITEM	DESCRIPTION	AREA	QUANTITY	YEAR CONSTRUCTED
E	GREENHOUSE	1,000 SF	1	2012
F	GREENHOUSE	400 SF	1	2012
G	GREENHOUSE	270 SF	1	2012
I	OUTDOOR	1,800 SF	1	2012
J	OUTDOOR	1,500 SF	1	2012
K	OUTDOOR (TO BE RELOCATED TO MAKE WAY FOR FUTURE DRIVEWAY/TURN AROUND)	1,009 SF	1	2012
L	OUTDOOR	250 SF	1	2012
M	OUTDOOR	100 SF	1	2012
N	OUTDOOR	1,302 SF	1	2012
Ⓢ	PROPOSED OUTDOOR 200 GALLON SMART POTS	2,367 SF	148	FUTURE
TOTAL GREENHOUSE AREA		1,670 SF		
TOTAL OUTDOOR AREA		8,328 SF		
TOTAL CULTIVATION AREA		9,998 SF		

LEDGEND

	STREAM / CREEK
	CULVERT
	PROPERTY LINE
	2" WATER LINE (UNLESS OTHERWISE NOTED)
	EXISTING GREEN HOUSES
	EXISTING OUTDOOR
	EXISTING WATER STORAGE
	PROPOSED
	STREAM MANAGEMENT AREA

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 8. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all structures (including, but not limited to: greenhouses, proposed processing facility, and accessory structures) and grading (including road improvements and graded flats) related to the historic and proposed cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition. Existing structures used in the cannabis operation shall not be used/occupied until all required permits have been obtained.
3. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
4. The applicant shall secure permits and install an on-site sewage disposal system and restroom facility prior to processing on-site. Portable toilet and handwashing facilities may not be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
5. The applicant shall implement all recommendations contained within the Road Evaluation Report prepared by David Nicoletti, P.E., dated March 13, 2019. The applicant may submit photographic evidence to satisfy this condition or schedule a site inspection with the Planning Department.
6. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
7. The applicant to adhere to and implement the recommendations contained in the *Timberland Conversion Evaluation* by Blair Forestry Consultants. Monitoring reports, as applicable, should be submitted annually during the site inspection. The applicant may submit photographic evidence to satisfy this condition or schedule a site inspection with the Planning Department.
8. The applicant shall submit a copy of the Final Streambed Alteration Agreement issued by CDFW that includes, but is not limited to, replacement of one culvert, unless it is determined that the one culvert on-site is appropriately sized. If it is determined the culvert is appropriately sized, a letter or similar communication from a Professional Civil Engineer (P.E.) will satisfy this condition. If it is determined the

culvert needs replacing, the applicant shall adhere to reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.

9. The applicant shall adhere to the Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
10. 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.
11. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
12. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
13. 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.
14. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
15. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
16. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
17. No fish stocking shall be permitted without written permission from the California Department of Fish and Game pursuant to Section 6400 of the Fish and Game Code.
18. All artificial lighting used for propagation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No artificial lighting is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.

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

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.
9. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.
10. 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).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

12. Pay all applicable application and annual inspection fees.
13. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels.
14. 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.
15. The Master Log Books 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 (Humboldt County Code Section 719-1 et seq.).
17. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

18. Pursuant to the MCRSA, 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."
19. 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).
20. 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.
21. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.

- II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
- III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

22. 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.

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

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

25. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #23 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

26. 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.

27. Permittee further acknowledges and declares that:

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

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

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

29. 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 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
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 #23 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) specify the findings that are required to grant a Conditional Use Permit and Special Permit:

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA): This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues.</p> <p>Density range is 20 -160 acres/unit.</p>	<p>The Applicant is proposing to continue an existing commercial cannabis cultivation operation consisting of 14,814 square feet of outdoor cannabis cultivation on lands designated as RA20-160. General agriculture is allowable use type for this designation. The project is, therefore, consistent with the RA designation.</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,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site is off Fish Canyon Road. According to the <i>Road Evaluation Report</i> prepared by David Nicoletti, P.E., the access road leading up to Fish Canyon Road and Fish Canyon Road were evaluated to determine if the roads meet the functional capacity of a Category 4 road and Category 1 road standards (see Attachment 4). The Road Evaluation Report contained recommendations to bring the roads into compliance, including general maintenance, such as unclogging culverts and mowing grass and installation of best management practices, such as rolling dips, to minimize sedimentation from the roads. Conditions of approval require the applicant to adhere to and implement the recommendations from the Road Evaluation Report. As conditioned, the project complies with this section.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	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. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	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. The project is therefore consistent with the Housing Element.
Conservation and Open Space Chapter 10 Open Space Section 10.2	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) 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.	The project is consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources. There is one mapped Streamside Management Area (SMA) on the subject parcel for Fish Creek as shown on the Humboldt County WebGIS and stated in the Site Management Plan (see Attachment 4). See Section 10.3 <i>Biological Resources</i> for additional information.

