

SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of:
December 3, 2020

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

Re: Canyon Farms, LLC, Conditional Use Permit

Record Number: PLN-12232-CUP
Assessor Parcel Number: 214-114-010
Philipsville area

Attached for the Planning Commission's record and review are the following supplementary information items:

1. Revised sections of Executive Summary to correct a typo and to revise the Access section to clarify access via a private driveway and not via Hodges Road.
2. Revised Resolution to remove reference to Hodges Road and to replace with unnamed private driveway.
3. Revised Conditions of Approval.
4. Revised CEQA Addendum clarifying that access to the project does not occur off of Hodges Road but rather via an unnamed private driveway from Dyerville Loop Road.
5. Revised Road Evaluation clarifying that access to the project does not occur off of Hodges Road but rather via an unnamed private driveway from Dyerville Loop Road. This is to replace the Road Evaluation for Hodges Road in Attachment 3 of the Staff Report.

Staff Response: Staff received a phone call from a neighbor, the owner of the adjacent property to the East. The neighbor expressed concern with the Staff Report's description of access to the site stating that he had an agreement with the property owner that the section of Hodges Road that runs through the neighbor's parcel would not be used to access the subject parcel. Staff had not been made aware of this agreement. After discussing the matter, the applicant and their Agent, agreed to use a different point of access, an unnamed private driveway off of Dyerville Loop Road, instead of the access via Hodges Road. A revised Road Evaluation was submitted. This supplemental clarifies the new access to the site and removes references to Hodges Road found in the Executive Summary, Resolution, and CEQA addendum for the project and it adds Conditions of Approval requiring road improvements and ongoing maintenance for the unnamed private driveway. These revisions do not change the findings or Staff's recommendations for the project.

Executive Summary: Canyon Farms, LLC seeks a Conditional Use Permit to allow the continued operation of an existing 21,080 square foot (SF) mixed light cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Agricultural General (AG) in the Humboldt County 2017 General Plan Update and zoned Agricultural Exclusive (AE); Special Building Site B-5(160). Cultivation takes place in two (2) separate areas: Cultivation Area A (upper area) contains 10,100 SF of mixed light cultivation within nine (9) greenhouses, and Cultivation Area B (lower area) contains 10,020 SF of mixed-light cultivation within eleven (11) greenhouses. Ancillary propagation also occurs in Area B within a 1,640 SF greenhouse. Two harvests are anticipated annually, and the growing season extends from April through October. Low wattage supplemental lighting will be used in the early spring in the cultivation areas for approximately 2 weeks per year. When supplemental lighting is used in the propagation area or cultivation areas, the greenhouses will be shielded between 30 minutes prior to sundown until 30 minutes after sunrise such that no light escapes at a level visible from neighboring properties.

Up to ~~four (4)~~ **three (3)** employees may be utilized during peak operations. Power is provided by an existing solar array with a backup propane generator. The solar array supplies over 90% of the power required. The generator produces less than 50 dB at 50 feet.

...

Access

Access to the site is via ~~Hodges Road~~ **an unnamed private driveway** off of Dyerville Loop Road. Dyerville Loop Road is a Category 4 County maintained roadway. A Road Evaluation report for ~~Hodges Road~~ **the private driveway** was prepared by the applicant, which indicates it is a privately maintained road and concludes that the entire road segment is developed to Category 4 road standards (20 feet wide or better). Public Works, Land Use Division requests that the intersection between ~~Hodges Road~~ **the private driveway** and Dyerville Loop Road be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This is included as an ongoing condition of approval for the project. Public Works further requested that ~~Hodges Road~~ **the private driveway** be paved for a minimum width of ~~20~~ **18** feet and a length of 50 feet where it intersects with Dyerville Loop Road. This is included as a condition of approval for the project.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 20-
Record Number PLN-12232-CUP
Assessor's Parcel Number: 214-114-010**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Canyon Farms, LLC, Conditional Use Permit.

WHEREAS, Canyon Farms, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 20,120-square-foot mixed light cannabis cultivation site, with appurtenant propagation, drying and storage activities;

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on December 3, 2020, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit to allow a 20,120-square-foot mixed light cannabis cultivation site, with appurtenant propagation and drying and processing activities. Power is provided by an existing solar array with a backup propane generator. Water for irrigation is provided by a permitted groundwater well.

