



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: May 6, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Finnzland Farms, LLC Special Permit**
Application Number 11608
Case Numbers SP 16-266
Assessor's Parcel Number (APN) 211-331-027
2153 Elk Creek Road, Myers Flat

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Please contact Jordan Mayor, Contract Planner, at 707-683-4711 or by email at jordan.mayor@icf.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Special Permit	Jordan Mayor

Project Description: Finnzland Farms, LLC seeks a Special Permit (SP-16-266) for an existing 7,434-square-foot (SF) cannabis cultivation operation that would consist of 2,200 SF of mixed-light light-deprivation greenhouse cultivation and 5,234 SF outdoor full-sun cultivation on the 5.10-acre parcel. Irrigation water is sourced from a permitted groundwater well. Existing available water storage comprises 115,700 gallons of hard tank storage in 26 tanks. Irrigation water is supplemented by rainwater catchment from gutters on the residential building. Estimated annual water usage is 129,000 gallons (17.3 gal/SF). Ancillary propagation occurs in an existing 480 SF structure, drying occurs in an existing 1,206 SF building, and processing and trimming occurs onsite in an existing 960 SF building. There are by two full-time employees and 5 additional seasonal employees at peak operations. Further processing will take place at a licensed offsite facility. There is an onsite wastewater septic system – septic tank and leach field. Power is provided by existing Pacific Gas and Electric residential service with a 3,000-Watt emergency generator. A Special Permit is also needed for a setback reduction from Public Lands located on the parcel to the west.

Project Location: The project is located in Humboldt County, in the Myers Flat area, on the north side and adjacent to Elk Creek Road, approximately 2.2 miles northeast from the intersection of Elk Creek Road and State Highway 254, Avenue of the Giants, on the property known as 2153 Elk Creek Road, Myers Flat (APN: 211-331-027).

Present Plan Land Use Designations: Resident Agriculture (RA) Density: 5-20 acres per dwelling unit, Slope Stability: Low instability (2)

Present Zoning: Unclassified (U)

Record Number: PLN-11608-SP

Assessor's Parcel Number: 211-331-027

Applicant

Finnzland Farms, LLC
2153 Elk Creek Road,
Myers Flat, CA 95554

Owner

Alex Lindsay
2152 Elk Creek Road,
Myers Flat, CA 95554

Agents

Mother Earth Engineering
425 I Street,
Arcata CA 95521

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

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

Major Issues: None

Finnzland Farms LLC.
Record Number: PLN-11608-SP
Assessor's Parcel Number: 211-331-027

Recommended Zoning Administrator Action

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

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines, make all of the required findings for approval of the Special Permit and adopt the Resolution approving the Finnzland Farms, LLC Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: Finnzland Farms, LLC seeks a Special Permit for an existing 7,434-square-foot (SF) cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The site is designated as Residential Agriculture (RA) and zoned Unclassified (U) in the Humboldt County 2017 General Plan Update. The cannabis cultivation operation consists of 2,200 SF of mixed-light light-deprivation greenhouse cultivation and 5,234 SF outdoor full-sun cultivation in the eastern portion of the 5.1-acre parcel. Ancillary propagation occurs in a 480-SF area. Two annual harvests will occur in the outdoor area and up to two harvests for the mixed-light greenhouses for a growing season that extends from April through October.

Drying and storage will occur in an existing 1,206 SF building. Processing and trimming will occur in one existing 960 SF building by two full-time employees and up to 5 seasonal employees during peak operations. Power is provided by existing residential Pacific Gas and Electric Company service and a 3000-Watt generator for backup. The cultivation areas and greenhouse are secured with a locked security gate at the driveway and motion sensor lighting and closed-circuit surveillance is installed. There is a guard dog present during operations, and the onsite residence is occupied during the cultivation season.

The property located to the west is owned by Humboldt County and managed as part of the County's Roads Division. While technically a public property that requires a 600 foot setback, a setback reduction is appropriate given that this property is not managed for open space, public recreation or wildlife habitat management. The setback reduction would allow for the cultivation to be approximately 375 feet from the County property.

Water Resources

Water for irrigation is provided by a permitted 160-foot deep well with an estimated yield of 40 gallons-per-minute based on a 4-hour draw down test made in August 2019 (Attachment 3), and rainwater catchment from residence gutters. Existing water storage capacity onsite is 115,700 gallons between 26 hard high-density-polyethylene (HDPE) tanks, and 1,050 gallons of rainwater catchment in 3 hard tanks adjacent to the residence. Seven hard tanks are less than 30-feet from the 77-acres parcel to the north (APN: 211-301-014) and a permission letter from the adjacent landowner is required for them to remain in that location as a condition of approval. There are no streams or springs on the parcel and according to Humboldt County's WebGIS all cultivation is approximately 700 feet from the nearest streamside management area. The yearly water demand is 129,000 gallons of irrigation water (17.9 gal/SF) with peak demand occurring June through October at approximately 16,500 gallons to 24,500 gallons per month. A historic irrigation source surface water diversion on APN 211-331-028 has been decommissioned and water lines to the point of diversion have been removed.

A Site Management Plan (SMP) prepared by Mother Earth Engineering in 2020 (WDID No. 1_12CC405897; Attachment 3) identified how the discharger is complying with the Best Practicable Treatment or Controls

(BPTC's) listed in Attachment A, Section 2 of the State Water Resources Control Board Order 2019-0001-DWQ. The recommendations of the SMP, including installation of erosion and sediment control measures and monitoring of water diversions from all sources and storage, are made a condition of approval.

The applicant shall demonstrate that a properly functioning onsite wastewater treatment system serves the operation as a condition of approval. This can be accomplished by either installing a new, permitted septic system; or by providing Division of Environmental Health with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or Registered Environmental Health Specialist that certifies that the existing system complies with the State definition of a Tier 0 system. Any outhouses, pit privy, or other historical sanitation systems that are not permitted will be decommissioned as a condition of approval.

Biological Resources

There are no mapped sensitive species onsite. The nearest Northern Spotted Owl (NSO) activity center is dates from 2000 and is located 0.84 mile southeast of the site, and the lands surrounding the site are heavily forested thus there is high potential for NSO habitat. The South Fork Eel River is approximately 1.7 miles southwest of the property and is habitat for special-status anadromous fish. No special-status species have been recorded on the parcel, but several species have been recorded within 2 miles, including white-flowered rein orchid, seacoast ragwort, coast fawnlily, northern red-legged frog, western pond turtle, and fisher; while there is the potential for some sensitive and protected species to be present onsite, the proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices. The proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices and Best Practicable Treatments or Controls (BPTCs). Power is supplied by existing PG&E service, and a backup 3,000 Watt generator is present onsite that meets the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o), which requires noise levels be at or below 50 decibels at 100 feet or edge of habitat, whichever is closer. As a result, the project is conditioned to ensure the combination of background, generator, and greenhouse fan or other operational equipment created noise meets the noise level threshold.