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>There are no mapped species of special concern on the California Natural Diversity Database. Fish Creek, a Class II watercourse is located on the north western portion of the subject parcel. The nearest mapped Marbled murrelet habitat is location 1.96 miles to the southwest of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 1.27 miles to the southwest and the nearest NSO Activity Center is located 1.32 miles to the southwest of the project site. However, because potential habitat exists on the subject parcel, special noise attenuation measures due to proximity to known noise sources. Artificial lighting is proposed for use within the 3,500 square feet of mixed light and 1,814 square feet of propagation area. Greenhouses are equipped with fans and electricity is sourced from a solar array. Generator use is limited to use for emergency purposes only. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat.</p> <p>The applicant is proposing to reorganize a portion of the historic full sun cultivations into greenhouses in both the lower and upper flat. Reorganization of the historically full sun cultivation area into greenhouses will allow for two cultivation cycles, however, the number of growing days will remain the same or less. Greenhouses will allow for additional climate control to reduce unnecessary water use. Because the reorganization will allow for improvement over the baseline conditions, staff supports the reorganization.</p> <p>See findings for <i>Stormwater Drainage</i> (Chapter 11, <i>Water Resources</i>) for additional information regarding culvert replacements and permitting requirements.</p> <p>See findings for the <i>Streamside Management Area</i> (SMA) for additional information regarding culvert replacements and findings for development of the on-stream pond.</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>See findings for <i>Performance Standards – Water</i> for additional information regarding water use and storage.</p> <p>The project was referred to the California Department of Fish and Wildlife (CDFW) on April 21, 2020, and no response was received. Staff contacted directly on September 22, 2020, to inquire if there were any comments. Although no response was received, several conditions of approval requested by CDFW for wildlife and watershed protection, such as preparation and implementation of a bullfrog management plan and a prohibition on use of synthetic netting, are incorporated into the project. As conditioned, the project is consistent with the Biological Resource policies of the General Plan.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>The project was referred to the Northwest Information Center (NWIC), the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. Although the Intertribal Sinkyone Wilderness Council did not respond, NWIC and the Bear River Band of Rohnerville Rancheria requested an archeological survey of the subject parcel. The applicant retained the Archeological Research and Supply Company for the preparation of a Cultural Resources Investigation for the subject parcel and three other parcels (APNs 223-191-008, 222-251-002, and 223-211-004). No archeological resources were identified by the survey. Bear River Band of Rohnerville Rancheria recommended conditional approval of the project with incorporation of inadvertent discovery protocol to protect cultural resources. The project is therefore consistent with the Cultural Resource policies of the General Plan.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves the cultivation of approximately 14,814 square feet of outdoor cultivation. There is also 1,000 square feet of propagation that requires the use of artificial lighting. Additionally, the project has been conditioned to fully shield existing all proposed lighting so that it does not direct light within the property boundaries. With these conditions of approval, the proposed project would meet the goals and policies contained in this chapter relating to the protection of scenic areas. As conditioned, the project is therefore consistent with the Scenic Resource policies of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The applicant was required to enroll in the State Cannabis Discharge program by July 2019. The applicant provided the <i>Site Management Plan</i> prepared by Mika Cook dated December 24, 2019, which is required of all operators enrolled in the State Program (see Attachment 4). Although the <i>Site Management Plan</i> did not recommend any improvements for the site to come into compliance with State and local regulations regarding stormwater drainage, the report did state there is one culvert on the subject parcel. Conditions of approval require the applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to the Notice of Availability that confirms enrollment into the program. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Conditions of approval also require the applicant to notify the California Department of Fish and Wildlife (CDFW) to determine if the one culvert described by the <i>Site Management Plan</i> is appropriately sized to handle a 100-year flood. The project is consistent with the Water Resource policies of the General Plan.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>According to the <i>Site Management Plan</i> prepared by Mika Cook dated December 24, 2019, an Onsite Wastewater Treatment System (OWTS) will be developed to support on-site processing activities. Department of Environmental Health recommended conditional approval for the project. Per DEH request, no processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system. Portable toilet and handwashing facilities will be allowed to be utilized during the construction of these permanent improvements. An invoice, or equivalent documentation, is provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit. As a part of this condition the applicant is required to provide receipts or other documentation to the DEH for the continual use of portable toilets for employee use either through 2020 or until a permanent septic system is installed to their satisfaction.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>Artificial lighting is proposed for use within the 1,000-square-foot propagation greenhouse. Greenhouses are equipped with fans and electricity is sourced from two generators. The nearest mapped Marbled murrelet habitat is location 1.96 miles to the southwest of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 1.27 miles to the southwest and the nearest NSO Activity Center is located 1.32 miles to the southwest of the project site. However, because potential habitat exists on the subject parcel, special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting. As conditioned, the project is consistent with the Noise Element.</p>
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The site is located in an area designated as High Slope Instability (3) in the County's GIS mapping. All existing features of the cultivation are located on graded pads or in grassland openings that were developed in prior to January 1, 2016. Conditions of approval require the applicant to obtain grading permits from the Building Inspection Division for all grading conducted without the benefit of County review for development of the cannabis cultivation site. The project is consistent with the geologic resource policies of the Safety Element.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at more than 800 feet above mean sea level, is outside the areas subject to tsunami run-up. The project is consistent with the flood policies of the General Plan.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within an area with a high hazard severity. The parcel is located within the Garberville Fire Protection District Response Area and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>According to the operations plan, a maximum of four employees will be on-site during peak operations. Total water storage totals 274,000 gallons in hard-sided tanks and bladders that can be used for fire protection is needed. The project is consistent with the fire protection policies of the Safety Element.</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>For discretionary permits findings shall be made that no service is available, and the project shall be conditioned to record acknowledgment of no available emergency response and fire suppression services.</p>	<p>The subject parcel is located within the response area for the Garberville Protection District and it is assumed that no service would be available from the district, and that no acknowledgment would be received. For this reason, the project is conditioned that the applicant records an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" from the Garberville Fire Protection District.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.	As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. As conditioned, the project is consistent with these policies of the General Plan.

