



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 Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Chronic Creek, LLC, Special Permit**
Record Number: PLN-2019-16103
Assessor's Parcel Number: 222-231-012
Garberville area.

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	6

Maps

Zoning Map	
Aerial Map	8
Topo Map	9
Site Plan	10
	11

Attachments

Attachment 1: Recommended Conditions of Approval	13
Attachment 2: Required Findings for Approval	21
Attachment 3: CEQA Addendum	48
Attachment 4: Applicant's Evidence in Support of the Required Findings	52
a. Cultivation and Operations Plan	Separate
b. Biological Report	Separate
Attachment 5: Referral Agency Comments and Recommendations	89

Please contact Christopher Alberts, Planner, at (707) 268-3771, or by email calberts@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Special Permit	Christopher Alberts

Project Description: A Special Permit for 22,000 square feet of mixed light cannabis cultivation. There is 3,500-square feet of existing mixed light cultivation and the applicant is proposing to expand the cultivation area by 18,500 square feet. There will be a maximum of three cultivation cycles annually. Cultivation activities extend from January to December. Water is sourced from three existing permitted wells. The anticipated maximum water usage is 178,600 gallons. During peak of operations a maximum of six employees will be on-site to assist with cultivation activities. Processing such as drying, curing, trimming and packaging is proposed to occur onsite inside of a 576-square-foot shop building and two proposed 1,800-square-foot barns. Power will be provided by solar until P. G. & E is developed on the subject parcel. Until P. G. & E. power is available, outdoor cultivation without the use of artificial lighting will occur.

Project Location: The project is located in Humboldt County, in the Garberville area, on both sides of Connick Creek Road, approximately 550 feet southwest from the intersection of Connick Creek Road and Kadin Way, on the property known to be in the northeast quarter of the northwest quarter, and the northwest quarter of the northeast quarter of Section 26 of Township 04 South, Range 03 East, Humboldt Base & Meridian.

Present Plan Land Use Designation: Residential Agriculture (RA5-20), Density: Range is 5 to 20 acres per unit; Airport Safety Review (AP), Density: Must comply with most recent Airport Land Use Compatibility Plan (ALUCP); Garberville Redway Benbow Alderpoint Community Plan (GRBAP), 2017 General Plan, Slope Stability: Low Instability (1).

Present Zoning: Agricultural Exclusive (AE), Minimum building site area is 160 acres (B-5(160)); Agricultural General (AG), Minimum building site area is 5 acres (B-5(5)).

Record Number: PLN-2019-16103

Assessor Parcel Number: 222-231-012

Applicant

Chronic Creek, LLC
Tiffany Smith
PO Box 2018
Redway, CA 95560

Owner

David & Michelle Bushnell
PO Box 126
Blocksburg, CA 95514

Agent

SL Consulting Services Inc.
Steven Luu
973 Dowler Drive.
Eureka, CA 95501

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

Major Issue: None.

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

Chronic Creek, LLC
Record Number: PLN-2019-16103
Assessor's Parcel Number: (APN): 223-231-012

Recommended Planning Commission Action:

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

Find that the Planning Commission has considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on the evidence in the staff report and adopt the Resolution approving the proposed Chronic Creek, LLC, project subject to the recommended conditions.

Executive Summary

The proposed Special Permit would permit 22,000 square feet mixed light commercial cannabis cultivation. There is 3,500-square feet of existing mixed light cultivation and the applicant is proposing to expand the cultivation area by 18,500 square feet. Cultivation activities extend from January to December. There will be a maximum of 3 cultivation cycles annually. Cultivation will be located in three areas on the parcel. The Western Flat will consist of two 1,800-square-foot mixed light greenhouses, one 900-square-foot cabin used for drying and storage, an existing well, and two 5,000-gallon water tanks. The Central Flat will consist of five (5) 2,000-square-foot mixed light greenhouses, one (1) 1,200-square-foot mixed light greenhouse, one (1) 1,600-square-foot propagation greenhouse, one 960-square-foot propagation greenhouse, one 120-square-foot storage shed, two (1) 1,000-gallon water tank, and three (3) 5,000-gallon water tanks. The Eastern Flat will consist of six (6) 1,200-square-foot mixed light, a proposed 1,800-square-foot barn, an existing well, two (2) 120-square-foot storage sheds, and three 5,000-gallon water tanks. According to the applicant, the mixed light greenhouses will utilize light deprivation techniques, if weather allows for it in order to reduce the amount of lights used for cultivation. Artificial lighting used for the mixed light greenhouses and propagation greenhouses will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO. Processing such as drying, curing, trimming and packaging is proposed to occur onsite inside of a 576-square-foot shop building and two proposed 1,800-square-foot barns. The applicant anticipates on hiring a maximum of six employees during peak of operations. Power for the project will be supplied by P. G. & E. and solar. As a condition of approval, the applicant will be utilizing light deprivation techniques for cannabis cultivation until renewable energy is purchased or the applicant has installed solar prior to using power for cultivation. Proof of continued use (e.g. power bills) are applied for during the annual inspection.

Irrigation for the project will be sourced from three existing permitted wells. The applicant anticipates the maximum water usage is 178,600 gallons. Water for irrigation will be stored in five existing 5,000-gallon tanks and two existing 1,100-gallon tanks. The applicant proposes to add an additional 20,000 gallons of storage, for a total of 47,200 gallons of water storage.

The property is accessed via Connick Creek Road from Old Briceland Road. The property can also be accessed via Connick Creek Road from Kadin Way. Per Road Evaluation prepared by the agent, dated December 20, 2019, Old Briceland Road and Kadin Way is developed to the equivalent of a road category 4 standard. The Department of Public Works commented on this project and recommends the applicant to obtain an Avigation Easement. The Avigation Easement shall be on the form prescribed by the Department of Public Works.

According to the California Natural Diversity Database (CNDDDB) the parcel is located within 2.13 miles west of a known Northern Spotted Owl Activity Center and an NSO sighting was mapped approximately 0.52 miles west from the project site. Marbled Murrelet habitat is mapped approximately 2.17 miles north from the project site. A Biological Assessment was prepared by Naiad Biological Consulting, dated December 27, 2019. The assessment identified 9 special status animal species and 5 special status plant species that have a moderate potential of occurring at or within the project site. The Northern Spotted Owl was included as one of the special status animal species that have a moderate potential of occurring on or within the project site. According to the assessment the project will not have a direct impact on Northern Spotted Owls because the surrounding habitat on the parcel is not preferred by the NSO's, artificial lighting will be covered, and noise on the parcel will not result in more than 50 decibels at the property line. The assessment concludes that if the applicant proceeds with the proposed cultivation plan, there is no foreseeable issues to the environment based on the location of the proposed project sites that are adequately setback and are adhering to the required riparian buffers, as met by the most conservative California requirements.

According to the Humboldt County WebGIS the subject project is located within the County Code Section 333 GIS Layer. The subject project is located approximately .06 miles north from the Garberville Airport. The project site is located on elevation of approximately 514 feet. The Garberville Airport is located on an elevation of approximately 530 feet. Because there is approximately 16 feet difference in elevation between the airport and project site, staff does not believe the proposed cannabis project will have any impacts to the Navigable Airspace.

The project was previously heard at the October 15, 2020 Zoning Administrator Meeting. The project was continued to a date uncertain due to proposed greenhouses near the eastside of the parcel not meeting setbacks to the property line. The applicant has modified the project to allow for the proposed greenhouses to meet setbacks on the eastern side of the property. The applicant has submitted consent from an adjacent landowner for the setback reduction near the western property line.

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

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

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

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential

impacts. As the lead agency, the Department has determined that the project is consistent with the EIR for the CCLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

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

Resolution Number 21-

**Record Number: PLN-2019-16103
Assessor's Parcel Number: 222-231-012**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Chronic Creek, LLC, Special Permit request.

WHEREAS, Chronic Creek, LLC, submitted an application and evidence in support of approving the Special Permit to permit 22,000 square feet of mixed light cannabis cultivation. There is 3,500-square feet of existing mixed light cannabis cultivation and the applicant is proposing expand the cultivation area by 18,500 square feet. Cultivation activities extend from January to December. There will be a maximum of 3 cultivation cycles annually. Water is sourced from three existing permitted wells. The anticipated maximum water usage is 178,600 gallons. During peak of operations a maximum of six employees will be on-site to assist with cultivation activities. Processing such as drying, curing, trimming and packaging is proposed to occur onsite inside of a 576-square-foot shop building and two proposed 1,800-square-foot barns. Power will be provided by P. G. & E. and solar; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number: PLN-2019-16103); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on October 15, 2020.

WHEREAS, the project was continued and a public hearing was held on the matter before the Planning Commission on May 6, 2021.

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that the following findings be and are hereby made:

1. The Planning Commission considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Planning Commission makes the findings in Attachment 2 of the staff report for approval of Record Number: PLN-2019-16103 based on the submitted substantial evidence; and
3. Special Permit Record Number: PLN-2019-16103 is approved as recommended and conditioned in Attachment 1 for Record Number: PLN-2019-16103.

Adopted after review and consideration of all the evidence on May 6, 2021.