The project has been conditioned to ensure supplemental lighting associated with mixed light cultivation is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat, and avoid heavy equipment operations during the NSO critical period (February 1–July 31) or perform protocol-level surveys prior to initiating that work. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect NSO or other sensitive species.

Tribal Cultural Resource Coordination

There are no known tribal cultural resources on the project site. The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria in 2020. The NWIC responded that their office has no record of any previous cultural resource studies for the project area but that the project area has the possibility of containing unrecorded archaeological site(s), and a study by a qualified archaeologist is recommended prior to commencement of project activities. The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested that the project be conditioned with the standard inadvertent discovery protocol language. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.

Access

Access to the site is via a paved driveway on the north side of Elk Creek Road, a county-maintained road, approximately 2.2 miles northeast from the intersection of Elk Creek Road and Avenue of the

Giants, on the property known as 2153 Elk Creek Road, Myers Flat (APN: 211-331-027). Department of Public Works, Land Use Division stated (8/25/2020) that the project access driveway was paved without the issuance of an Encroachment Permit from the Department, and the Applicant will be required to obtain an encroachment permit to bring the residential driveway approach into commercial cannabis conformance as a condition of approval.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted MND that was adopted for the CMMLUO and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

RECOMMENDATION: Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Special Permit.

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

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

**Resolution Number 21-
Record Number PLN-11608-SP
Assessor's Parcel Number: 211-331-027**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves the Finnzland Farms LLC, Special Permit.

WHEREAS, Finnzland Farms LLC, submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 7,434-square-foot (SF) cannabis cultivation operation of which 2,200 SF is outdoor cultivation and 5,234 SF is mixed-light light-deprivation cultivation, with appurtenant propagation and drying activities;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final 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. 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; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on May 6, 2021, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Special Permit to allow 7,434 SF cannabis cultivation operation of which 2,200 SF is outdoor cultivation and 5,234 SF is mixed-light light-deprivation cultivation with appurtenant propagation and drying activities. Power is provided by existing PG&E service, with a 3,000-watt generator as backup. Water for irrigation is provided by a permitted groundwater well with 115,700 gallons of storage in 26 hard tanks.

EVIDENCE: a) Project File: PLN-11608-SP

- 2. FINDING:** **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to and the MND prepared for the CMMLUO adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum 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) The SMP prepared by Mother Earth Engineering (April 2020) found no watercourses or stream crossings on the site. An assessment based on site visit and office analysis found One Northern Spotted Owl activity center is located 0.84 mile southeast of the property and habitat exists in the vicinity. No other recent records of special-status species have been recorded within 1.0 mile of the project.
- d) Cultivation will occur on land located within a non-forested area that was in existence prior to January 1, 2016, and therefore complies with the Forest Practice Act without remediation recommendations.
- e) The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested that the project be conditioned with the standard Inadvertent Discoveries Protocol language.
- f) The site is accessed via a paved driveway directly off of Elk Creek Road, a County road. Conditions of approval will require Applicant to obtain an encroachment permit to bring the residential driveway approach into commercial cannabis conformance (Department of Public Works, Land Use Division, 8/25/2020).

FINDINGS FOR SPECIAL 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 Unclassified (U) 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 Unclassified 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 existing Unclassified (U) Zone in which the site is located.

EVIDENCE

- a) The U-Zone is applied to all of the unincorporated area of the County not otherwise zoned.
- b) All general agricultural uses are principally permitted in the Unclassified (U) Zone.
- c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation on parcels

5-acres or larger of up to 10,000 SF of cannabis cultivation area with a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 5,234 SF outdoor cultivation and 2,200 mixed-light light-deprivation on a 5.1-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 U on parcels 1 acre or larger (Section 314-55.4.8.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by deed recorded August 30, 1960, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- c) The project will obtain water from a non-diversionary water source.
- d) The site is accessed via a paved driveway directly off of Elk Creek Road, a County road. Department of Public Works, Land Use Division stated (8/25/2020) that the project access driveway was paved without the issuance of an Encroachment Permit from the Department, and the Applicant will be required to obtain an encroachment permit to bring the residential driveway approach into commercial cannabis conformance.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland: the cultivation sites are located within a non-forested area that was in existence prior to January 1, 2016.
- 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 and more than 600 feet from any school, church, public park or tribal cultural resource. A Special Permit is also needed for a setback reduction from Public Lands located on the parcel to the west. Seven hard tanks are less than 30-feet from the 77-acres parcel to the north (APN 211-301-014) and a permission letter from the adjacent landowner is required for them to remain in that location as a condition of approval as a minimum setback may be waived or reduced with the express consent of the adjacent property owner and occupant.

6. FINDING

The cultivation of 7,434 SF 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 Elk Creek Road maintained by the County of Humboldt.
- b) The site is in a rural part of the County where the typical parcel size is 10 to 40 acres and many of the land holdings are 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.

- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest offsite residence.
- d) Irrigation water will come from a groundwater well that has been permitted by the Division of Environmental Health and there are no surface watercourses on the parcel. The nearest Streamside Management Area (SMA) is located 645 feet south of the parcel. The 160-foot deep well with an estimated yield of 40 gallons-per-minute based on a 4-hour draw down test made in August 2019 suggests the well is not hydrologically connected.
- 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 support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the use of this residence.