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:

The following table demonstrates that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 033-120-013 is one legal parcel as described as Parcel 2 as shown on Parcel Map #2324 Book 20 Pages 99-100. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.1 Agricultural Exclusive	Agricultural Exclusive (AE): Intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which protection from encroachment from incompatible uses is essential to the general welfare. Existing outdoor cannabis cultivation is allowed on parcels zoned AE.	The applicant is seeking a Conditional Use Permit for an existing 14,814-square-foot mixed-light cannabis cultivation operation on a property zoned AE. The proposed use is specifically allowed with Conditional Use Permit in this zoning districts and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Size:	20 acres	20.29 acres
Maximum Ground Coverage:	35%	<5%
Minimum Lot Width:	100 feet	809 feet

Maximum Lot Depth:	None specified	1,220 feet
Minimal Parcel Setbacks: (Through the SRA requirements)	Front: 30 feet Rear: 20 feet Side: Ten percent (10%) of the lot width on each side but not more than 20 feet shall be required. SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Side: >30 feet
Max. Building Height:	None specified	<35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	There is one mapped Streamside Management Area on the subject parcel according to the Humboldt WebGIS, which is Fish Creek that is a tributary to the South Fork Eel River. The Site Management Plan prepared by Mika Cook dated December 24, 2019, indicates there is one culvert on the subject parcel. Conditions of approval require the applicant to notify the California Department of Fish and Wildlife (CDFW) to determine if one culvert requires replacing. Conditions of approval require the applicant to submit a copy of the Final Streambed Alteration Agreement (SAA) issued for the subject parcel by CDFW. The applicant is required to adhere to and implement the project and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects included in the Final SAA are completed to the satisfaction of CDFW.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required. *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.	4 spaces

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

<p>§314-55.4.8.2 Timber Conversion</p>	<p>In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.</p>	<p>The subject parcel is zoned AE. A review of Humboldt County WebGIS shows that timber removal occurred between 2009 – 2012 for development of the cannabis cultivation site. A <i>Timberland Conversion Evaluation</i> was prepared by Blair Forestry Consultants dated June 2, 2019, that evaluated the timber removal for compliance with the Forest Practices Act (see Attachment 4). The report states that 0.6 acres of timberland was converted between 2009 – 2012. The report recommends that slash and debris in Area 1 as shown the map included in the report, be treated pursuant to the Forest Practices Act to achieve compliance with timber removal regulations. Conditions of approval require the applicant to adhere to and implement the recommendations contained in the <i>Timberland Conversion Evaluation</i> by Blair Forestry Consultants. The applicant is not proposing to remove any additional trees for the proposed project. As conditioned, the project complies with this section.</p>
<p>§ 314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas</p>	<p>On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1 acre, zoned AE.</p>	<p>The proposed action is a Conditional Use Permit for 14,814 square feet of existing mixed-light cultivation on APN 033-120-013, which is a 21-acre parcel split-zoned AE-P. A review of Google Earth imagery in 2012 found the 14,814 square feet of cultivation was in existence prior to January 1, 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>
<p>§314-55.4.8.10 Permit Limit</p>	<p>No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.</p>	<p>According to records maintained by the Department, the applicant has applied no other cannabis activity permits, and is entitled to four. This application is for a single permit for outdoor cultivation.</p>

<p>§314-55.4.9.1 Accessory Processing</p>	<p>Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.</p>	<p>All cannabis cultivated on-site will be processed (dried, cured and trimmed) in a proposed 1,200-square-foot structure shown on the site plan. A maximum of four employees will be on-site during peak operations. Until the Onsite Wastewater Treatment Facility (OWTS) is installed to the satisfaction of the Department of Environmental Health, processing is required to take place at an off-site licensed processing facility. The applicant can also take harvested cannabis to a licensed processing facility for processing should they choose once the OWTS is installed. Conditions of approval require processing to occur off-site until the septic system is permitted.</p>
<p>§314-55.4.10 Application Requirements</p>	<p>Identifies the Information Required for All Applications</p>	<p>Attachment 4 identifies the information submitted with the application and shows all the required information was received.</p>
<p>§314-55.4.11 Performance Standards</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities</p>	<p>All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.</p>
<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p>	<p>Estimated annual water usage is 188,500 gallons (16.1 gallons/sf/cycle). Water for irrigation is provided by a rainwater catchment system. There is 274,500 gallons of water storage in hard-sided tanks and bladders. Cannabis plants are irrigated by hand-watering to minimize overuse and run-off. Water rights from the State Water Resources Control Board is not required for use of the ponds for irrigation. Conditions of approval require the applicant to meter water use to demonstrate that the well meets the water demand. Conditions of approval also require the applicant to remove the water bladders within two years of the effective date and replace the bladders with hard-sided water tanks. As conditioned, the project therefore conforms with this section.</p>
<p>§314-55.4.11.d Performance Standards-Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>Based on a review of aerial imagery and referral agency comments, the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. The cultural study prepared for the project indicated that there were not any nearby Tribal Cultural Resources.</p>

<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>Artificial lighting is proposed for use within the 1,000-square-foot propagation greenhouse. Greenhouses are equipped with fans and electricity is sourced from two generators. The nearest mapped Marbled murrelet habitat is location 1.96 miles to the southwest of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 1.27 miles to the southwest and the nearest NSO Activity Center is located 1.32 miles to the southwest of the project site. However, because potential habitat exists on the subject parcel, special noise attenuation measures due to proximity to known noise sources. In accordance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Northern Spotted Owl because it is within one-mile of a mapped Northern Spotted Owl activity center. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting. As conditioned, the project is consistent with the performance standards for noise.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on December 15, 2016.</p>

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

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
<p>§312-17.1.4 Required Findings for All Permits</p>	<p>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.</p>	<p>The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.</p>

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the

Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. It is developed with a single family residence which will remain. The project is in conformance with the standards in the Housing Element.