EVIDENCE: a) Project File: PLN-12232-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Cultivation and Operations Plan prepared for the proposed project.
b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines

- c) A Site Management Plan was prepared by Compliant Farms Certified to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) A Timber Conversion Report, prepared by Hohman & Associates Forestry Consultants, demonstrates how previously unauthorized timber conversion is consistent with the Forest Practices Act and how the project can be implemented with no net loss of timberland after the environmental baseline of December 31, 2015.
- e) A Cultural Resources Investigation Report, carried out by Archaeological Research and Supply Company in October 2019, concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
- f) A Road Evaluation Report was prepared for ~~Hedges Road~~ **the unnamed private driveway** by the applicant, which identified that the road is suitable for safe access to and from the project site.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING

The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE

- a) General agriculture is a use type permitted in the Agricultural General (AG) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING

The proposed development is consistent with the purposes of the existing AE zone in which the site is located.

EVIDENCE

- a) The Agricultural Exclusive or AE zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the AE zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 20,120 square feet of mixed-light cultivation on a 195-acre parcel is consistent with this and with the cultivation area verification prepared by

the County.

5. FINDING

The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration (Parcel M1) through Notice of Lot Line Adjustment and Certificate of Subdivision Compliance, Record #1996-15367-6, signed on June 27, 1996.
- c) The project will obtain water from a non-diversionary water source.
- d) A Road Evaluation Report was completed by the applicant for ~~Hedges Road (Received 5/19/2020) the unnamed private driveway~~ **(Received 11/25/2020)**. The Evaluation addressed ~~Hedges Road, a privately maintained road~~ **the unnamed private driveway** from Dyerville Loop Road (a County maintained road) to the subject parcel. All road segments evaluated were found to be functionally appropriate for the expected traffic.
- e) The slope of the land where cannabis will be cultivated is less than 15%. Cannabis will be cultivated on graded flats, which will require permits or clearances from the Building Division.
- f) The cultivation of cannabis will not result in the net conversion of timberland. A Timber Conversion Report was completed by Hohman & Associates Forestry Consultants. The Report found the site had been converted primarily before the environmental baseline established in the CMMLUO but that approximately 0.50 acres of timberland was converted post-baseline. A Restocking Plan shall be prepared to ensure that an equivalent area will be restocked with timber and that there will therefore be no net loss of timberland as a result of the cultivation operation.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 20,120 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been certified by the applicant to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.

- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a rainwater catchment system. Water will be stored in hard tanks totaling 170,000 gallons of water storage capacity.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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.

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Canyon Farms, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

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

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: 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

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.

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. 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 Planning and Building 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.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 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.
4. 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.
5. **Within 60 days of project approval, the applicant shall submit a revised Site Map clarifying that Hodges Road through APN 214-114-008 is not used to access the site, but rather that an unnamed private driveway provides the access to the site.**
6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval ~~#6~~ **#7** through ~~#18~~ **#20**. 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.
7. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing greenhouses, existing graded flats, the proposed 1,800-square-foot harvest storage and drying structure, the solar array, and all other structures with a nexus to cannabis. The plans submitted for building permit

approval shall be consistent with the project description and the 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.

8. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
9. Due to the historic presence of a golden eagle nest approximately 500-feet from the cultivation areas on the subject parcel, three-hour surveys for raptors shall occur during the early/peak breeding season from March – June. Surveys will occur prior to any additional construction or clearing of native vegetation between Feb 1 and Aug 31. The area shall be surveyed for nesting/roosting raptors by a qualified biologist scanning the property and surrounding area from a prominent location.
10. Pre-construction surveys for nesting birds are required prior to any construction or clearing of native vegetation during the breeding season from Feb 1 – Aug 31. Surveys shall cover areas within at least 50 feet of the planned footprint. Surveys for nesting birds are also recommended prior to any activities that may increase disturbance to potential nesting areas between Feb 1 and Aug 31 by >25dHB (to~75dB). Construction may also occur during dry conditions outside of the breeding season without nesting bird surveys.
11. Obtain a permit to operate the backup propane generator from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department for the solar array and generator.
12. The applicant shall submit a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
13. The applicant shall install water monitoring device on the well and storage tanks to monitor water used for cannabis irrigation separate from domestic use.
14. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to Tier 1 enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
15. The applicant shall implement recommendations in the Timber Conversion Evaluation Report prepared by Hohman & Associates Forestry Consultants. A monitoring report prepared by a licensed professional forester shall be submitted annually to the Planning and Building Department.
16. The applicant shall submit a Restocking Plan for restocking of the .5 acres of timber converted for cannabis cultivation after 2016. The Plan shall be approved by the Planning & Building Department prior to implementation.