DECISION

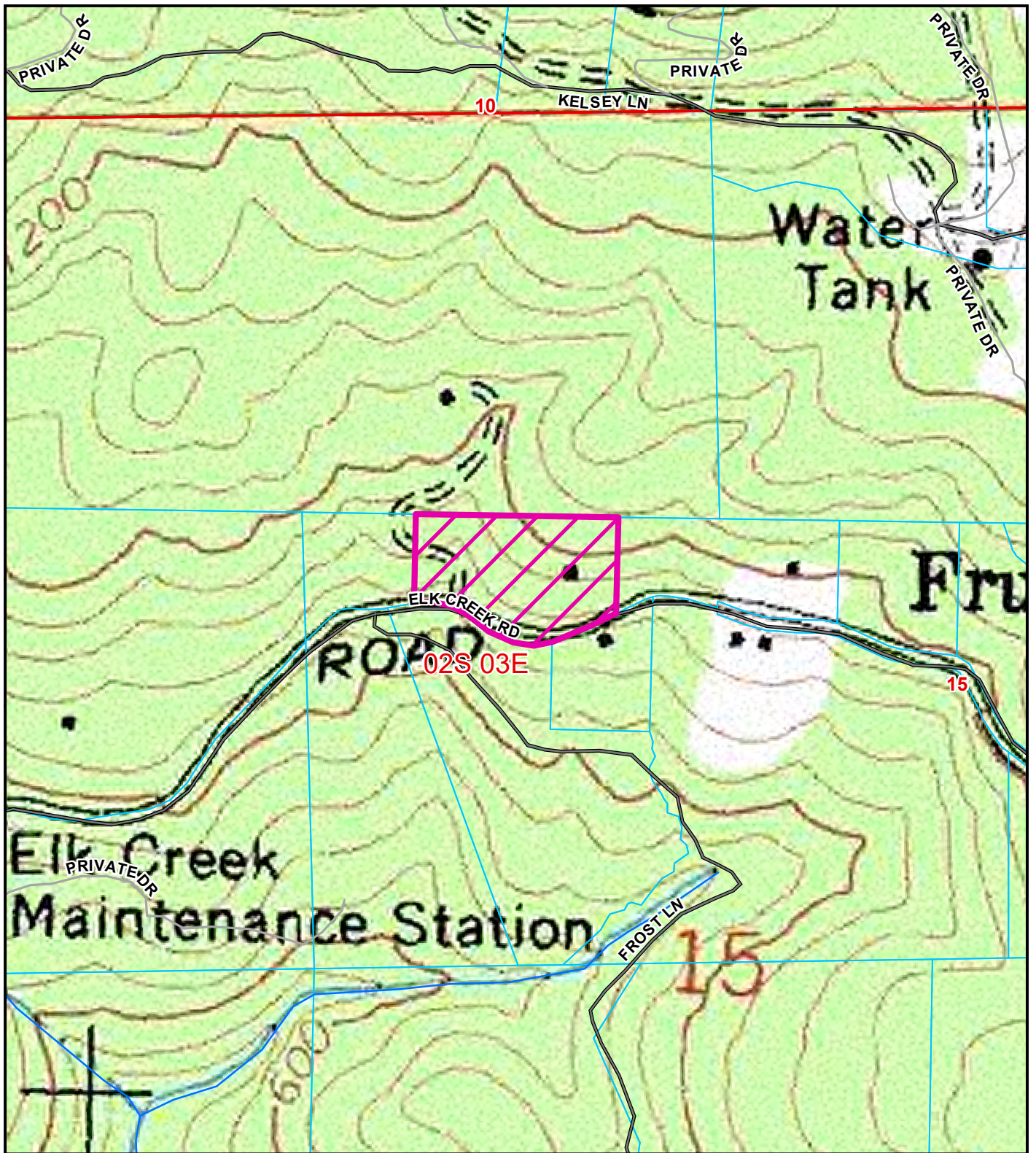
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Finnzland Farms LLC, 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 May 6, 2021

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

John Ford, Zoning Administrator
Planning and Building Department



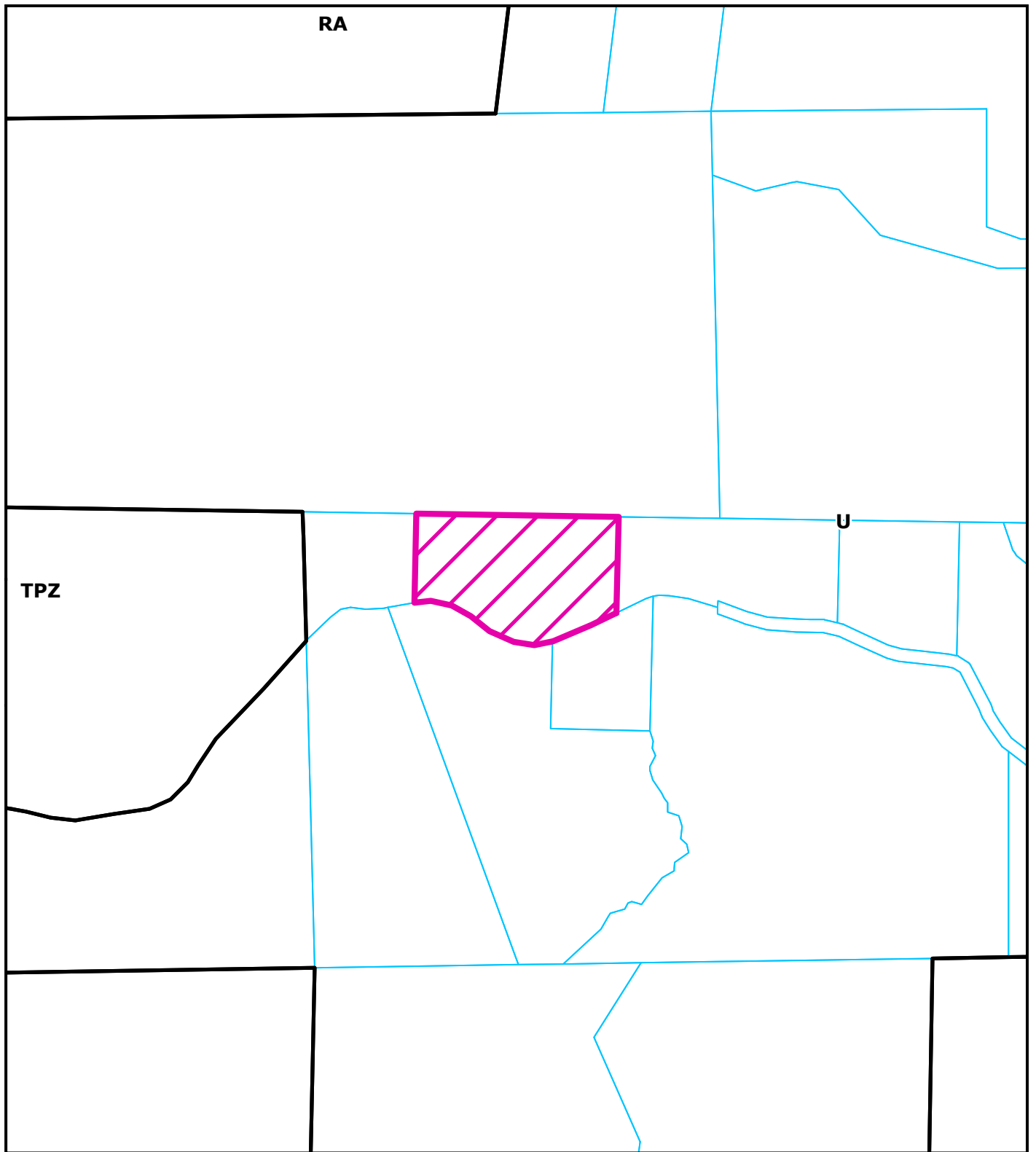
Project Area = 

TOPO MAP
PROPOSED FINNZLAND FARMS LLC
MYERS FLAT AREA
PLN-11608-SP
APN: 211-331-027
T02S R03E S15 HB&M (MYERS FLAT)