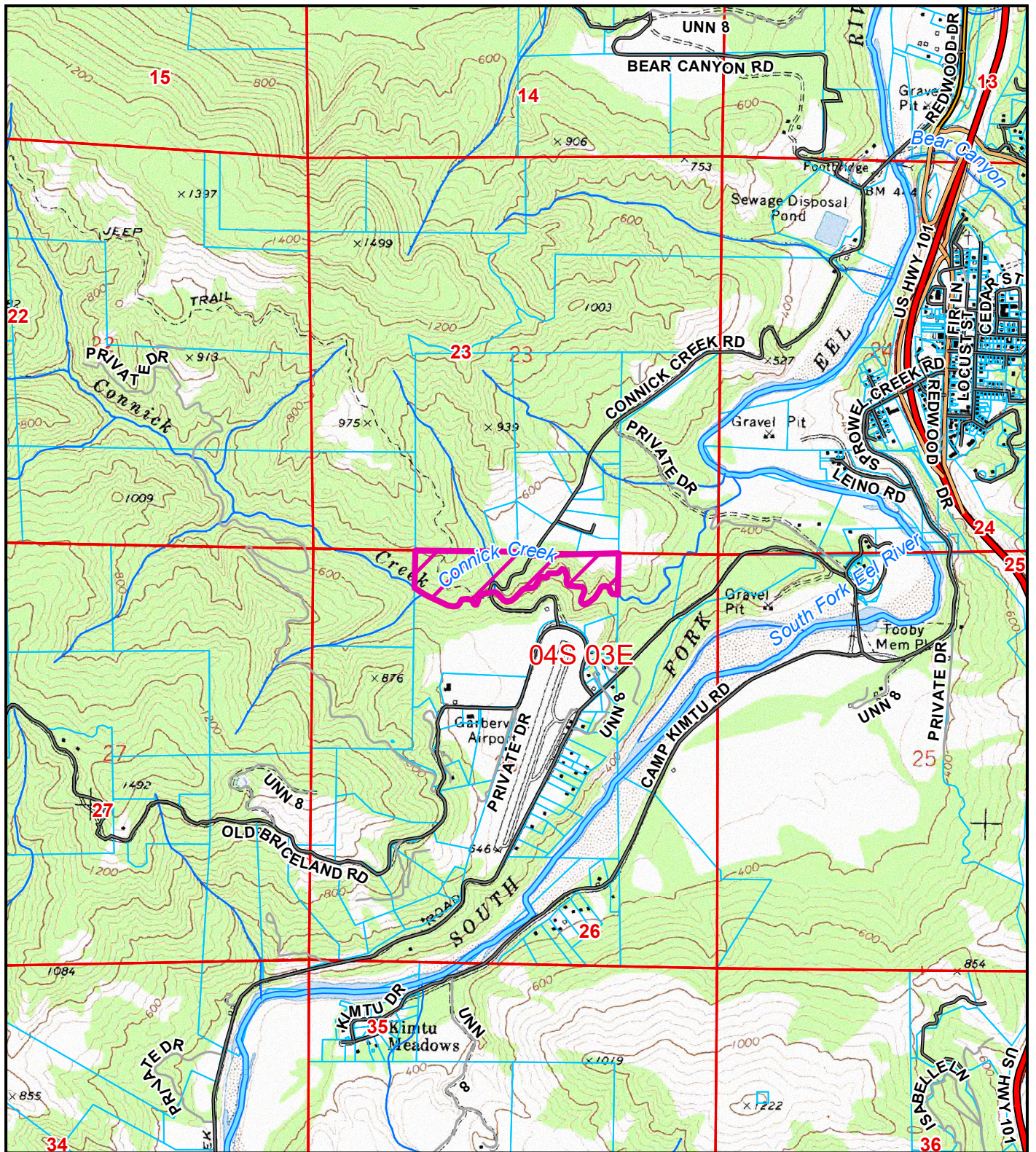
The motion was made by COMMISSIONER and second by COMMISSIONER and the following ROLL CALL vote:

AYES: COMMISSIONERS:

DECISION:

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

John H. Ford,
Director, Planning and Building Department



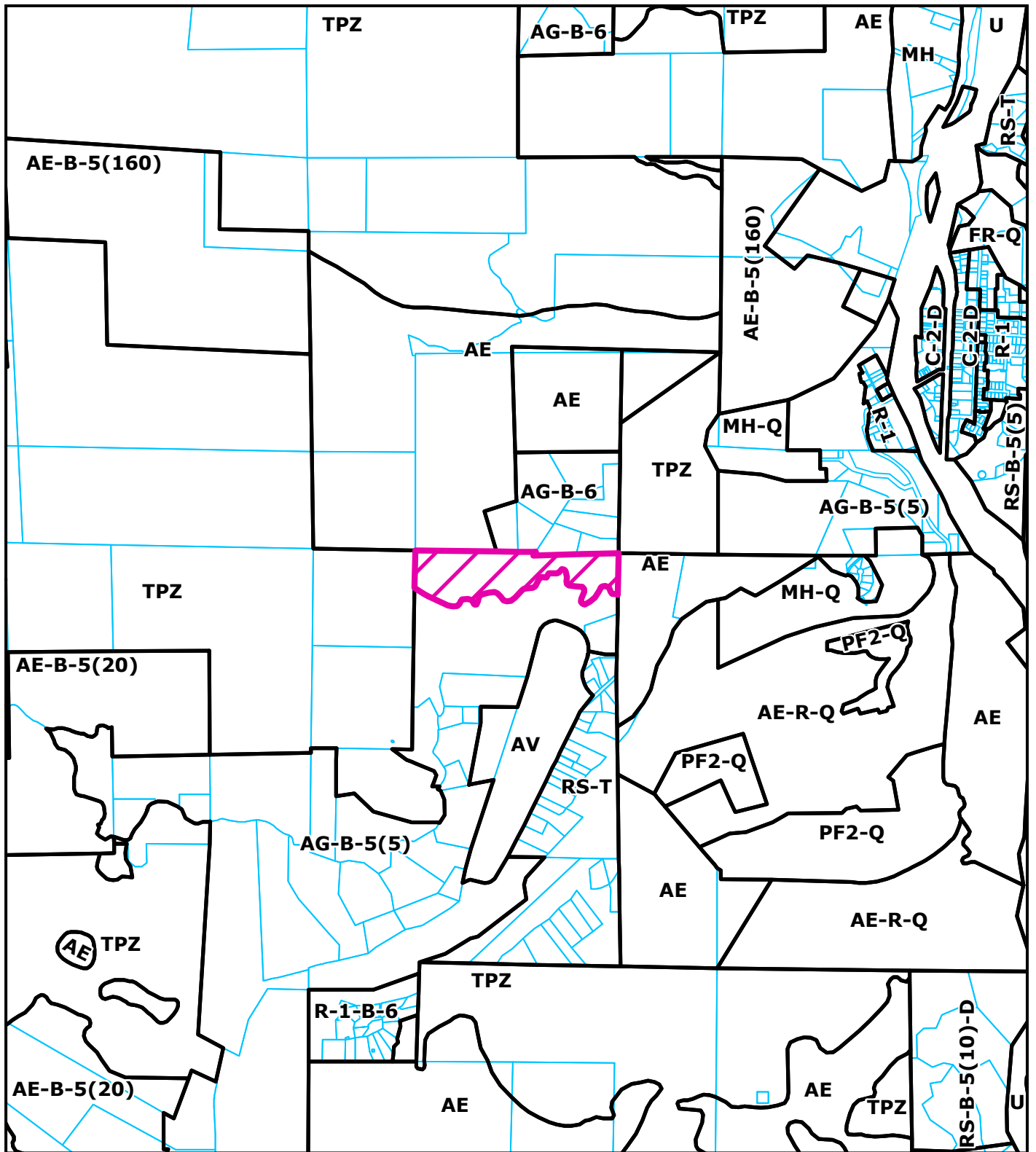
TOPO MAP
PROPOSED CHRONIC CREEK LLC
GARBERVILLE AREA
PLN--2019-16103
APN: 222-231-012-000
T04S R03E S26 HB&M (GARBERVILLE)