17. The applicant shall contact the local fire service provider [Phillipsville VFC] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
18. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
19. 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.
20. **At the request of the Public Works, Land Use Division requests, the intersection between the private driveway providing access to the site and Dyerville Loop Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance) on an ongoing basis. At the further request of the Public Works, Land Use Division, the private driveway providing access to the site shall be paved for a minimum width of 18 feet and a length of 50 feet where it intersects with Dyerville Loop Road.**

ATTACHMENT 2

**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 214-114-010
County of Humboldt**

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

December 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.

Project Description: Canyon Farms, LLC seeks a Conditional Use Permit (CUP-16-575) for 20,120 square feet of existing mixed light cannabis cultivation to occur in greenhouses in two distinct cultivation areas, supported by a 1,640-square-foot ancillary nursery. Irrigation water is sourced from rainwater catchment in a series of hard tanks totaling 168,000 gallons. It is delivered to the cannabis plants via a metered drip irrigation system. The applicant's estimated annual water usage is 120,000 gallons (2.98 gal/SF/cycle). Drying and storage will occur onsite in a proposed 1,800-square-foot structure, and further processing will occur off site at a licensed processing or manufacturing facility. Up to three (3) employees may be utilized during peak operations. Power is provided by an existing solar array with a backup generator.

A Cultural Resources Investigation was prepared in October 2019 by Nick Angeloff, M.A., RPA, Principal Investigator, Archaeological Research and Supply Company, Rio Dell, CA. Per the Report, outreach letters were sent to the Sinkyon Intertribal Wilderness Council, which declined to comment, and to the Bear River Band of the Rohnerville Rancheria, which responded that there were no known archaeological or cultural sites on the subject properties, but that, "There is a positive Timber-Harvesting Plan (THP) survey within a mile of the project parcel that may be a sensitive area". The THPO recommended proceeding with the survey. 100 acres of APN 214-114-010 was subject to survey, including the entire area of potential effect (APE) of this project. No historic resources were identified as a result of the investigation. The report concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol. If buried archaeological resources are discovered during project implementation, all work should be halted within 100 feet of the find and County officials, a professional archaeologist and tribal representatives should be contacted immediately to evaluate the find. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.

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 impacts of existing cultivation. These include restocking 0.50 acres with timber that was converted after the CEQA baseline was established to remediate for loss of wildlife habitat, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 20,120 square feet of cultivation with ancillary propagation, drying, and processing activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Plot Plans prepared by Huber C&D dated and received 10/23/2020.
- Cultivation and Operations Plan prepared by Clearwater Ag, dated and received 10/23/2020.
- Site Management Plan prepared by Compliant Farms Certified, dated June 2020 and received 10/20/2020 for the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order).

- Timber Conversion Evaluation Report prepared by Hohman & Associates Forestry Consultants.
- Road Evaluation Report for ~~Hedges Road~~ **the unnamed private driveway providing access to the site** prepared by the applicant, received ~~5/19/2020~~ **11/25/2020**.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- Cultural Resources Investigation for the Canyon Farms Commercial Cannabis Cultivation, Humboldt County California, County Application #12232 prepared by Archaeological Research and Supply Company, received 5/19/2020.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

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

CONCLUSION

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

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Canyon Farms LLC APN: 214-114-010
Planning & Building Department Case/File No.: APPS 12232
Road Name: Unnamed Driveway *(complete a separate form for each road)*
From Road (Cross street): Dyerville Loop Road
To Road (Cross street): Project site
Length of road segment: Approx 1/4 miles Date Inspected: 11/25/20
Road is maintained by: ☐ County ☒ Other Private
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

- Box 1** ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.
- Box 2** ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.
- An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.*
- Box 3** ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

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


Signature

Diana Totten

Name Printed

11/25/20

Date

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