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

0 550 1,100 Feet





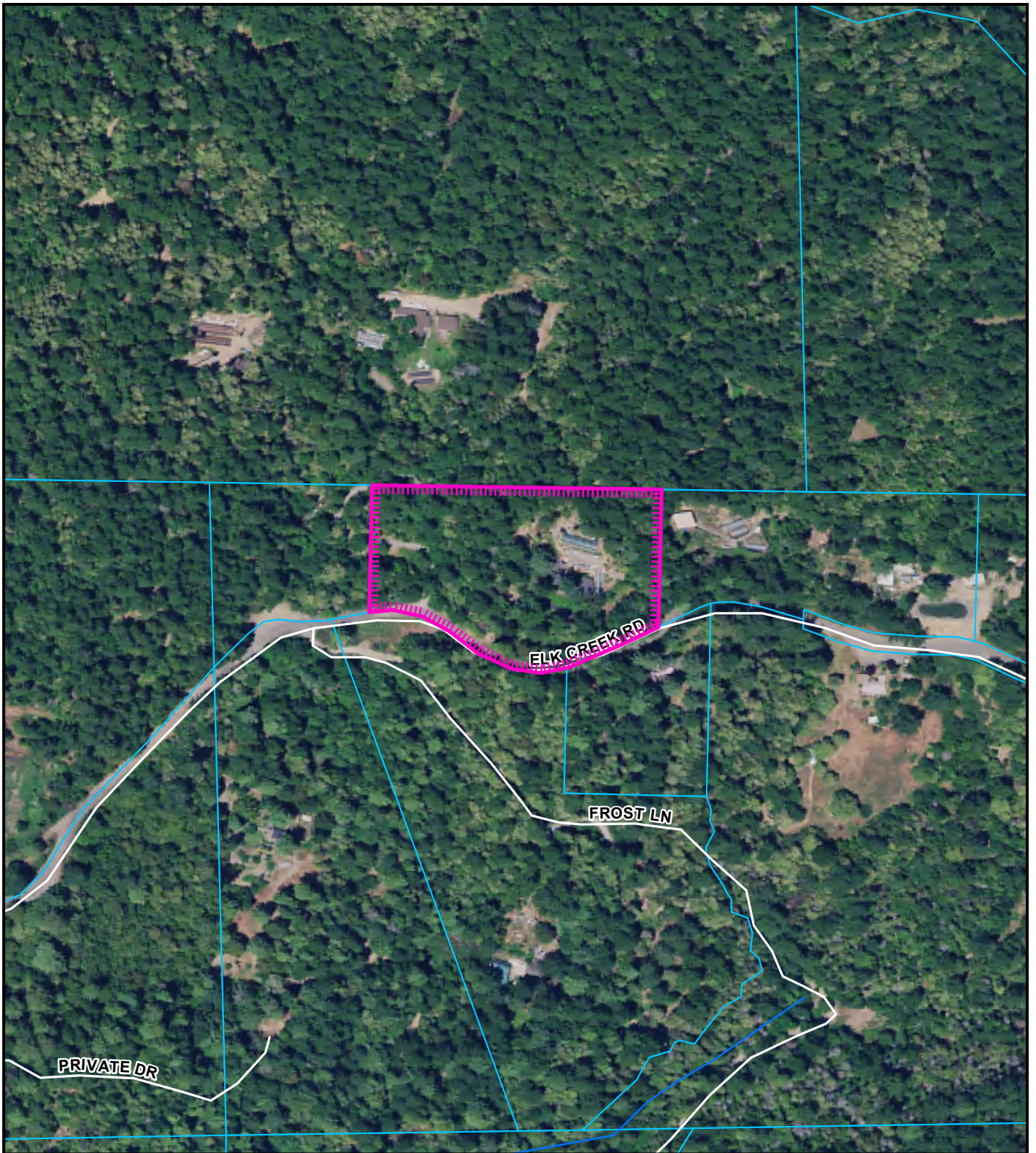
Project Area = 

**ZONING MAP
PROPOSED FINNZLAND FARMS LLC
MYERS FLAT AREA
PLN-11608-SP
APN: 211-331-027
T02S R03E S15 HB&M (MYERS FLAT)**

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

0 550 1,100 Feet





Project Area = 

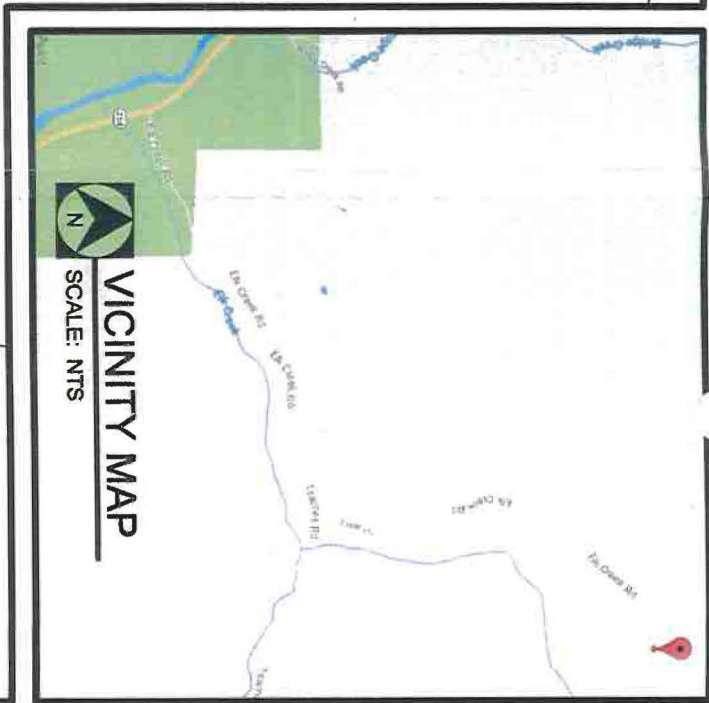
AERIAL MAP
PROPOSED FINNZLAND FARMS LLC
MYERS FLAT AREA
PLN-11608-SP
APN: 211-331-027
T02S R03E S15 HB&M (MYERS FLAT)



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

0 395 790 Feet

APN: 211-331-027
ZONING: U
LOT SIZE: 5.1 ACRES (ASSESSED)



GENERAL NOTES:

1. NO PROPOSED GRADING.
2. PROPERTY LINE, BUILDING, ROAD, AND FEATURE LOCATIONS ARE APPROXIMATE.
3. ALL CULTIVATION AREAS ARE SET BACK AT LEAST 30 FEET FROM PROPERTY LINES.
4. NO KNOWN WATER DIVERSIONS INCLUDING CULVERTS, PONDS, DAMS OR OTHER GROUND DISTURBANCES FROM WATER DIVERSION.
5. NO KNOWN RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET OF CULTIVATION AREAS.
6. NO KNOWN SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION AREAS.

PLOT PLAN

VICINITY MAP
SCALE: NTS

MOTHER EARTH
ENGINEERING
920 S. BAYVIEW, SUITE 203
ARCAVIA, CA 90521 707-433-8332

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May 6, 2021

PLN-11608-SP Finnzland Farms, LLC

Mother Earth Engineering Inc. 2017

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL 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 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. The Department will file the NOD and will charge this filing cost to the project.
5. 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 through #15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. 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.
7. 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.
8. Applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by

providing Division of Environmental Health (DEH) with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources.