Project Area = 

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

0 1,000 2,000 4,000 Feet

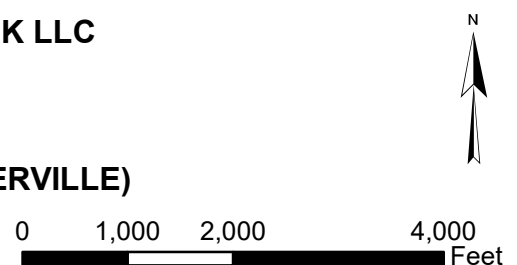


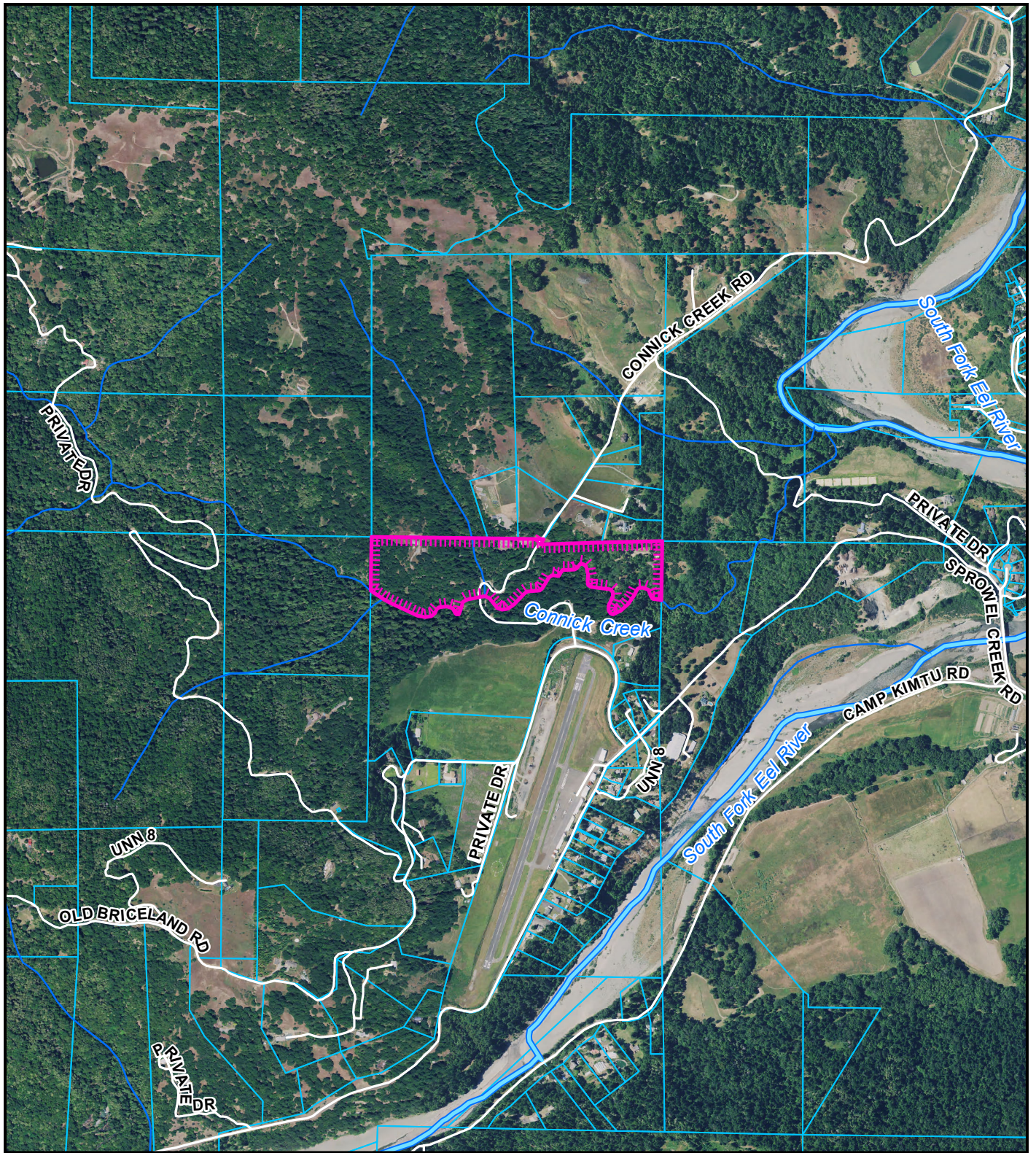


Project Area = 

ZONING MAP
PROPOSED CHRONIC CREEK LLC
GARBERVILLE AREA
PLN--2019-16103
APN: 222-231-012-000
T04S R03E S26 HB&M (GARBERVILLE)

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

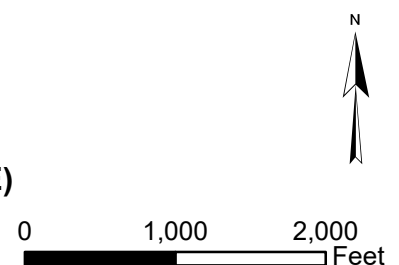




AERIAL MAP
PROPOSED CHRONIC CREEK LLC
GARBERVILLE AREA
PLN--2019-16103
APN: 222-231-012-000
T04S R03E S26 HB&M (GARBERVILLE)

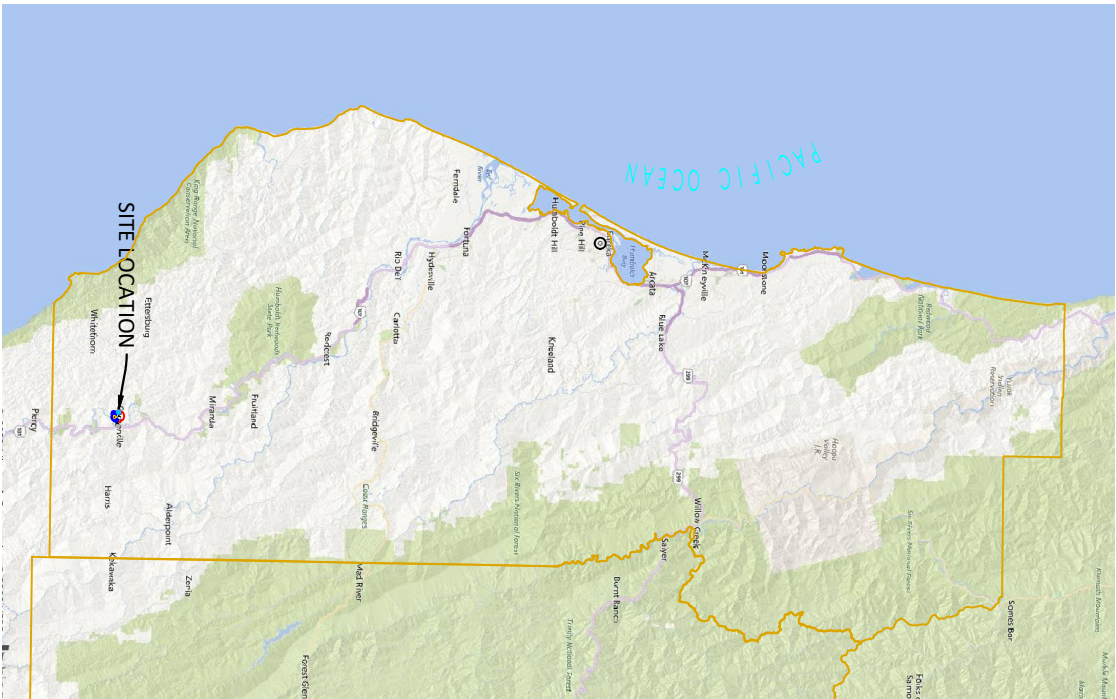
Project Area = 

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



VICINITY MAP

1:10,000



PROJECT DIRECTIONS

- FROM: EUREKA, CA
- HEAD SOUTH ON US-101 (65.9 MI)
 - TAKE EXIT 639A FOR SPROWL CREEK RD TOWARD GABERVILLE (0.2 MI)
 - TURN RIGHT ON SPROWL CREEK RD (2.0 MI)
 - TURN RIGHT ONTO OLD BRICELAND RD (2 MI)
 - TURN RIGHT (4 MI)

TRAVEL TIME

APPROXIMATELY: 1 H 14 MIN (70.1 MI)

SHEET INDEX

- CP-COVER PAGE
- C1-PARCEL OVERVIEW

PROJECT INFORMATION

LAT/LONG: 40.0918, -123.8153

APN: 222-231-012

APPLICANT: CHRONIC CREEK, LLC.

PARCEL SIZE: ± 31.61 ACRES

ZONING: AE-B5(160)/AG-B5(5)

APPLICATION TYPE:

COASTAL ZONE: **N**

100 YEAR FLOOD: **N**

AGENT:

KAYLIE SAXON

GREEN ROAD CONSULTING INC

1650 CENTRAL AVE, SUITE C

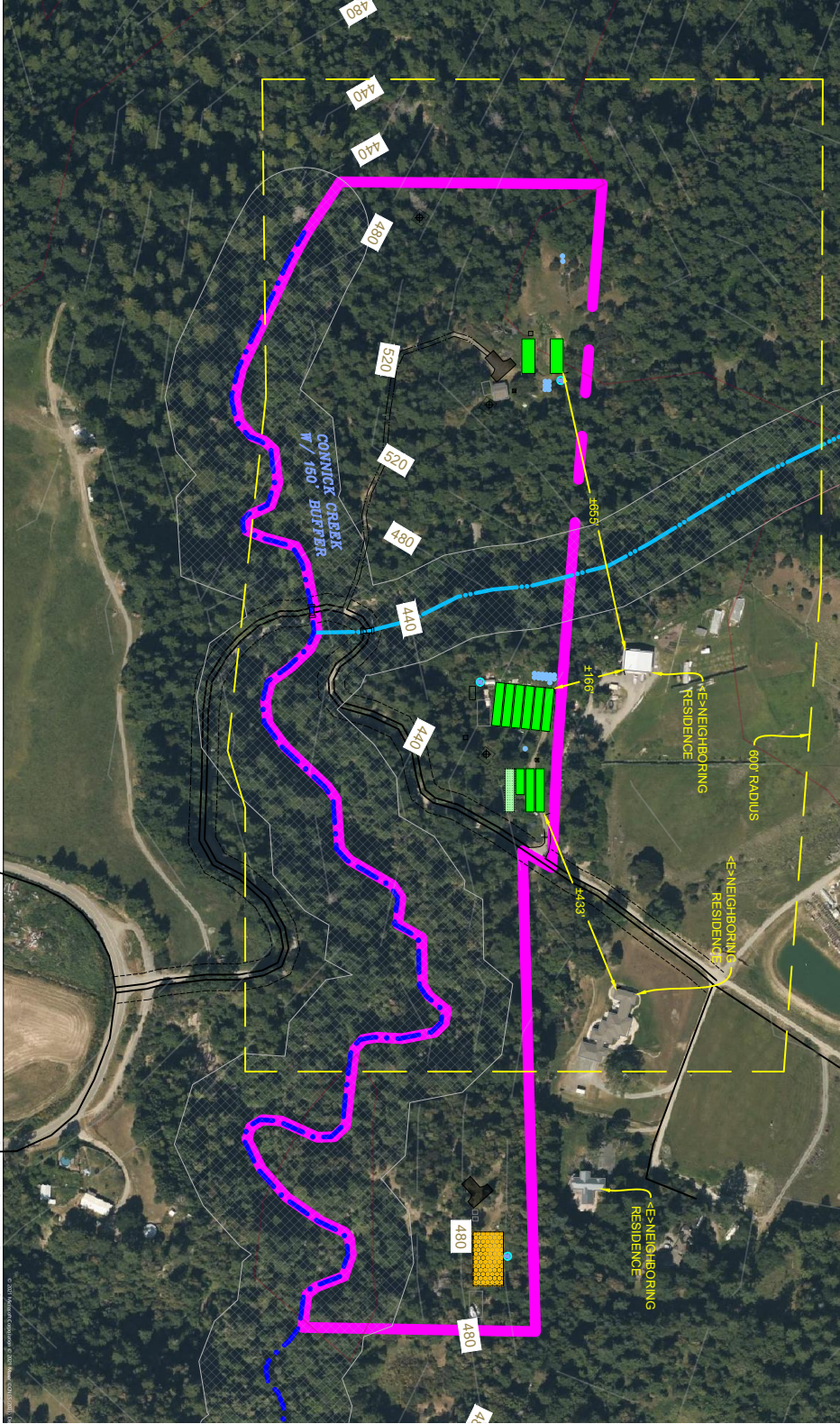
MCKINLEYVILLE, CA 95519

707-630-5041

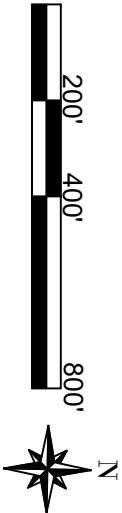
CHRONIC CREEK LLC

APN: 222-331-012

AERIAL MAP



PROPERTY LINES, DISTANCES, AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON AERIAL MAPS AND GPS DATA TAKEN IN THE FIELD.



PROJECT INFORMATION		
PROPERTY OWNER	DAVID BUSHNELL & MICHELLE BUSHNELL	
ADDRESS	APN: 222-231-012	
SHEET INFO	COVER PAGE	



REVISIONS		
NO.	NOTES	DATE
1	NOTES-INITIALS	00-00-00
2	NOTES-INITIALS	00-00-00
3	NOTES-INITIALS	00-00-00
4	NOTES-INITIALS	00-00-00
5	NOTES-INITIALS	00-00-00
6	NOTES-INITIALS	00-00-00
DATE		
3/30/21		
DRAFTER		
XX		
SCALE		
AS SHOWN		
SHEET		
CP		



DOMESTIC BUILDINGS AND USE

WATER STORAGE AND USE

WATER SOURCE

IMMATURE PLANT AREA			
NURSERY	LENGTH	WIDTH	SQ FT
-	100	22	2,200
TOTAL AREA =			2,200 SQ FT

CULTIVATION BUILDINGS AND USE

<u>BUILDINGS</u>	<u>USE</u>
DRY BUILDING (PROPOSED)	DRYING/HARVEST STORAGE
PROCESSING BUILDING (PROPOSED)	PROCESSING/MATERIALS PLANT AREA
DRY BARN (PROPOSED)	DRYING/HARVEST STORAGE
AG CHEMICAL STORAGE SHEET	AGRICULTURAL CHEMICAL STORAGE
AG CHEMICAL STORAGE SHEED	AGRICULTURAL CHEMICAL STORAGE

40.0236/-123.81.80	CANNABIS IRRIGATION
40.0922/-123.81.55	CANNABIS IRRIGATION
40.0924/-123.81.07	DOMESTIC
<u>SURROUNDING BUILDINGS</u>	
THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORKSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.	
<u>POWER SOURCE</u>	
GAS (PROPOSED), SOLAR GENERATORS (BACKUP ONLY)	

POWER SOURCE

PG&E(PROPOSED), SOLAR, GENERATORS (BACKUP ONLY)



MAIN ROAD

SEASONAL ROAD

PARCEL LINE

	PROPOSED	EXISTING
<P>		
<E>		

PROPERTY OWNER	DAVID BUSHNELL & MICHELLE BUSHNELL
ADDRESS	APN: 222-231-012
SHEET INFO	PARCEL OVERVIEW

REVISIONS

NOTES	DATE
NOTES-INITIALS	00-00-00

NOTES-INITIALS	00-00-00
NOTES-INITIALS	00-00-00

NOTES-INITIALS	00-00-00
----------------	----------

NOTES-INITIALS	00-00-00
----------------	----------

NOTES-INITIALS	00-00-00
----------------	----------

3/30/21

XX

AS SHOWN

AS FOLLOWS

SHEET2

Ω



**GREEN
ROAD
CONSULTING**

ATTACHMENT 1
Recommended Conditions of Approval

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

1. The applicant will not be authorized to use any power to support operations until such time the project complies with the CCLUO for energy use. The applicant shall supply an energy use plan that demonstrates how the project will comply with CCLUO requirements for energy use. The plan should include estimated energy use and what percentage of the use will be provided by each energy source. The applicant shall provide evidence of installation of a solar power system (e.g. photographs) and/or enrollment into a program to purchase renewable energy to the Planning Department for review and approval prior to use of power to support operations.
2. The applicant shall secure permits for all existing and proposed structures related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures and grading related to cannabis cultivation are permitted will satisfy this condition.
3. Within 30 days of the effective date, the applicant shall submit a revised Operation Plan that Indicates in the operations plan that the proposed project is for 3,500 square feet of existing mixed light cannabis cultivation and 18,500 square feet of mixed light cannabis is being proposed. A sign-off from the Planning Department will satisfy this condition.
4. Within 30 days of the effective date, the applicant shall submit a revised Site Plan that identifies all greenhouses being used for cannabis cultivation are mixed light greenhouses. A sign-off from the Planning Department will satisfy this condition.
5. The applicant shall submit a revised Energy Plan indicating the use of PG&E and solar as the source of energy for the project. The plan shall also indicate onsite generators will be used for emergency backup purposes only such as power outages. A sign-off from the Planning Department will satisfy this condition.
6. The applicant shall submit a comprehensive Light Pollution Prevention Plan for the project including all measures necessary to adhere to International Dark Sky Association standards as set forth in the CCLUO, demonstrating that the proposed project would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, affecting fish and/or wildlife directly or from a distance. The plan shall include information about any outdoor lighting utilized and measures to down-shield this lighting. The plan shall be submitted to the satisfaction of the Planning Division within six months of the effective date of this permit, or prior to use of lighting, whichever occurs first.
7. The applicant shall submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Should the site qualify for an exemption, the applicant shall provide proof of a

SWRCB exemption status. The applicant shall submit a Site Management Plan and adhere to all recommendations found within the plan. Final sign-off from the Planning Department will satisfy this condition.

8. The applicant shall obtain an Avigation Easement. The avigation Easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works. Sign-off by the Department of Public Works will satisfy this condition.
9. The applicant shall adhere and implement all recommendations found within the Biological Assessment dated prepared by Naiad Biological Consulting, dated December 27, 2019. A sign-off from the Planning Department will satisfy this condition.
10. The applicant shall adhere to the *Soils Management Plan* found within the operations plan prepared by SL Consulting Services Inc., dated April 2020 for the life of the project.
11. The applicant shall follow all recommendations found within the *Invasive Species Control Plan* prepared by Naiad Biological Consulting dated December 30, 2019.
12. 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.
13. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
14. Prior to initiating commercial cannabis cultivation or associated activities the applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
15. Provide a portable toilet to meet the needs of the farm operators. Annual contracts or invoices confirming the use of a portable toilet is required and will be provided to Humboldt county Health and Human Services, Department of Environmental Health (DEH). The portable toilet must not occupy the property outside of the cultivation season.
16. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.

2. The applicant shall obey the measured setbacks from the watercourses identified in the Biological Assessment.
3. The applicant shall comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and that any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft from the noise source or to the edge of habitat, whichever is closer.
4. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
5. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
6. 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.
7. 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.
8. 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 10 feet from the side property lines and 20 feet from the front and rear property lines, 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 55.4.6.4.4. The project is located within the Myers Flat Community area and the setbacks from property lines meet those of the underlying zone (FP). The allowance for a setback reduction of 600 feet from a Public Park is approved as part of this project. The adjacent property owned by Redwood State Park is managed for open space and/or wildlife habitat purposes, and no developed or designated recreational facilities are within 600 feet of the cultivation area.
9. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
10. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

12. Pay all applicable application, review for conformance with conditions and annual inspection fees.
13. Power is to be supplied by PG&E. If the project is modified to use a generator for cannabis operations the noise from the generator or fans shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
14. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
15. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
16. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
17. Any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.
18. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
19. The Master Logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
20. Participate in and bear costs for permittee's participation in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.