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

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

ATTACHMENT 3
CEQA Addendum

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

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

APN 033-120-013, 798 Fish Creek Road, Humboldt Base & Meridian, Benbow, County of Humboldt

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

October 2020

Background

Modified Project Description and Project History- The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level. Additionally, the MND specified that new uses would only be permitted in specific areas that can accommodate the agricultural infrastructure associated with cannabis cultivation and where it can be shown that the operation is meeting rigorous standards that ensure the protection of the environment.

The modified project involves a Conditional Use Permit that would allow for the continuation of a 14,814-square-foot existing, outdoor cannabis cultivation operation located on APN 033-120-013, which is approximately 21.29 acres in size. The parcel is currently developed with agriculture accessory structures. Cultivation is occurring in four distinct cultivation areas. All product grown on-site is processed in a proposed 800-square-foot processing facility as shown on the site plan. The applicant is also proposing to construct a 288-square-foot drying shed and a 384-square-foot storage shed. The applicant is proposing to install an Onsite Wastewater Treatment System (OWTS) to accommodate a bathroom and handwashing facilities in the processing structure. There will be a maximum of four employees during peak operations. Electricity is sourced from generators. Security measures include located gates, security cameras and video surveillance recording.

Estimated annual irrigation usage is a maximum of 188,500 gallons (16 gallons/sf/cycle). Water for irrigation use is sourced from a rainwater catchment system. There is 274,00 gallons of water storage in hard-sided tanks and bladders. Cannabis is irrigated by drip irrigation to eliminate potential water runoff and to minimize irrigation needs. Conditions of approval require the applicant to replace the water bladders with hard-sided tanks within two years from the effective date. The *Site Management Plan (SMP)* prepared by Mika Cook dated December 24, 2019, stated there is one culvert on the subject parcel. Conditions require the applicant to demonstrate the culvert is appropriately sized to handle a 100-year storm event. If maintenance or replacement is required, the applicant will submit a Lake or Streambed Alteration Notification to the California Department of Fish and Wildlife (CDFW). Conditions of approval require the applicant to install water flow meters in accordance with applicable regulations and require the applicant to adhere to and implement all recommendations and requirements of the Final Streambed Alteration Agreement, if issued by CDFW.

There are no mapped species of special concern on the California Natural Diversity Database. Fish Creek, a Class II watercourse is located on the north western portion of the subject parcel. The nearest mapped Marbled murrelet habitat is location 1.96 miles to the southwest of the subject parcel. The nearest Northern Spotted Owl (NSO) positive observation is located 1.27 miles to the southwest and the nearest NSO Activity Center is located 1.32 miles to the southwest of the project site. Artificial lighting is proposed for use within 1,000-square-foot propagation greenhouse. Greenhouses are equipped with fans and power is provided by P. G. & E. and a solar array. Generator use is limited to use for emergency purposes only. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known sensitive receptors. Due to the proximity of the cultivation area to NSO habitat, a proposed condition of approval to this project would require the applicant to maintain generator and fan noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and

Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. Planning staff believes that use of supplemental lighting complying with dark-sky standards can adequately address any lighting impacts on NSO and is recommending a condition of approval be added to this permit that would prohibit mixed-light in the propagation greenhouses until the applicant can demonstrate compliance with these noise standards. The applicant is proposing to reorganize a portion of the historic full sun cultivations into greenhouses in both the lower and upper flat. Reorganization of the historically full sun cultivation area into greenhouses will allow for two cultivation cycles, however, the number of growing days will remain the same or less. Greenhouses will allow for additional climate control to reduce unnecessary water use. Because the reorganization will allow for improvement over the baseline conditions, staff supports the reorganization.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, water metering and relocation of historic cultivation areas away from Streamside Management Area buffers.

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

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

Summary of Significant Project Effects and Mitigation Recommended

The project, as conditioned, results in no significantly adverse environmental effects beyond those identified in the adopted MND and no changes are proposed to the original MND's recommended mitigation measure for the proposal to authorize an existing 20,000-square-foot cannabis cultivation operation consisting of 15,000 square feet of mixed light and 5,000 square feet of outdoor cultivation in greenhouses.

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

- Operations Plan prepared by Ag Dynamix dated March 3, 2020;
- Site plan prepared by DTN Engineering and Consulting;
- DEH Worksheet
- Road Evaluation Report prepared by David Nicoletti, P.E., dated March 3, 2019
- A Cultural Resources Investigation of the Clary, Crough, Moore, and Todd Properties, Garberville, Humboldt County, CA, prepared by Archeological Research and Design Company, dated February 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.

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

FINDINGS

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

CONCLUSION

Based on these findings it is concluded that an Addendum to the adopted MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the 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. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within $\frac{1}{4}$ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached separately as Attachment 4.A)
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 separately as Attachment 4.B)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file – Initial Statement of Water Diversion and Use)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached in 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 – *Green Crows, LLC, Site Management Plan* prepared by Mika Cook dated December 24, 2019; On file – enrollment 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. (Condition of approval)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal

process and/or entered into a negotiated settlement with CAL-FIRE. (Less Than Three Acre Conversion Evaluation prepared by Blair Forestry Consulting dated June 2, 2019).

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. DEH Worksheet. (On file)
16. Road Evaluation Report prepared by David Nicoletti, P.E., dated March 3, 2019. (Attached separately as attachment 4.C)
17. A Cultural Resources Investigation of the Clary, Crough, Moore, and Todd Properties, Garberville, Humboldt County, CA, prepared by Archeological Research and Design Company, dated February 2019. (On file and confidential)

Green Crows LLC

Cultivation and Operations Plan Addendum

Humboldt County Permit Application Number: 11976

1. 14,814 square feet total of cultivation on the parcel.
2. 1,484 additional square feet of nursery space.
3. 3,500 square feet of existing greenhouse space will be used for Mixed Light Cultivation.