9. The applicant shall install water monitoring device on each source—the well if/when utilized and storage tanks as applicable—to monitor water used for cannabis irrigation separate from domestic use.
10. The applicant shall comply with the recommendations of the Department of Public Works, including obtaining an encroachment permit to bring the residential driveway into commercial cannabis conformance.
11. The applicant shall implement all corrective actions detailed in the Site Management Plan prepared for the site in March 2020 by Mother Earth Engineering, including placement of erosion and sediment control measures on exposed earth areas, and the recommendations of the Site Management Plan, pursuant to Tier 1 enrollment under the State Water Resources Control Board Cannabis Cultivation Policy, in congruence with Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities. A letter or similar communication from the State Water Resources Control Board verifying that all their requirements have been met will satisfy this condition.
12. The applicant shall request a letter from the parcel owner to the north (APN: 211-301-0-14) expressing consent for a reduction in the minimum setback required from property lines for the four water storage tanks. Furnishing this letter to County Planning & Building will satisfy this condition.
13. The applicant shall contact the local fire service provider [Fruitland Ridge Fire Protection District] 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.
14. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency 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.
15. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the Humboldt County Code and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where

necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. The light source used in the nursery greenhouse should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG).
3. The applicant shall ensure supplemental lighting associated with mixed-light cultivation is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during the Northern Spotted Owl critical period (February 1–July 31) or perform protocol level surveys prior to initiating that work.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. Ensure all generators and fuel be located on stable surfaces with secondary containment.
6. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
7. All refuse shall be contained in wildlife-proof storage containers, at all times, and disposed of at an authorized waste management facility.
8. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
9. The use of anticoagulant rodenticide is prohibited.
10. 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.
11. 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. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
12. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
13. 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 2 years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within 1 year of issuance of the provisional clearance or permit. If

good faith effort toward compliance can be shown within the 2 years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

14. 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.
15. 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.
16. 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).
17. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board 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.
18. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife.
19. 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, if applicable.
20. 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 through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency program, and in such a way that no spillage occurs.
24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
25. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

26. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."

27. 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, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
28. Cultivators engaged in processing shall comply with the following Processing Practices:
- Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - Employees must wash hands sufficiently when handling cannabis or use gloves.
29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- 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:
 - Emergency action response planning as necessary;
 - Employee accident reporting and investigation policies;
 - Fire prevention;
 - Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - Materials handling policies;
 - Job hazard analyses; and
 - Personal protective equipment policies, including respiratory protection.
 - Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - Operation manager contacts;
 - Emergency responder contacts; and
 - Poison control contacts.
 - 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.
 - Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
30. All cultivators shall comply with the approved processing plan as to the following:
- Processing practices
 - Location where processing will occur
 - Number of employees, if any
 - Employee Safety Practices
 - Toilet and handwashing facilities
 - Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - Drinking water for employees
 - Plan to minimize impact from increased road use resulting from processing
 - Onsite housing, if any
31. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire 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.

32. 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 permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within 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 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 noncompliance. Failure to request reinspection or to cure any items of noncompliance 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.
33. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal 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.
34. 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.
35. 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;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
36. 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 or 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 2 years after 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 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 1 year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 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 #26 and 27 of the Ongoing 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 and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the 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 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 (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

ATTACHMENT 2

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

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

**APN 211-331-027-000; 2153 Elk Creek Road, Myers Flat
County of Humboldt**

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

May 6, 2021

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.

The modified project involves a Special Permit (SP-16-266) for an existing 7,343-square-foot (SF) cannabis cultivation operation that would consist of 2,200 SF of mixed-light cannabis cultivation operation and 5,234 SF outdoor cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The 5.1-acres site is designated Resident Agriculture (RA) and zoned as Unclassified (U) in the Humboldt County 2017 General Plan Update. Existing available water storage comprises 115,700 gallons of hard tank storage in 26 tanks. Well water is supplemented by rainwater catchment from gutters on the residential building. Estimated annual water usage is 129,000 gallons (17.3 gal/SF). Ancillary propagation occurs in an existing 480 SF structure, drying occurs in an existing 1,206 SF building, and processing and trimming occurs onsite in an existing 960 SF building. There are by two full-time employees and 5 additional seasonal employees at peak operations. Further processing will take place at a licensed offsite facility. There is an onsite wastewater septic system – septic tank and leach field. Power is provided by existing Pacific Gas and Electric residential service with a 3,000-Watt emergency generator. A Special Permit is also needed for a setback reduction from Public Lands located on the parcel to the west.

The Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria requested that the project be conditioned with the standard inadvertent discovery language. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources. No special-status species have been recorded on the parcel, but several species have been recorded within 2 miles, including white-flowered rein orchid, seacoast ragwort, coast fawnlily, northern red-legged frog, western pond turtle, and fisher; while there is the potential for some sensitive and protected species to be present onsite, the proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices.

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 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 on 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 MND if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent Environmental Impact Report (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 20,084 SF of cultivation with ancillary drying 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:

- Revised Plot Plan prepared by Mother Earth Engineering dated 05/07/20 and received 05/27/20.
- Cultivation and Operations Plan prepared by Mother Earth Engineering in 2017 and the Addendum received 5/27/20.
- Public Works project referral response and recommended conditions of approval, dated 8/25/20.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits.
- Site Management Plan prepared by Mother Earth Engineering dated April 2020.
- Well Completion Report, dated 08/05/19 and received 05/26/20.
- Response to Notice of Deficiency dated 6/2/2018, received 5/27/2020.

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.

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

Attachment 3 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. (Grant Deed dated 3/17/17 and received 7/13/18 – 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 one-quarter mile (1,320 feet) 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. (Plot Plans prepared by Mother Earth Engineering dated 05/07/20 and received 05/27/20 – Attached with project Maps)
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; 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. (Cultivation and Operations Plan prepared in 2017 by Mother Earth Engineering and the Addendum received 5/27/20- Attached)
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. (Initial Statement of Water Diversion and Use – On file and obsolete given the diversion was abandoned)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan and Addendum (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent (NOI) 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. (NOI and reporting, and Site Management Plan prepared by Mother Earth Engineering –
8. If any onsite or offsite 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 California Department of Fish and Wildlife. (Not Applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Well Completion Report dated 8/5/19 and received 5/26/20, Permit Number 18/19-1100 – Attached)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not Applicable)
11. Consent for on-site 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. (Referral response from Bear River Band of Rohnerville Rancheria, dated 9/30/20 and received 9/30/20 –On file)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)

Cultivation and Operations Plan

1 WATER

Water source + Storage: All irrigation water is obtained by a nearby spring. The water will be stored in tanks that have been recently added as seen on the Site Plan. Up to 95,000 gallons of water can be stored during the rainy season. Registration with the State Water Resources Control Board, Division of Water Rights has been pursued and copies of the filing are held on-site.

Irrigation Plan: Plants are watered by hand every other day. Water is applied at agronomic rates using hoses with low-flow nozzles.

Projected Water Usage: In 2016, reported water usage was 119,000. There is an estimate of up to 150,000 gal of water to be used per year for irrigation. Water usage will be recorded monthly and reported annually to the Water Board pursuant to NCRWCQB Order No. R-12015-0023 and as part of SWRCB reporting program records will be kept on-site.