Performance Standards for Cultivation and Processing Operations

21. 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."
22. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and

hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

23. Cultivators engaged in processing shall comply with the following Processing Practices:
 - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
24. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 1) Operation manager contacts;
 - 2) Emergency responder contacts;
 - 3) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
25. All cultivators shall comply with the approved Processing Plan as to the following:
 - I. Processing Practices.
 - II. Location where processing will occur.
 - III. Number of employees, if any.
 - IV. Employee Safety Practices.
 - V. Toilet and handwashing facilities.
 - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - VII. Drinking water for employees.
 - VIII. Plan to minimize impact from increased road use resulting from processing.
 - IX. On-site housing, if any.

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

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

27. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #26, above, is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
28. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
 - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
 - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
29. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

- (1) Identifying information for the new Owner(s) and management as required in an initial

- permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - (3) The specific date on which the transfer is to occur; and
 - (4) Acknowledgement of full responsibility for complying with the existing permit; and
 - (5) Execution of an Affidavit of Non-diversion of Commercial Cannabis.
30. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.
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 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 on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

ATTACHMENT 2

Required Findings for Approval

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

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

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

1. General Plan Consistency. The following table documents the evidence that the proposed action is in conformance with all applicable policies and standards in the Humboldt County General Plan 2017, Open Space Plan, and the Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA):</p> <p>This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. RA5-20 and RA20 are rural residential designations for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access. RA40, RA60, and RA160 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range is 20 to 160 acres/unit</p> <p>Airport Land Use Compatibility Zone Overlay (AP): An Airport Land Use Compatibility Zone for all public use airports shall be established that matches the Recommended Compatibility Zones contained in the March 1993 Airport Land Use Compatibility Plan, as amended, for Humboldt County Airports, and that limits the maximum allowable residential density and building occupancy for each land use designation subject to such zones, to the Airport/Land Use Safety Compatibility Criteria of the Airport Land Use Compatibility Plan (Table 14-A)</p>	<p>The project includes approximately 22,000 square feet of mixed light cannabis cultivation on a 31.61-acre parcel, APN 222-231-012. General and intensive agriculture are allowable use types in the RA designation.</p> <p>The subject parcel is located within the Part 77 Civil Surfaces, of the Code of Federal Regulations (CFR), therefore, the development on the subject parcel must conform to the requirements of the Code of Federal Regulations (CFR). See <i>Circulation</i> (Chapter 7) findings below for more information.</p>

Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The property is accessed via Connick Creek Road from Old Briceland Road. The property can also be accessed via Connick Creek Road from Kadin Way. Per Road Evaluation prepared by the agent, dated December 20, 2019, Old Briceland Road and Kadin Way is developed to the equivalent of a road category 4 standard. The Department of Public Works commented on this project on June 18, 2020. Public Works recommends the applicant to obtain an Avigation Easement. The Avigation Easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign for a building permit, or Public Works approval for a business license. Public Works also recommends the applicant to conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall also not be permitted. As conditioned, the project therefore conforms with this section.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>

<p>Conservation and Open Space</p> <p>Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed 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. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</p>
---	---	--

<p>Conservation and Open Space</p> <p>Chapter 10</p> <p>Biological Resources</p> <p>Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The parcel is located within 2.13 miles west of a known Northern Spotted Owl (NSO) Activity Center and an NSO sighting was mapped approximately 0.52 miles west from the project site. Marbled Murrelet habitat is mapped approximately 2.17 miles north from the project site. A <i>Biological Assessment</i> was prepared by Naiad Biological Consulting, dated December 27, 2019. The assessment identified 9 special status animal species and 5 special status plant species that have a moderate potential of occurring at or within the project site. The NSO was included as one of the special status animal species that have a moderate potential of occurring on or within the project site. According to the assessment the project will not have an direct impact on NSO because the surrounding habitat on the parcel is not preferred by the NSO's, artificial lighting will be covered, and noise on the parcel will not result in more than 50 decibels at the property line. The assessment concludes that if the applicant proceeds with the proposed cultivation plan, there is no foreseeable issues to the environment based on the location of the proposed project sites that are adequately setback and are adhering to the required riparian buffers, as met by the most conservative California requirements. The project has an ongoing condition to obey the measured setbacks from the watercourses identified in the <i>Biological Assessment</i> prepared by Naiad Biological Consulting, dated December 27, 2019. The project is also conditioned to comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and that any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft from the noise</p>
--	--	---

		<p>source or to the edge of habitat, whichever is closer.</p> <p>See §314-55.4.12.7 <i>Performance Standards – Cannabis Irrigation</i> below for additional information regarding the three wells proposed for use for irrigation.</p> <p>The project was referred to CDFW on August 28, 2019. No response was received by the Department. Staff sent out an additional email to CDFW reaching out for comments on April 3, 2020. No response has been received.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1, Identification and Protection; and CU-P2, Native American Tribal Consultation.</p>	<p>The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of Rohnerville Rancheria. Both agencies requested the applicant to submit a Cultural Resource Study. A <i>Cultural Resource Study</i> was prepared by the Archaeological Research and Supply Company dated August 2020. The study concluded there were no cultural resources found during the survey. A condition of approval has been incorporated regarding inadvertent discovery protocol to protect cultural resources.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The proposed project is for 22,000 square feet of mixed light cannabis cultivation. The mixed light cultivation will be occurring in; two (2) 1,800-square-foot greenhouses located on the western flat; five (5) 2,000-square-foot greenhouses located on the Central Flat; six (6) 2,000-square-foot greenhouses and one (1) 1,200-square-foot greenhouse. Propagation will occur in one (1) 960-square-foot greenhouse and one (1) 1,600-square-foot greenhouse located on the central flat. Until P. G. & E. is connected to the subject parcel, the applicant will use the outdoor cultivation methods; no mixed light cultivation will occur initially. According to the applicant, the mixed light greenhouses will utilize light deprivation techniques on the mixed light greenhouses, if weather allows for it in order to reduce any potential impacts of light pollution. Conditions of approval require all artificial lighting used for cannabis operations will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO. As conditioned, the project therefore conforms to this section.</p>
--	--	---

<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>The applicant is in the process of enrolling into the State Cannabis Discharge program. The project is conditioned for the applicant to submit evidence of full enrollment into the State Cannabis Discharge program. The applicant shall submit a Notice of Applicability and implement all site-specific requirements found in the found in the Notice of Applicability by the State Water Resources Control Board (SWRCB). The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status. The project is also conditioned for the applicant to submit a Site Management Plan (SMP) and adhere to all recommendations found within the SMP.</p>
--	---	--

<p>Water Resources</p> <p>Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>There will be a maximum of six (6) employees during the peak of operations. Processing, such as drying, curing, trimming and packaging is proposed to occur on-site inside of a 576-square-foot shop building and two proposed 1,800-square-foot barns. The applicant is proposing to construct an ADA restroom for employees conducting cultivation activities only. No processing will occur on-site until the processing facilities and Onsite Wastewater Treatment System (OWTS) is signed off by the Department of Environmental Health (DEH). The parcel will be serviced by a portable toilet that will be serviced as needed until the ADA restroom is constructed. As a condition of approval, the applicant will be required to provide an invoice, or equivalent documentation to DEH to confirm the continual use of the portable toilet to serve the needs of the farm operators.</p>
---	--	---

<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; and N-P4, Protection from Excessive Noise.</p>	<p>The CNDDDB indicates the parcel is located within 2.13 miles west of a known Northern Spotted Owl Activity Center and an NSO sighting was mapped approximately 0.52 miles west from the project site. Marbled Murrelet habitat is mapped approximately 2.17 miles north from the project site. According to the applicant, power for the project will be provided by PG&E and solar. There will be emergency backup generators onsite for emergency backup purposes such as power outages. The applicant will be utilizing fans during the drying and curing process. The applicant will be enrolling into a renewable energy program with the Redwood Coast Energy Authority in the future. The project is conditioned for any fans, dehumidifiers, generators and solar pumps used in the cultivation operation will be conditioned to operate at less than 50 dB at 100-foot from the noise source or edge of habitat, whichever is closer. As conditioned, the project therefore conforms to this section.</p>
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability; and S-P7, Structural Hazards.</p>	<p>The subject project is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The site is seismically classified as low instability. The cultivation areas are located in slopes less than 15%. The project also does not pose a threat to public safety related from exposure to natural or manmade hazards. The project therefore complies with the geologic and seismic section within the Safety Element.</p>

<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject project is not located within the 100-year flood plain. Lastly, the project site is not within a mapped dam or levee inundation area. The project site is approximately 520 feet above sea level, thus, is outside the areas subject to tsunami run-up. The project therefore complies with this section.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with high fire hazard severity. The subject project is located within the Garberville Fire Protection District response area and State Responsibility Area (SRA), where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. All existing structures and proposed structures meet the 30-foot setback from property lines.</p> <p>A maximum of six (6) employees onsite during the peak of operations. The water source for the project is sourced from three existing permitted wells and 47,200-gallons of water is proposed. The applicant will set aside a 5,000-gallon hard tank labeled as "SRA" for fire suppression. All applicable referral agencies were referred and did not identify any issues relating to fire hazards. The project therefore complies with this section.</p>