June 2, 2019

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

Dear Humboldt County Planning Department:

The following attached document is an evaluation of an existing, unauthorized timberland conversion which was inspected by Blair Forestry LLC within APN 033-120-013. Please accept this letter as the Registered Professional Forester's (RPF) written report showing sufficient evidence that the converted area was inspected as required by Humboldt County Code, Ordinance No. 2598 & 2599 (CCLUO 2.0 - Commercial Cannabis Land Use Ordinance for both Coastal and Inland Zones), Section 55.4.12.2.4 which states:

"All terms of any permit or exemption approved by the California Department of Forestry and Fire Protection (CAL-FIRE), including a less-than-3-acre-conversion exemption or timberland conversion permit.

Where existing or proposed operations occupy sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to the remedial actions necessary to bring the conversion area into compliance with the provisions of the Forest Practices Act. The Planning Division shall circulate the report to CAL-FIRE for review and comment."

The RPF has exercised due diligence in inspecting and evaluating the past timber conversion and in making recommendations so that the past conversion falls into compliance with the California Forest Practice Rules (CFPRs).

Sincerely,

Thomas Blair RPF#2607



Enclosed: Conversion Evaluation Report, Photos, General Location Map, Timberland Conversion Evaluation Map, CNDDDB Map

Timberland Conversion Evaluation Report

July 2, 2019

As mandated by:

Humboldt County Code, Ordinance No. 2598 & 2599 (CCLUO 2.0 - Commercial Cannabis Land Use Ordinance for both Coastal and Inland Zones), Section 55.4.12.2.4 states:

“All terms of any permit or exemption approved by the California Department of Forestry and Fire Protection (CAL-FIRE), including a less-than-3-acre-conversion exemption or timberland conversion permit.

Where existing or proposed operations occupy sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF’s recommendation as to the remedial actions necessary to bring the conversion area into compliance with the provisions of the Forest Practices Act. The Planning Division shall circulate the report to CAL-FIRE for review and comment.”

Contact Information

1. Timberland Owners(s): Greencrows LLC
2. Timber Owner(s): Greencrows LLC
3. Registered Professional Forester (preparing report): Thomas Blair
RPF Number: 2607
Address: Blair Forestry LLC
PO Box 2517
McKinleyville, CA 95519
Phone: (707) 834-2990

Location of Project

Address: 789 Fish Canyon Rd.
Garberville, CA 95542

Legal Description: Section 6; T5S; R4E; HB&M; Humboldt County

Assessor’s Parcel Numbers (APNs): 033-120-013

Parcel Size: 21.29 acres

Acres Converted: Approximately 0.6 acres

Project Description

Property and Timberland Conversion History

Note: Property boundaries are based on the Humboldt County Assessor's APN parcel map and may vary geographically. Assessor's Parcel data in the GIS mapping program differed slightly geographically. The property background has been summarized using personal accounts of current landowners, historic orthographic photography, Humboldt County Web GIS, and CAL FIRE Watershed Mapper v2. This conversion evaluation report will focus on unauthorized conversion activities from the last 10 years (since 2008).

There is no publicly accessible Timber Harvest Plan on record from Cal Fire for the subject parcel. When Mr. Crough purchased the property in 2017, two (2) areas totaling approximately 0.6 acres of "timberland" had been previously converted by the prior landowner to non-timbered. These areas are assumed to have been cleared for cannabis cultivation sometime between 2009 and 2012. There are no structures or public utilities on the property as of the site visit.

Timber Stand Description

The landscape around the area of Benbow, California is historically composed of a mix of open meadow habitats, oak woodlands and Douglas-fir dominated timbered areas. The timber stand near the conversion area is dominated by oak woodland consisting of white oak, black, live oak, tanoak and intermittent Douglas-fir, tanoak and madrone. The understory around the conversion areas is well kept and generally free of excessive debris.

The property is located within Humboldt County, which is in the Zone of Infestation for Sudden Oak Death (SOD). No symptoms or signs of SOD were observed during evaluation.

Project Description

The current landowner, Johnathan Crough, purchased the property in 2017. Two areas of the property were converted prior to the current landowner's acquisition of the property (Conversion Sites A and B). Conversion Area A on the eastern and upper side of the property was a mix of true oaks and open prairie. Imagery indicates that this area was patchily forested, and less than 10 trees were cut between 2009 and 2010 to create a contiguous opening. Conversion Area B down lower on the property to the west, consisted of a more Douglas-fir component mixed with oak. Trees were cut at Conversion Area B sometime between 2010 and 2012.

Both timberland conversion sites are on a western facing slope and represents approximately 0.6 acres, which is below the 3-acre maximum Conversion Exemption allowed under 14 CCR 1104.1.

Humboldt County has zoned this parcel Agriculture Exclusive (AE). AE applies to bottomland farms and lands that can be irrigated; also used in upland areas to retain agricultural character. Typical uses include dairy, row crops, orchards, specialty agriculture and horticulture.

A field inspection of the property and conversion area was conducted on April 17, 2019 by representatives of Blair Forestry Consulting LLC. All relevant sites concerning the past conversion areas were examined. Findings from this evaluation are summarized below.