2 SITE CHARACTERISTICS

Drainage: The site has well-draining soils and natural vegetation is maintained around all cultivation areas. There is no runoff during growing season as native plants are surrounding gardens and use any excess. There is no creek or spring near these gardens.

Runoff and Erosion Control Measures:

Water is used appropriately always and is applied at no more than agronomic rates. Cultivation operations are enclosed with natural buffers around cultivation site.

3 WATERSHED + HABITAT PROTECTION

The applicant will develop and implement a Water Resources Protection Plan to protect the local watershed.

All riparian areas are kept in their natural vegetated state.

The applicant is enrolled with North Coast Regional Water Board's Cannabis Discharge Waiver Program to ensure riparian watershed and habitat protection.

All trash, recycling, amendments, fertilizers, and other cultivation related materials are stored such that they are secured from wildlife and cannot be released into the natural environment.

4 STORAGE + HAZARDOUS MATERIALS

Amendments and Nutrients: Fertilizers, soils, compost, spent soil, and all other soil amendments are contained inside several sheds with a roof year around. Soil used during cultivation operations is kept contained and tarped. Products are purchased on an as-needed basis with a nominal 50 lbs or less stored onsite. Fertilizers and soil amendments are applied per packaging instructions.

Pesticides and Herbicides: Dr. Zyme, diatomaceous earth and neem are used for pest management products. All products used on-site are consistent with product labelling and are placed, used, and stored in a shed where no products are released into surface or groundwaters.

Fuel: Four 5-gallon propane tanks and three 3-gallon jerry cans of gasoline are on-site for house with residential service. All fuels stored onsite are in compliance with Water Board standard conditions with secondary containment.

5 SOLID WASTE/RECYCLING

Refuse and garbage is stored in a location and manner that prevents its discharge to receiving water and discourages wildlife from interacting with waste materials.

Storage Area: Trash and recycling are stored in wildlife proof containers and are disposed of.

Removal Frequency: Trash is removed from site once a month or more as needed.

Disposal Facility: Fortuna transfer station.

Waste Soil/ Growth Media: All soil is amended, composted and reused.

6 DESCRIPTION OF CULTIVATION ACTIVITIES

The site is located in the Myers Flat area with a total cultivation area of approximately 9,380 sq ft. The cultivation activities are described as mixed light in the Humboldt County CCMLUO. Estimated two harvest per year.

7 SCHEDULE OF ACTIVITIES

Month	Activities
January	No cultivation activity.
February	Begin site preparation.
March	Set up. Propagation activities.
April	Start Planting.
May	Farm operation and maintenance.
June	Farm operation and maintenance.
July	Farm operation and maintenance. Harvest.
August	Farm operation and maintenance. Replant.
September	Farm operation and maintenance.
October	Harvest.
November	Processing. Winterize property.
December	No activity.

No generator use on-site

8 PROCESSING PLAN

Processing Practices: Crop harvested then dried in dry shed. Processed by up to five additional seasonal employees.

Processing operations include the following Processing Practices:

- (1) Processing operations will be maintained in a clean and sanitary condition including all work surfaces and equipment.
- (2) Processing operations will implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
- (3) Employees handling cannabis in processing operations will have access to facemasks and gloves in good operable condition as applicable to their job function
- (4) Employees will wash hands sufficiently when handling cannabis.

Number of Employees: Two full time employees and up to five additional employees during harvest.

Duration of employment: May-October

Employee Safety Practices: Cultivation and processing operations implement best practices to the highest degree feasible. The operation follows all safety protocols and provides all employees with adequate safety training pursuant to County and State regulations and guidance. Employee safety practices will be implemented in compliance with standards set forth by the County and State which may include the following and additional elements:

- Emergency action response planning as necessary; employee accident reporting and investigation policies; fire prevention; hazard communication policies; maintenance of material safety data sheets (MSDS); materials handling policies; job hazard analyses; and personal protective equipment policies, including respiratory protection.
- Visibly posted emergency contact list that includes operation manager, emergency responder contacts, and poison control contacts.

Domestic/ Drinking Water: Domestic water comes from nearby spring.

Toilet, Handwashing, and Onsite Wastewater Facilities:

There are existing flush toilets with septic and leach field. Hand washing available indoors on-site.

Increased Road Use: Not applicable at this time.

Onsite Housing: Housing is available on-site for 2 full-time employees.