<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p> <p>For discretionary permits findings shall be made that no service is available, and the project shall be conditioned to record acknowledgment of no available emergency response and fire suppression services.</p>	<p>The subject parcel is located within the Garberville Fire District response area; however, it is located outside of the Garberville Fire District boundaries and it is assumed that no service would be available from the District, and that no acknowledgment would be received. For this reason, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	<p>If grading is required for any future development on the site, the applicant will be required to obtain a permit from the Building Inspection Division and the North Coast Air Quality Management District (NCAQMD) as a condition of project approval. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	Per LLA-34-912 the subject parcel has been determined to be one legal parcel as described in Notice of Lot Line Adjustment Certificate of Compliance 1998-32663.
§314-7.1 Agriculture Exclusive (AE)	Agriculture Exclusive (AE): The principal permitted uses in Agriculture Exclusive zoning designation are all general agricultural uses, including accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures), except those specified in the Uses Permitted with a Use Permit.	The applicant is seeking a Special Permit to cultivate 22,000 square feet of new and existing mixed light cannabis cultivation. The subject project parcel is 31.61-acres in size and is zoned AE. The proposed use is specifically allowed in the zoning districts under Section 314-55.4.6 of the CCLUO.
Minimum Lot Area:	AE: Twenty (20) acres	31.61 acres
Minimum Lot Width:	Agriculture Exclusive (AE): The principal permitted uses in Agriculture Exclusive zoning designation are all general agricultural uses, including accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures), except those specified in the Uses Permitted with a Use Permit.	1,402 feet
Max. Lot Coverage:	AE: Thirty-five percent (35%)	<35%
Min. Yard Setbacks (Through the SRA requirements):	AE: Front: 20 feet Rear: 10 feet Side: 5 feet SRA: 30 feet, all sides	Front: 220 feet Rear: 194 feet Sides: 1,173 feet
Max. Building Height:	Not specified	<20 feet

§314-61.1 Streamside Management Area (SMA)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p>	<p>According to the Humboldt County WebGIS, the proposed cultivation is not located within the Streamside Management Area (SMA) buffer.</p> <p>According to the <i>Biological Assessment</i> conducted by Naiad Biological Consulting, dated December 27, 2019, there were observed watercourses on the subject parcel that were all outside of the required setbacks from the project sites. The assessment identified Site 3 as having observed species that are potential indicators of a wetland or “wet area” habitat. Further investigation was completed at Site 3 by conducting a site visit after heavy rainfall and taking soils samples. Further investigation concluded there was no standing water observed after heavy rainfall and the observed soil did not meet the requirements of wetland soils.</p>
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Commercial Cannabis Inland Land Use Regulation (CCLUO)		
§314-55.4.5.4 Permit Limits and Permit Counting	No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).	According to the records maintained by the Department, the applicant, Chronic Creek, applied for one cannabis activity permit for 22,000 square feet of commercial cannabis cultivation. If approved the applicant will hold one permit for 22,000 square feet of mixed light cultivation.
§314-55.4.6.0 Conversion of Timberland	Cultivation sites may only be located within a Non-Forested area that was in existence prior to January 1, 2016.	A review of aerial imagery on the Humboldt County WebGIS shows the parcel has a naturally open area where domestic activities have occurred. No tree removal that could constitute a timber conversion has occurred on the property, either prior to or subsequent to the adoption of the CCLUO. No trees considered as timber are proposed to be removed as part of the project.

<p>§314-55.4.6.4.3</p> <p>Limitation on Use of Prime Soils</p>	<p>The cumulative area of any Cannabis Cultivation Site(s) located in areas identified as having Prime Agricultural Soil shall not exceed 20 percent of the area of Prime Agricultural Soil on the Parcel. Where occurring in areas with Prime Agricultural Soil, Cultivation shall only occur within the native soil. Removal of native soil and replacement with manufactured soil is prohibited. Exceptions to the in native soil planting requirement may be considered with a Use Permit. Where an exception is sought, the Use Permit application shall include evidence demonstrating that in the circumstances of the particular cultivation site, it is better to not plant within the native soils. An exception shall only be approved if it can be demonstrated that the native soil will not be impaired or damaged.</p>	<p>According to the Natural Resources Conservation Service there is no prime agricultural soils on the subject parcel.</p>
<p>§314-55.4.6.4.4</p> <p>Standard Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.</p>	<p>The proposed project conforms to the 600-foot setback for schools, school bus stops, parks, places of religious worship. No nearby Tribal Cultural Resources or Tribal Ceremonial Sites were identified by the Bear River Band THPO. The project complies with these standards.</p>

<p>§55.4.5.1.4</p> <p>Community Planning Areas</p>	<p>A Conditional Use Permit shall be required for any Commercial Cannabis Activity where located within the Sphere of Influence (SOI) of any incorporated city or within any of the following mapped Community Planning Areas (CPA's): Blue Lake, Fieldbrook-Glendale, Fortuna, Hydesville-Carlotta, McKinleyville, Rio Dell-Scotia, Shelter Cove, Trinidad-Westhaven, and Willow Creek. A Conditional Use Permit shall also be required for any Commercial Cannabis Activity where located within one thousand feet (1,000') of any incorporated city, Tribal Lands, or any of the Community Planning Areas (CPA's) identified herein. For purposes of determining the Trinidad Planning Area, the Trinidad General Plan shall be utilized.</p>	<p>The subject project is located in the Garberville Community Planning Area (CPA). Garberville is not an area listed that requires a Conditional Use Permit.</p>
<p>§314-55.4.11</p> <p>Application Requirements</p>	<p>Identifies the Information Required for All Applications</p>	<p>Attachment 4 identifies the information submitted with the application and shows all the required information was received.</p>
<p>§314-55.4.12</p> <p>Performance Standards</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities.</p>	<p>All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.</p>

<p>§314-55.4.12.1.8 Performance Standards–</p> <p>Road Systems</p>	<p>Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.</p>	<p>The property is accessed via Connick Creek Road from Old Briceland Road. The property can also be accessed via Connick Creek Road from Kadin Way. Per the <i>Road Evaluation Report</i> prepared by the agent, dated December 20, 2019, Old Briceland Road and Kadin Way are developed to the equivalent of a road category 4 standard. The Department of Public Works commented on this project on June 18, 2020. Public Works recommends the applicant to obtain an Avigation Easement. The Avigation Easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final-sign for a building permit, or Public Works approval for a business license. Public Works also recommends the applicant to conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall also not be permitted.</p>
--	---	---

<p>§314-55.4.12.1.10 Performance Standards–</p> <p>Biological Resource Protection</p>	<p>Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1l, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.</p>	<p>The parcel is located within 2.13 miles west of a known Northern Spotted Owl Activity Center and an NSO sighting was mapped approximately 0.52 miles west from the project site. Marbled murrelet habitat is mapped approximately 2.17 miles north from the project site. A Biological Assessment was prepared by Naiad Biological Consulting, dated December 27, 2019. The assessment identified 9 special status animal species and 5 special status plant species that have a moderate potential of occurring at or within the project site. The Northern Spotted Owl was included as one of the special status animal species that have a moderate potential of occurring on or within the project site. According to the assessment the project will not have an direct impact on Northern Spotted Owls because the surrounding habitat on the parcel is not preferred by the NSO's, artificial lighting will be covered, and noise on the parcel will not result in more than 50 decibels at the property line. The assessment concludes that if the applicant proceeds with the proposed cultivation plan, there is no foreseeable issues to the environment based on the location of the proposed project sites that are adequately setback and are adhering to the required riparian buffers, as met by the most conservative California requirements. The project has an ongoing condition to obey the measured setbacks from the watercourses identified in the Biological Assessment. The project is also conditioned to comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and that any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft from the noise source or to the edge of habitat, whichever is closer.</p> <p>The project is conditioned to comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and that any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels</p>
---	---	--

		<p>measured from 100ft from the noise source or to the edge of habitat, whichever is closer.</p> <p>The project was referred to CDFW on August 28, 2019. No response was received by the Department. Staff sent out an additional email to CDFW reaching out for comments on April 3, 2020. No response has been received.</p>
<p>§314-55.4.12.2 Performance Standards–</p> <p>Commercial Cannabis Cultivation</p>	Identifies the Performance Standards for Cannabis Cultivation Activities.	The project as proposed and conditioned meets all of the requirements stipulated in the cited section. In Attachment 1, these performance standards have been incorporated into the On-going Conditions of Approval that must be satisfied for the life of the project.
<p>§314-55.4.12.4 Performance Standards–</p> <p>Light Pollution Control</p>	<p>a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise.</p> <p>b) Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.</p>	The proposed project is for 22,000 square feet of mixed light cannabis cultivation. The mixed light cultivation will be occurring in; two (2) 1,800-square-foot greenhouses located on the western flat; five (5) 2,000-square-foot greenhouses located on the Central Flat; six (6) 2,000-square-foot greenhouses and one (1) 1,200-square-foot greenhouse located on the eastern flat. Propagation will occur in one (1) 960-square-foot greenhouse and one (1) 1,600-square-foot greenhouse located on the central flat. Until P. G. & E. is brought to the subject parcel, no artificial lighting will be used for operations. Conditions of approval required that all artificial lighting used for cannabis operations will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO.