Analysis of Consistency Between Unauthorized Conversion and Applicable California Forest Practice Rules (CFPRs)

Timber Harvesting and Operations

14 CCR 914.1 Felling Practices

14 CCR 914.2 Tractor Operations

14 CCR 914.7 Timber Operations, Winter Period

Because there is no operations plan for the conversion of timberland on this parcel, it is unknown what harvesting practices were used or what time of year operations occurred on either Conversion Area. Timber falling presumably involved chainsaws and tractor skidding associated with grading the sites afterward. There are no apparent negative effects from timber harvesting, operations or timberland conversion activity present at Conversion Areas A or B.

The Conversion Areas appear to have complied with 14 CCR 914.1, 914.2 and 914.7 concerning harvesting and operations.

Roads, Soil Stabilization and Erosion Control

14 CCR Article 12 Logging Roads, Landings, and Logging Road Watercourse Crossings

14 CCR 914.6 Waterbreaks

There are few usable roads on the interior of the property. The eastern entrance of the property off Fish Canyon Rd. (Access Road A) accesses Conversion Area A where it terminates near water tanks. Access to Conversion Area B is through the neighboring parcel on the south.

“Access Road A” leading to Conversion Area A from Fish Canyon Rd. is approximately 550 feet and is rocky. Little surface erosion is observable and generally this road exhibited no signs of improper drainage or sediment movement. “Access Road A” does not pose an imminent erosion hazard. The road accessing Conversion Area B on the neighboring parcel to the south was not assessed.

No scouring or downcutting was observed on surface or fill slopes associated with grading or terracing in Conversion Areas A or B. Conversion Area A and associated roads appears stable. Graded areas are well vegetated and there are no apparent negative erosion control issues resulting from the timberland conversion. Overall, the soils, slope, aspect and climate are suitable for the converted uses. There were no watercourse crossings associated with roads on the parcel.

The conversion areas appear to comply with 14 CCR Article 12 concerning Logging Roads, Landings and Logging Road Watercourse Crossings; 14 CCR 914.6 concerning Waterbreaks.

Watercourses and Water Resources

14CCR 1104.1(a)(2)(F): "No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city)."

The conversion area is located western facing slope. The areas downslope from the timberland conversion sites were surveyed for the presence of Class I through Class IV waters and domestic water sources. No timber operations were conducted within Watercourse and Lake Protection Zone (WLPZ)

buffers required by Humboldt County or the California Forest Practice Rules. No watercourses or Water Resources appear to have been negatively affected by conversion activities.

The conversion area appears to comply with 14 CCR 1104.1(a)(2)(F) concerning watercourse and water resources.

Hazard Reduction

14 CCR 1104.1(a)(2)(D)(6): "Full slash and woody debris treatment may include any of the following: a. burying; b. chipping and spreading; c. piling and burning; or d. removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated."

The conversion site and the surrounding timber stand was walked and assessed for debris resulting from timberland conversion activities at Conversion Area A and associated access roads. There is a small residual pile of stacked oak logs associated with conversion activities at Conversion Area A (Observation Site 1). The log pile is old and in advanced state of decay. This was not observed to be an imminent fire hazard, but the landowner was advised to treat it.

Recommendations: Remove and/or cut logs at Observation Site 1 to a minimum of 2 feet in length as per 14 CCR 1104.1(a)(2)(D)(1).

Biological Resources

14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895. 1"

A query of the California Natural Diversity Database (CNDDDB) on June 25, 2019 showed no observations of sensitive, rare, threatened, or endangered species (RTES) or species of special concern (SSC) within Conversion Areas A or B. This does not imply that rare, threatened or endangered plants or animals were not currently, or historically, present in these areas. Without having a biological assessment for these species prior to conversion activities, it is impossible to know if conversion activities negatively affected them.

One (1) Northern spotted owl (NSO) activity center (AC), HUM 0012, is located approximately 1.26 miles southwest of the parcel. The last known occupation of this AC was in 2001 where a pair exhibited nesting behavior. No other RTES or SSCs were observed during the field assessment of the property. A copy of the CNDDDB map generated by this query is included in this report.

Conversion activities did not appear to have altered habitat for other non-listed species of wildlife (i.e. no evidence of felled snags). Only 0.6 acres of forested habitat was converted to non-timberland use likely causing less than significant impact to sensitive species. Additionally, there is abundant wildlife habitat elsewhere on the property in the form of tree cavities, grazing/foraging sites and mast-producing tree species such as oaks.

The conversion area appears to comply with 14 CCR 1104.1 (2)(H). No recommendation is suggested regarding biological resources.

Cultural Resources

14 CCR 1104.1 (2)(1): "No timber operations are allowed on significant historical or archeological sites."

The Garberville area was settled by the Sinkyone groups of native Americans. The overall topography of the parcel was generally on a western facing slope and generally did not exhibit the types of occupation sites often located on trending ridgelines. No archeological sites were observed during the conversion evaluation. All relative Native American entities have been notified of the operation activities.

The conversion area appears to comply with 14 CCR 1104.1 (2)(1). No recommendation is suggested regarding cultural resources.

Summary of Recommendations

Overall, it is the opinion of the RPF that the past unauthorized conversion activities did not entirely meet the standards set forth in the CFPRs and requires the following mitigation recommendations:

1. Hazard Reduction
 - Treat slash and woody debris associated with Conversion Area A (Shown as Observation Point 1 on Conversion Evaluation Map) as described above and in 14 CCR 1104.1(a)(2)(D)(6).

Site Maps

General Location Map: Shows ownership boundary in proximity to recognizable landmarks and general location of conversion within property boundary.

Timberland Conversion Evaluation Map: Location of timber conversion operations, Boundary of the conversion area, location and classification of watercourses, Observation Sites and roads.

California Natural Diversity Database (CNDDDB) Project Location Map: Location of timber conversion in relation to biological resources.

Resources

California Forest Practice Rules 2017. Sacramento: CAL FIRE, 2017. Print.