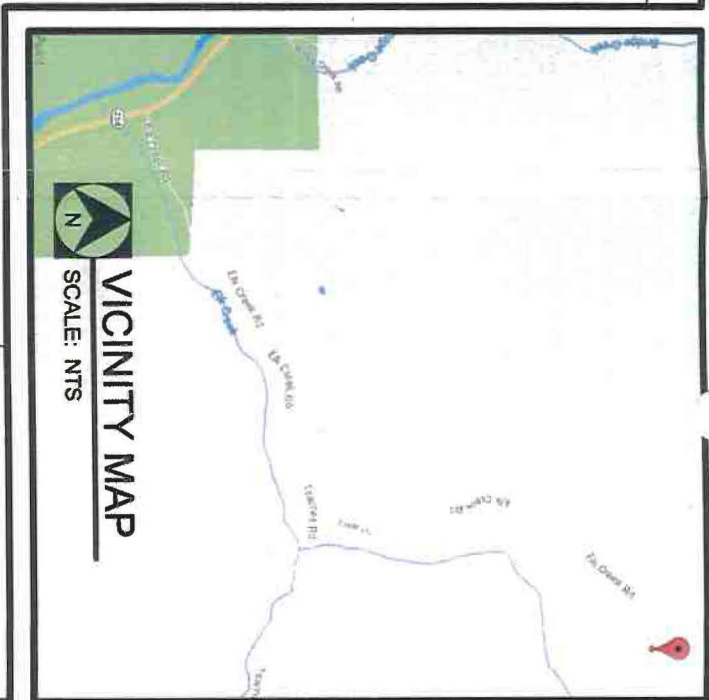
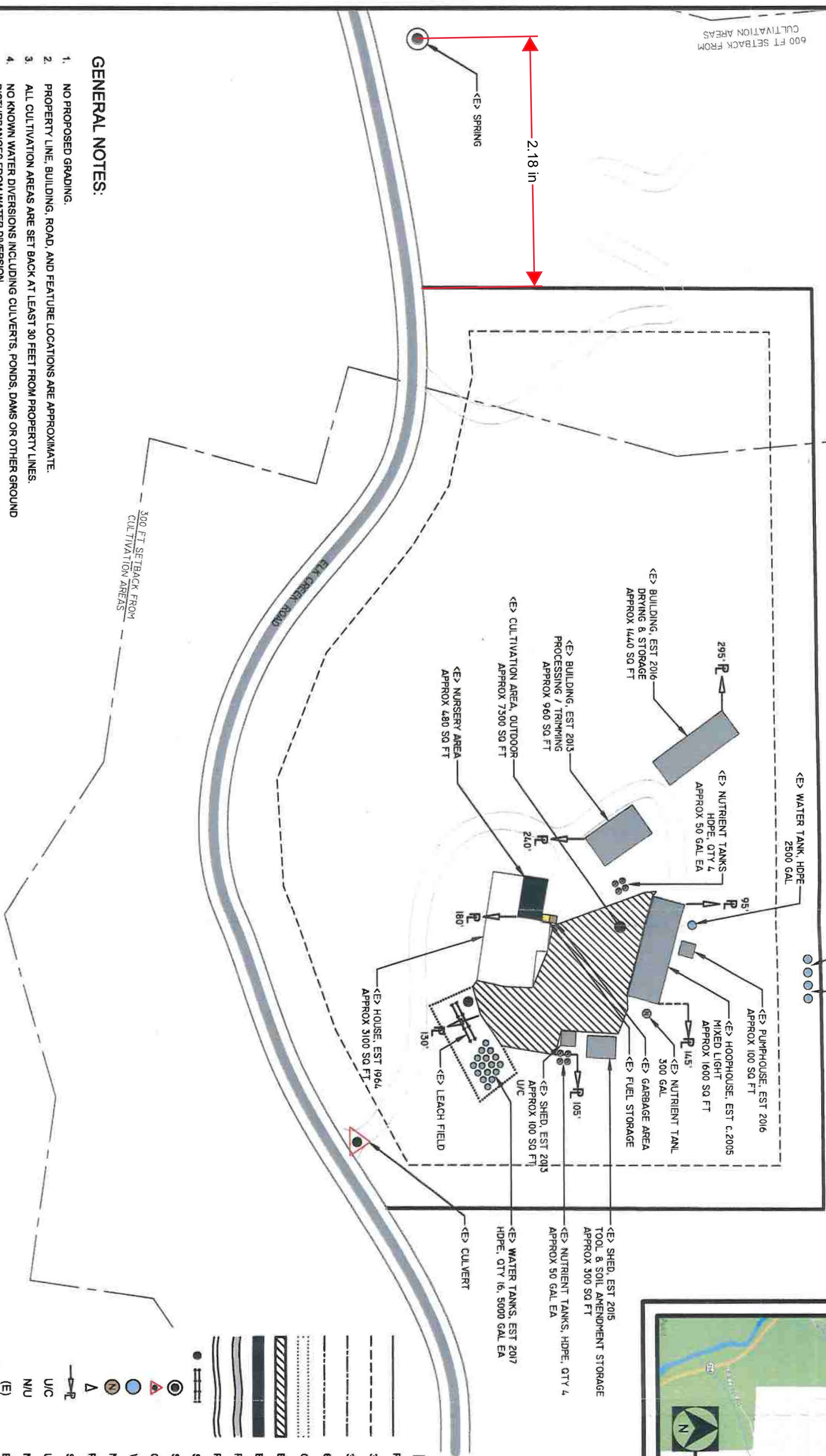
9 SECURITY PLAN

The security measures located on the premises will include the following:

- (1) Lighting and surveillance-- Motion sensor lighting and closed circuit surveillance has been installed around the facilities such that the site can be monitored efficiently.
- (2) Alarm- There is an informal community watch in place in the neighborhood. A guard dog is also present on the property during operations.
- (3) Access Control- Entrance to the site is restricted by a locked gate. Full time occupancy of the parcel during the cultivation season is maintained.
- (4) All cultivation related items and products will be stored in locked locations. The security measures will secure the medical marijuana against diversion for non-medical purposes by protecting against theft not only from intruders, but also from staff members and other parties onsite. This is done by limiting access into the facility as necessary and by surveillance monitoring of personnel and visitors at all times when in close proximity to the product. Strict inventory control measures will also be engaged to prevent and detect diversion.

PARCEL INFORMATION
APN: 211-331-027
ZONING: U
LOT SIZE: 5.1 ACRES (ASSESSED)

- GENERAL NOTES:
1. NO PROPOSED GRADING.
 2. PROPERTY LINE, BUILDING, ROAD, AND FEATURE LOCATIONS ARE APPROXIMATE.
 3. ALL CULTIVATION AREAS ARE SET BACK AT LEAST 30 FEET FROM PROPERTY LINES.
 4. NO KNOWN WATER DIVERSIONS INCLUDING CULVERTS, PONDS, DAMS OR OTHER GROUND DISTURBANCES FROM WATER DIVERSION.
 5. NO KNOWN RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET OF CULTIVATION AREAS.
 6. NO KNOWN SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION AREAS.



- LEGEND
- PROPERTY LINE
 - 30 FT SETBACK FROM PROPERTY LINE
 - 300 FT SETBACK FROM CULTIVATION AREAS
 - 600 FT SETBACK FROM CULTIVATION AREAS
 - GRADED AREA (< 5% AVERAGE SLOPE)
 - EXISTING CULTIVATION AREA
 - EXISTING NURSERY AREA
 - PUBLIC ROAD (20' WIDTH, PAVED)
 - PRIVATE ACCESS ROAD (12' WIDTH, UNPAVED)
 - SEPTIC TANK AND LEACHFIELD
 - SPRING
 - CULVERT
 - WATER TANK
 - NUTRIENT TANK
 - PARKING SPACE
 - SETBACK DIMENSION TO PROPERTY LINE
 - USED FOR CULTIVATION ACTIVITIES
 - NOT USED FOR CULTIVATION ACTIVITIES
 - EXISTING
 - PROPOSED

APN: 211-331-027
SITE ADDRESS: 2153 ELK CREEK RD., MYERS FLAT, CA 95554

APPLICANT: ALEX LINDSAY
PHONE NO: (707) 672-6601

May 6, 2021

Page 32 of 45

1

PLOT PLAN

CULTIVATION PERMIT

DATE: 08-15-2017

JOB NO: 016030

PAPER SIZE: 11" X 17"

DRAWN: CL

CHECKED: MB

SHEET NO:

PLN-11608-01 Finnzland Farms, LLC

Attachment C



Well Completion Report

State of California
Well Completion Report
 Form DWR 188 Submitted 8/5/2019
 WCR2019-010865



Owner's Well Number _____ Date Work Began 08/01/2019 Date Work Ended 08/05/2019
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency _____ Permit Number 18/19-1100 Permit Date 05/30/2019

Well Owner (must remain confidential pursuant to Water Code 13752)		Planned Use and Activity	
Name _____		Activity <u>New Well</u>	
Mailing Address _____		Planned Use <u>Water Supply Irrigation - Agriculture</u>	
City _____	State _____ Zip _____		

Well Location									
Address _____						APN <u>211-331-027</u>			
City <u>Myers Flat</u>	Zip <u>95554</u>	County <u>Humboldt</u>		Township <u>02 S</u>					
Latitude <u>40</u> <u>17</u> <u>47.2379</u> N	Longitude <u>123</u> <u>49</u> <u>45.4871</u> W	Range <u>03 E</u>		Section <u>15</u>					
Deg. Min. Sec.	Deg. Min. Sec.	Baseline Meridian <u>Humboldt</u>							
Dec. Lat. <u>40.296455</u>		Dec. Long. <u>-123.829302</u>		Ground Surface Elevation _____					
Vertical Datum _____		Horizontal Datum <u>WGS84</u>		Elevation Accuracy _____					
Location Accuracy _____		Location Determination Method _____		Elevation Determination Method _____					