<p>§314-55.4.12.5 Performance Standards–</p> <p>Energy Use</p>	<p>All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards:</p> <ul style="list-style-type: none"> • Grid power supplied from 100% renewable source; and • On-site renewable energy system with twenty percent net non-renewable energy use <p>Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.</p>	<p>The proposed project is for 22,000 square feet of existing and proposed mixed light cannabis cultivation. There is 3,500 square feet of existing mixed light cultivation and the applicant is proposing to expand the cultivation area by 18,500 square feet. According to the applicant power for the project will be provided by PG&E and solar. There will be emergency backup generators onsite for power outages. Generator use for the project will be used for emergency backup purposes only and limited to 20% of the overall power use. The applicant will be utilizing fans during the drying and curing process. The applicant will be enrolling into a renewable energy program with the Redwood Coast Energy Authority in the future. The applicant will not be authorized to use any power to support operations until such time the project complies with the CCLUO for energy use. The applicant will be utilizing light deprivation techniques for cannabis cultivation until the applicant can demonstrate power for the project is sourced from a renewable energy program or renewable energy source. Any fans, dehumidifiers, or pumps used in the cultivation operation will be conditioned to operate at less than 50 dB at 100-foot from the noise source or edge of habitat, whichever is closer.</p>
--	--	--

<p>§314-55.4.12.6 Performance Standards–</p> <p>Noise</p>	<p>Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.</p>	<p>The CNDDDB indicates the nearest Northern Spotted Owl activity center is located 2.13 miles west from the project site and Marbled murrelet habitat is mapped approximately 2.17 miles north from the project site. According to the applicant power for the project will be provided by PG&E and solar. There will be emergency backup generators onsite for power outages. The applicant will be utilizing fans during the drying and curing process. The applicant will be enrolling into a renewable energy program with the Redwood Coast Energy Authority in the future. The applicant will not be authorized to use any power to support operations until such time the project complies with the CCLUO for energy use. Any fans, dehumidifiers, or pumps used in the cultivation operation will be conditioned to operate at less than 50 dB at 100-foot from the noise source or edge of habitat, whichever is closer.</p>
---	--	--

<p>§314-55.4.12.7 Performance Standards –</p> <p>Cannabis Irrigation</p>	<p>A Special Permit shall be required where Irrigation of Commercial Cannabis Cultivation Activities occurs wholly or in part using one or more Diversionary sources of water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.</p>	<p>The anticipated maximum water usage is 178,600 gallons. Water is sourced from three existing permitted wells. According to aerial analysis using Google Earth Pro, the western well (DEH Permit #11/12-1356) is approximately 562 feet in elevation. The well is also 572 feet north from Connick Creek and 3,413 feet west from the South Fork Eel River. The elevation of Connick is approximately 572 feet and the elevation of the South Fork Eel River is approximately 3,413 feet. According to the Well Completion Report, the depth of the well is 200 feet and the depth to first water was 150 feet, which is approximately 19 feet above Connick Creek and 95 feet above the South Fork Eel River. The central well (DEH Permit #11/12-1357) is approximately 531 feet in elevation. The well is also 530 feet north of Connick Creek and approximately 2,804 feet west from the South Fork Eel River. According to the Well Completion Report, the depth of the well is 200 feet and the depth to first water was 170 feet, which is approximately 70 feet below Connick Creek and approximately 44 feet below the South Fork Eel River. The eastern well (DEH Permit #11/12-1358) is approximately 489 feet in elevation. The well is also 360 feet north of Connick Creek and 1,836 feet east of the South Fork Eel River. According to the Well Completion Log, the depth of the well is 200 feet and the depth of the first water is 155 feet, which is approximately 97 feet below Connick Creek and 17 feet above the South Fork Eel River. All three wells penetrate through solid blue rock, shale, and clay.</p> <p>Staff does not believe the well is hydrologically connected due to the distance from the well to the nearest surface water and the geological log shows the well casing infiltrate through blue clay which has low permeability (see Attachment 4 – Well Completion Log). The subject project was referred to the State Water Resources Control Board – Division of Water Rights (SWRCB). The SWRCB recommended approval for this project and did not require water rights for use of the well.</p>
--	---	---

<p>314-55.4.12.10 Performance Standards –</p> <p>Soils Management</p>	<p>A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.</p>	<p>The applicant provided a <i>Soils Management Plan</i> found within the operations plan prepared by SL Consulting Services Inc., stating Best Management Practices (BMP's) will be employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are located in a locked storage room, and contained within watertight, locked and labeled containers in accordance with the manufacture's instruction. Conditions of approval require the applicant to adhere to the <i>Soils Management Plan</i> found within the operations plan prepared by SL Consulting Services Inc., dated April 2020 for the life of the project.</p>
---	---	--

314-55.4.12.16 Performance Standards – Invasive Species Control	It is the responsibility of a certificate or permit holder to work to eradicate invasive species.	The applicant submitted an <i>Invasive Species Control Plan</i> (see Attachment 4) prepared by Naiad Biological Consulting dated December 27, 2019. According to the plan, the following invasive species were identified on the subject parcel: Bull thistle, Himalayan blackberry, Scotch broom, Pennyroyal, and Big quaking-grass. The report recommends different methods such as, but not limited to: biological eradication and mechanical eradication that can be used to safely eradicate the invasive species. The report concludes that the applicant can control the spread of the invasive species previously listed if the recommended mitigation and control methods are followed that are found within the <i>Invasive Species Control Plan</i> . The report also concludes if the applicant follows “early detection rapid response” approach before the plants can flower and seed, the current state of the cultivation area should be easily treatable. Lastly, the report concludes due to the clustering of the invasive species observed within the proposed project site locations, and given that many of these species do not favor the surrounding forested habitat, the applicant can halt the invasion of the listed species spreading throughout the surrounding habitats if action is taken. The project is conditioned for the applicant to follow all recommendations found within the <i>Invasive Species Control Plan</i> prepared by Naiad Biological Consulting dated December 30, 2019.
---	---	--

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

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4 Required Findings for all Projects	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have reviewed the proposed project and none have any comments that the project would be detrimental to the public health, safety and welfare, or injurious to other properties. The project as proposed and conditioned is consistent with the general plan and zoning ordinance; and the proposed project is not expected to cause significant environmental damage.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. The proposed project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

6. Environmental Impact: The following paragraph describes the evidence which supports finding

that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is for a 22,000-square-foot existing and new mixed light cannabis cultivation operation and on-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

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

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

***APN 223-061-051, Southwest quarter of the northwest quarter of Section 24 of Township 04 South,
Range 03 East, Humboldt Base & Meridian., County of Humboldt***

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

May 2021

Background

Modified Project Description and Project History - The original project reviewed under the Environmental Impact Report (EIR) for the Commercial Cannabis Land Use Ordinance (CCLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The EIR 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 EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The proposed Special Permit would permit 22,000 square feet of new and existing mixed light cannabis cultivation. There will be 3,500-square feet of existing mixed light cannabis cultivation and the applicant is proposing 18,500 square feet of mixed light cannabis cultivation. Cultivation activities extend from January to December. The applicant is anticipating 3 cultivation cycles annually. Cultivation will be located in three areas on the parcel. The Western Flat will consist of two 1,800-square-foot mixed light greenhouses, one 900-square-foot cabin used for drying and storage, an existing well, and two 5,000-gallon water tanks. The Central Flat will consist of five (5) 2,000-square-foot mixed light greenhouses, one (1) 1,200-square-foot mixed light greenhouse, one (1) 1,600-square-foot propagation greenhouse, one 960-square-foot propagation greenhouse, one 120-square-foot storage shed, two (1) 1,000-gallon water tank, and three (3) 5,000-gallon water tanks. The Eastern Flat will consist of six (6) 1,200-square-foot mixed light, a proposed 1,800-square-foot barn, an existing well, two (2) 120-square-foot storage sheds, and three 5,000-gallon water tanks. Artificial lighting used for the mixed light greenhouses and propagation greenhouses will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO. Processing such as drying, curing, trimming and packaging is proposed to occur onsite inside of a 576-square-foot shop building and two proposed 1,800-square-foot barns. The applicant anticipates on hiring a maximum of six employees during peak of operations. Power for the project will be supplied by PG&E and solar.

Irrigation for the project will be sourced from three existing permitted wells. The applicant anticipates the maximum water usage is 178,600-gallons. Water for irrigation will be stored in five existing 5,000-gallon tanks and two existing 1,100-gallon tanks. The applicant proposes to add an additional 20,000-gallons of storage, for a total of 47,200-gallons of water storage. The property is accessed via Connick Creek Road from Old Briceland Road. The property can also be accessed via Connick Creek Road from Kadin Way.

According to the California Natural Diversity Database (CNDDDB) the parcel is located within 2.13 miles west of a known Northern Spotted Owl Activity Center and an NSO sighting was mapped approximately 0.52 miles west from the project site. Marbled Murrelet habitat is mapped approximately 2.17 miles north from the project site. A Biological Assessment was prepared by Naiad Biological Consulting, dated December 27, 2019. The assessment identified 9 special status animal species and 5 special status plant species that have a moderate potential of occurring at or within the project site. The Northern Spotted Owl was included as one of the special status animal species that have a moderate potential of occurring on or within the project site. According to the assessment the project will not have an direct impact on Northern Spotted Owls because the surrounding habitat on the parcel is not preferred by the NSO's, artificial lighting will be covered, and noise on the parcel will not result in more than 50 decibels at the property line.