California Natural Diversity Database. California Department of Fish and Wildlife. Web. <https://www.wildlife.ca.gov/Data/CNDDDB>. Version 5.56.24. Accessed June 29, 2019.

California Native Plant Society, Rare Plant Program. 2019. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [accessed May 1, 2019].

Forest Practice Watershed Mapper v2. CAL FIRE. Web. http://egis.fire.ca.gov/watershed_mapper/. Accessed October 3, 2018.

Handbook of North American Indians – Volume 8 – California (Smithsonian Institution 1978)

Humboldt County Web GIS. County of Humboldt. Web. <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>. Accessed January 10, 2019.

Google Earth Pro

Additional Information

Photos



Photo 1: Observation Site 1, Hazard Reduction.



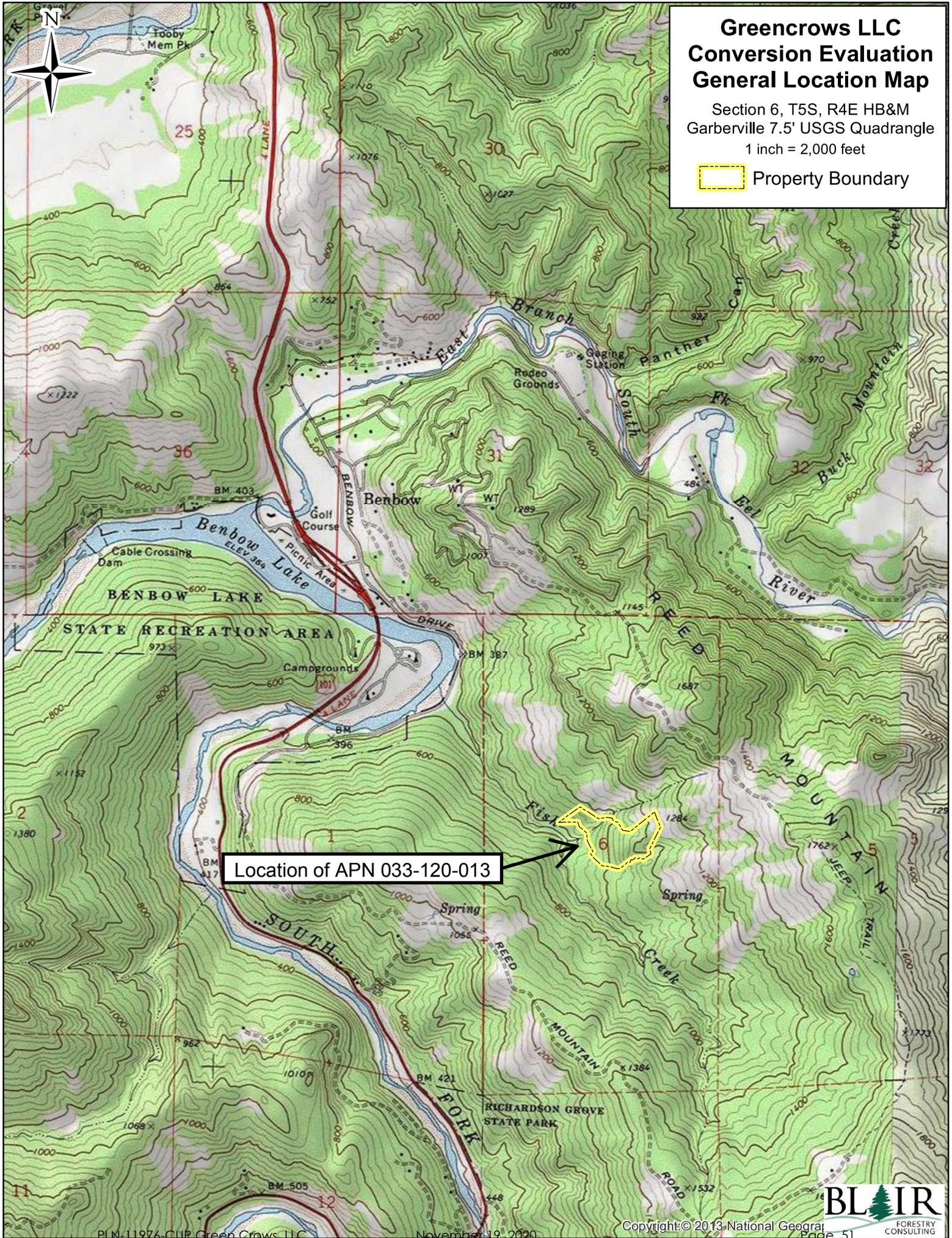
Photo 2: Conversion Area B.