Borehole Information			Water Level and Yield of Completed Well		
Orientation <u>Vertical</u>	Specify _____		Depth to first water <u>61</u>	(Feet below surface)	
Drilling Method <u>Other - Underream Down Hole Hammer</u>	Drilling Fluid <u>Air</u>		Depth to Static _____		
Total Depth of Boring <u>160</u>	Feet		Water Level <u>63</u> (Feet)	Date Measured <u>08/05/2019</u>	
Total Depth of Completed Well <u>160</u>	Feet		Estimated Yield* <u>40</u> (GPM)	Test Type <u>Air Lift</u>	
			Test Length <u>4</u> (Hours)	Total Drawdown <u>97</u> (feet)	
*May not be representative of a well's long term yield.					

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	2	top soil with road base
2	22	brown silty clay and sandstone
22	26	shale
26	61	brown fractured sandstone
61	106	blue fractured sandstone
106	160	shale melange

ENTERED
8-12-19

RECEIVED

AUG - 6 2019

HUMBOLDT CO. DIVISION
 OF ENVIRONMENTAL HEALTH

Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specifications	Wall Thickness (Inches)	Outside Diameter (Inches)	Screen Type	Slot Size If any (Inches)	Description
1	0	80	Blank	Low Carbon Steel	Grade: ASTM A53	0.188	6			
1	80	100	Screen	Low Carbon Steel	Grade: ASTM A53	0.188	6	Milled Slots	0.05	
1	100	160	Blank	Low Carbon Steel	Grade: ASTM A53	0.188	6			

Annular Material					
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	18	Bentonite	Other Bentonite		Sanitary Seal
18	160	Filter Pack	Other Gravel Pack	3/8 inch	Pea Gravel

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet	Borehole Diameter (Inches)	
0	160	10

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name	FISCH DRILLING		
Person, Firm, or Corporation			
3150 JOHNSON ROAD	HYDESVILLE	CA	95547
Address	City	State	Zip
Signed	electronic signature received	08/06/2019	683865
C-57 Licensed Water Well Contractor		Date Signed	C-57 License Number

Attachments
Scan.pdf - Location Map

DWR Use Only			
CSG #	State Well Number	Site Code	Local Well Number
		N	W
Latitude Deg/Min/Sec		Longitude Deg/Min/Sec	
TRS:			
APN:			

ATTACHMENT 4

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		No response	
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
Cal Fire	✓	No Comments	
California Department of Fish & Wildlife		No response	
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file and confidential
County Counsel		No Response	
Humboldt County Sheriff		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		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: 08/25/2020

RE:	<table><tr><td>Applicant Name</td><td>FINNZLAND FARMS LLC</td></tr><tr><td>APN</td><td>211-331-027</td></tr><tr><td>APPS#</td><td>PLN-11608-SP</td></tr></table>	Applicant Name	FINNZLAND FARMS LLC	APN	211-331-027	APPS#	PLN-11608-SP
Applicant Name	FINNZLAND FARMS LLC						
APN	211-331-027						
APPS#	PLN-11608-SP						

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:

Per the Operations Plan Addendum it appears that the access from the County maintained road was surfaced without the issuance of an Encroachment Permit from the Department. Applicant will be required to obtain an encroachment permit to bring the residential driveway approach into commercial cannabis conformance. If the driveway culvert is undersized then it shall be replaced to county standards.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply) APPS #

☒ 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.

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

☒ COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

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

☐ COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

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

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

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

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

// END //

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



20-0320

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

8/17/2020

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD: Fruitland, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Key Parcel Number 211-331-027-000**Application (APPS#)** PLN-11608-SP **Assigned Planner** Stephen Luther 707-268-3737

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

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

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

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

Return Response No Later Than: 9/1/2020

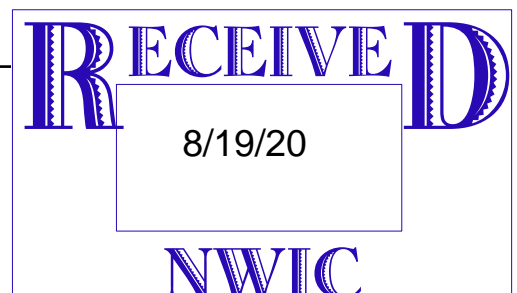
Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

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

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

Other Comments: _____

DATE: _____ PRINT NAME: _____



CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE

HUMBOLDT
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO

SAN FRANCISCO
SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwwic@sonoma.edu
<http://www.sonoma.edu/nwwic>

September 1, 2020

File No.: 20-0320

Planning Commission Clerk
County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501
*PlanningClerk@co.humboldt.ca.us

re: APPS# PLN-11608-SP, 211-331-027-000, Finnzland Farms LLC; Stephen Luther

Dear Mr. Luther:

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

Project Description: A Special Permit for 2,200 square feet of existing mixed-light and 5,234 square feet of existing outdoor of cannabis cultivation, for a total of 7,434 square feet. Mixed-light cultivation achieves two harvest cycles. Propagation occurs in a 480 square foot structure. The irrigation water source is a permitted groundwater well supplemented by rainwater catchment. A diversion previously used on APN 211-331-028 has been decommissioned. Water storage in tanks totals 104,000 gallons. Estimated annual irrigation water use is 129,000 gallons. Drying occurs in an existing 1,206 square foot building. Processing, including trimming, occurs onsite in an existing 960 square foot structure. Electricity is sourced by P.G.&E. No generator is used. Up to seven workers needed at peak operations.

Previous Studies:

XX This office has no record of any previous cultural resource studies for the proposed project area (*see recommendation below*).

Archaeological and Native American Resources Recommendations:

XX The proposed project area has the possibility of containing unrecorded archaeological site(s). A study by a qualified professional archaeologist is recommended prior to commencement of project activities.

XX We recommend that the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at (916) 373-3710.

Built Environment Recommendations:

XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Humboldt County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org>. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call at (707) 588-8455.

Sincerely,

Bryan Much
Coordinator

Enc: Humboldt County project cover letter

Paul, Gayle

From: Moreno, Elizabeth
Sent: Wednesday, September 30, 2020 12:11 PM
To: Planning Clerk
Cc: Luther, Stephen
Subject: please post, apps 11608



- APPS# 11608, Finnzland, apn 211-331-027:
 - Include inadvertent discovery protocol

Best Wishes,

Jesse Lopez

Tribal Historic Preservation Officer Assistant / GIS Specialist
Bear River Band of the Rohnerville Rancheria
Loleta, CA 95551

707-733-1900 x371 Office
707-733-1727 Fax
JesseLopez@brb-nsn.gov

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