Greencrows LLC Conversion Evaluation General Location Map

Section 6, T5S, R4E HB&M
Garberville 7.5' USGS Quadrangle
1 inch = 2,000 feet

 Property Boundary



Location of APN 033-120-013

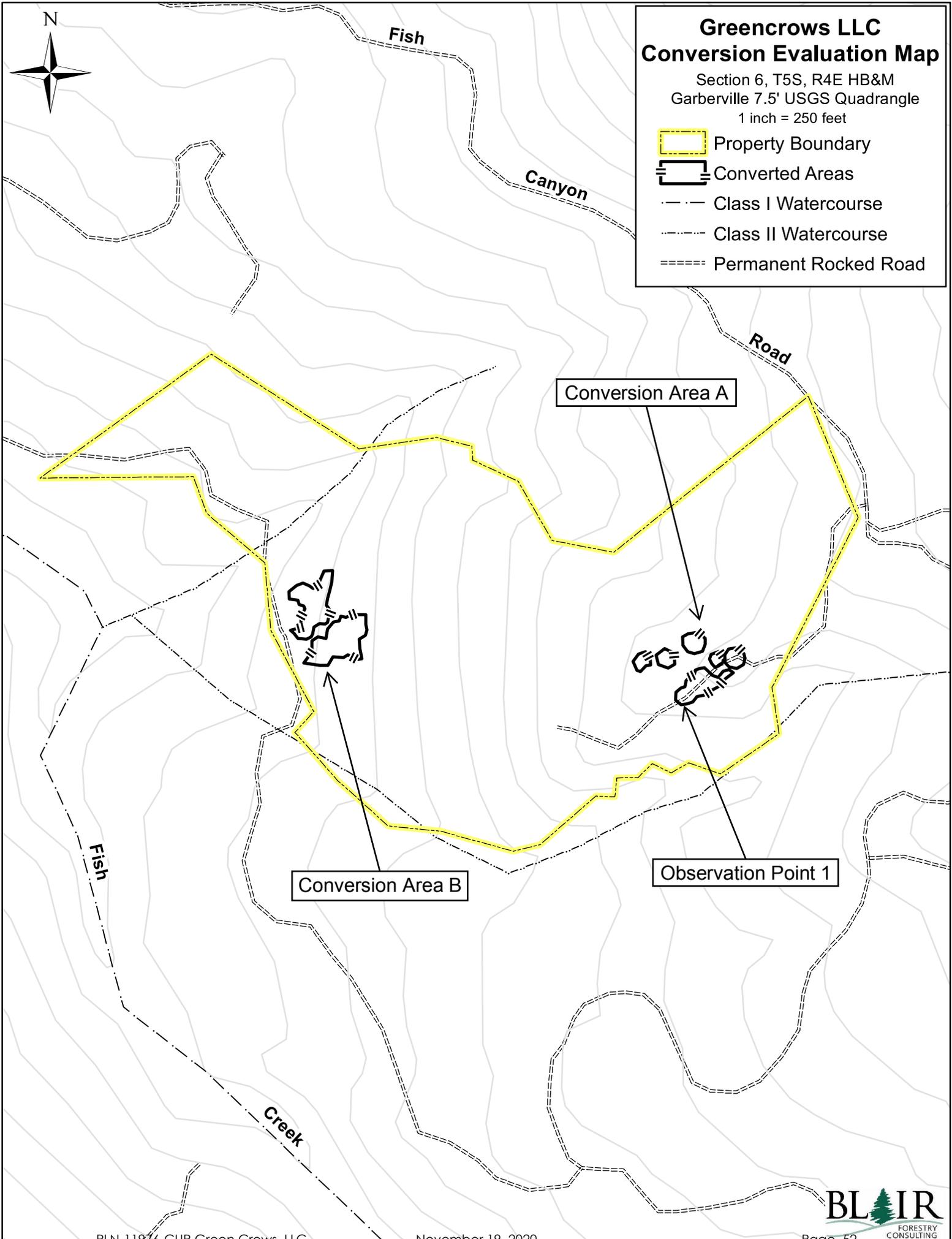




Greencrows LLC Conversion Evaluation Map

Section 6, T5S, R4E HB&M
Garberville 7.5' USGS Quadrangle
1 inch = 250 feet

-  Property Boundary
-  Converted Areas
-  Class I Watercourse
-  Class II Watercourse
-  Permanent Rocked Road



ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional approval	On file with Planning (Accela)
Public Works - Land Use Division	✓	Conditional approval	Attached
Division Environmental Health	✓	Conditional approval	On file with Planning (Accela)
CAL FIRE	✓	No comment	On file with Planning (Accela)
Department of Fish & Wildlife		No response	Attached – Staff email to CDFW inquiring if there are any project comments
SWRCB – Division of Water Rights		No response	
NWIC	✓	Further Study	On file with Planning
Bear River Band of Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
RWQCB		No response	
North Coast Unified Air Quality Management District		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Southern Humboldt Unified School District		No response	



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T
 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: Stephen Luther, Planner, Planning & Building Department
 FROM: Kenneth M. Freed, Assistant Engineer 
 DATE: 05/05/2020

RE:

Applicant Name	JOHNATHAN CROUGH
APN	033-120-013
APPS#	PLN-11976 CUP

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 a road evaluation report dated March 13, 2019, no date stamp received by the Humboldt County Planning Division, with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed.

The Department requires all recommendations by engineer to be completed.

Evaluation report has recommendations for River Road, this road is not near the project site. Engineer should make the necessary corrections to the report. In addition, Engineer did not complete Item #1 on Part B of the evaluation form, that states the number of other known cannabis projects included in the ADT calculations. Engineer states the use of counters but does not provide the count data. Future known cannabis projects should be factored into the data.

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11976

COUNTY ROADS- PROXIMITY OF FARMS: Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.

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.

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 OF EAST BLUE ROCK RD (COUNTY MAINTAINED RD AND FAIRWAY DRIVE))

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 //

From: [Ryan, Meghan](#)
To: [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)
Subject: APPS #11976 - APN 033-120-013 - Jonathan Crough: Estimated Hearing Date 11/5/2020
Date: Tuesday, September 22, 2020 2:44:31 PM
Attachments: [image001.png](#)

Good afternoon, Scott – I hope you are doing well. APPS #11976 was referred to CDFW on April 21, 2020, and I did not see a CDFW response to the referral in Accela. Please let me know if have any questions or need any additional information.

Best,
Meghan

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MEGHAN RYAN
Senior Planner
[Planning and Building Department](#)
County of Humboldt
3015 H Street
Eureka, CA 95501
707.445.7541