According to the Humboldt County WebGIS the subject project is located within the County Code Section 333 GIS Layer. The subject project is located approximately .06 miles north from the Garberville Airport. The project site is located on elevation of approximately 514 feet. The Garberville Airport is located on an elevation of approximately 530 feet. Because there is approximately 16 feet difference in elevation between the airport and project site, staff does not believe the proposed cannabis project will have any impacts to the Navigable Airspace.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original EIR recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the original EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the EIR. Compliance with the CCLUO ensures consistency with the adopted EIR and provides for mitigation of all project related impacts to a less than significant level.

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

- Operations Plan for Chronic Creek, LLC; APN 223-231-012 prepared by the SL Consulting Services Inc., April 2020.
- Site Plan for Chronic Creek, LLC; 223-231-012 prepared by Green Road Consulting, March 2021.
- Biological Assessment Report for Chronic Creek, LLC; APN 223-231-012 prepared by Naiad Biological Consulting, December 2019.
- Invasive Species Plan for Chronic Creek, LLC; APN 223-231-012 prepared by Naiad Biological Consulting, December 2019.

Other CEQA Considerations

Staff suggest no changes to 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 EIR 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 EIR was adopted as complete.

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact, address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet (**Attached**).
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Evidence of enrollment into the State Cannabis Cultivation Discharge Program, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Not Applicable)
9. A copy of the County well permits: (11/12-1356), (11/12-1357), and (11/12-1358). (**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 onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not Applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Biological Assessment Report prepared by Naiad Biological dated December 2019. **(Attached)**
16. Invasive Species Control Plan prepared by Naiad Biological Consulting dated December 2019. **(Attached)**
17. Cultural Resource Study prepared by Archaeological Research and Supply Company dated August 2020. (On file and confidential)
18. Road Evaluation Report prepared by SL Consulting Services Inc. dated December 20, 2019. **(Attached)**

Page 1 of 1

WELL COMPLETION REPORT

Refer to Instruction Pamphlet

Owner's Well No. 1087883Date Work Began Sep 21-2013, Ended Sep 21-2013Local Permit Agency Humboldt D.H.H.S.Permit No. 11/12-1356Permit Date Sep 16-2013

STATE WELL NO./STATION NO.

LATITUDE

LONGITUDE

APN/TRS/OTHER

GEOLOGIC LOG

ORIENTATION () ☒ VERTICAL ☐ HORIZONTAL ☐ ANGLE (SPECIFY)

DRILLING METHOD

Direct RotaryFLUID Air

DESCRIPTION

Describe material, grain size, color, etc.

DEPTH FROM SURFACE
Ft. to Ft.

0	20
20	60
60	140
140	150
150	170
170	200

Brown Top soil
Clay
San Francisco shale
Clay
Shale
Solid blue Rock

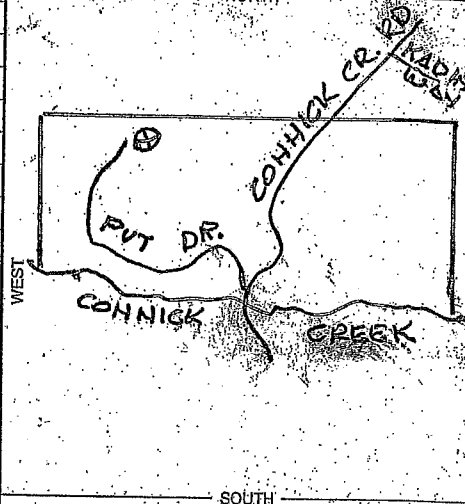
Name _____
Mailing Address _____

City _____

Address _____

City GardervilleCounty HumboldtAPN Book 222Page 231Parcel 010Township 4SRange 3ESection 26Lat 40Deg. 05Min. 32.2Sec. NLong 123Deg. 49Min. 04.4Sec. W

LOCATION SKETCH



ACTIVITY ()

☒ NEW WELL

MODIFICATION/REPAIR

☐ Deepen☐ Other (Specify)

DESTROY (Describe Procedures and Materials Under "GEOLOGIC LOG")

USES ()

WATER SUPPLY

☒ Domestic ☐ Public☐ Irrigation ☐ Industrial

MONITORING

TEST WELL

CATHODIC PROTECTION

HEAT EXCHANGE

DIRECT PUSH

INJECTION

VAPOR EXTRACTION

SPARGING

REMEDIATION

OTHER (SPECIFY)

RECEIVED

DEC 23 2019

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

Illustrate or Describe Distance of Well from Roads, Buildings, Fences, Rivers, etc. and attach a map. Use additional paper if necessary. PLEASE BE ACCURATE & COMPLETE.

WATER LEVEL & YIELD OF COMPLETED WELL

DEPTH TO FIRST WATER 150 (Ft.) BELOW SURFACEDEPTH OF STATIC WATER LEVEL 150 (Ft.) & DATE MEASURED Sep 21-2013ESTIMATED YIELD 3 (GPM) & TEST TYPE ACQWETTEST LENGTH 1 (Hrs.) TOTAL DRAWDOWN 5 (Ft.)

* May not be representative of a well's long-term yield.

TOTAL DEPTH OF BORING (Feet)

TOTAL DEPTH OF COMPLETED WELL (Feet)

DEPTH FROM SURFACE			BORE-HOLE DIA. (Inches)	CASING (S)						DEPTH FROM SURFACE			ANNULAR MATERIAL					
				TYPE (≤)				MATERIAL / GRADE	INTERNAL DIAMETER (Inches)				GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (Inches)	TYPE			
Ft.	to	Ft.	BLANK	SCREEN	CON- DUCTOR	FILL PIPE									Ft.	to	Ft.	CE- MENT (≤)
0	180		9	✓				PVC	5"		none	0	20			✓		3/8"
180	200			✓				PVC	5"		.032	20	200				✓	3/8"
																		pergravel

ATTACHMENTS ()

- ☐ Geologic Log
- ☐ Well Construction Diagram
- ☐ Geophysical Log(s)
- ☐ Soil/Water Chemical Analyses
- ☐ Other _____

ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME Bushnell Ent.
(PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)ADDRESS 649 Bear creek RdCity Garderville STATE CA ZIP 95542Signed Bushnell
C-57 LICENSED WATER WELL CONTRACTORDATE SIGNED Aug 1-2013 403708
C-57 LICENSE NUMBER



Humboldt County Department of Health and Human Services DIVISION OF ENVIRONMENTAL HEALTH

100 H Street - Suite 100 - Eureka, CA 95501
Voice: 707-445-6215 - Fax: 707-441-5699 - Toll Free: 800-963-9241
envhealth@co.humboldt.ca.us

RECEIVED
11/12-1356
SEP 16 2013

WATER WELL APPLICATION CONSTRUCTION - REPAIR - DESTRUCTION

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

Instructions:

1. Complete both pages of the application and submit the required fee with the Well Permit application, including Well Driller's signature.
2. The Well Permit will be returned to the property owner by mail when approved by the Humboldt County Division of Environmental Health (DEH).
3. Work on the well shall not be started prior to approval of the Well Permit Application by DEH.
4. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
5. DEH shall be notified by the Well Driller a minimum of 24 hours prior to sealing the annular space.

Site Address CONNICK CR. RD. APN 222-231-010

City/State/Zip GARBERVILLE CA 95542

Directions to Site CONNICK CR. RD OFF OF OLD BERKELAND RD @ HLP. END GARB. AIRPORT.

TAKE 1ST LT. JUST AFTER BRIDGE - GO UP DR. 1/4 MI. (KEYED GATE)

Property Owner DAVID & MICHELLE BUSHNELL 223-3977 CELL

Mailing Address PO BOX 126 923-2002 STORE

City/State/Zip BLOOMSBURG CA 95514 Phone 223-3104 (DAVID)

I hereby grant 'right-of-entry' for inspection purposes YES David Bushnell

Drilling Contractor BUSHNELL ENT. C-57 License # 403708

I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 15 days after completion of work, I will furnish DEH a report of the work performed and notify them before putting the well into use.

Well Driller Signature: [Signature]

Type of Application:

- ☒ Construction
☐ Repair
☐ Destruction

Estimated Work Dates:

9-16-13 Start

9-16-13 Completion

Construction:

Estimated Depth (ft.) 200'
Diameter (in.) 9"
Depth of Seal (ft.) 20'
Sealing Material Bentonite

Casing:

Diameter (in.) 5"
Material: PUK

Intended Use:

- ☒ Domestic - private
☐ Community Supply
☐ Irrigation
☐ Other _____

Type of Sewage System:

- ☐ Community Sewer
☒ Septic System

Distance from well site to septic system(s) _____

FOR OFFICE USE ONLY

Fee: \$365.20

Date: 9-16-13

Receipt: 300271

By: DM

Approved by: _____

Permit Number _____

Site Approved By: [Signature] 10/2/13

Site Finaled By: _____

Sealed to Depth of: _____

Seal Observed: ☐ Yes ☐ No

Date Approved: _____



Humboldt County Department of Health and Human Services
DIVISION OF ENVIRONMENTAL HEALTH

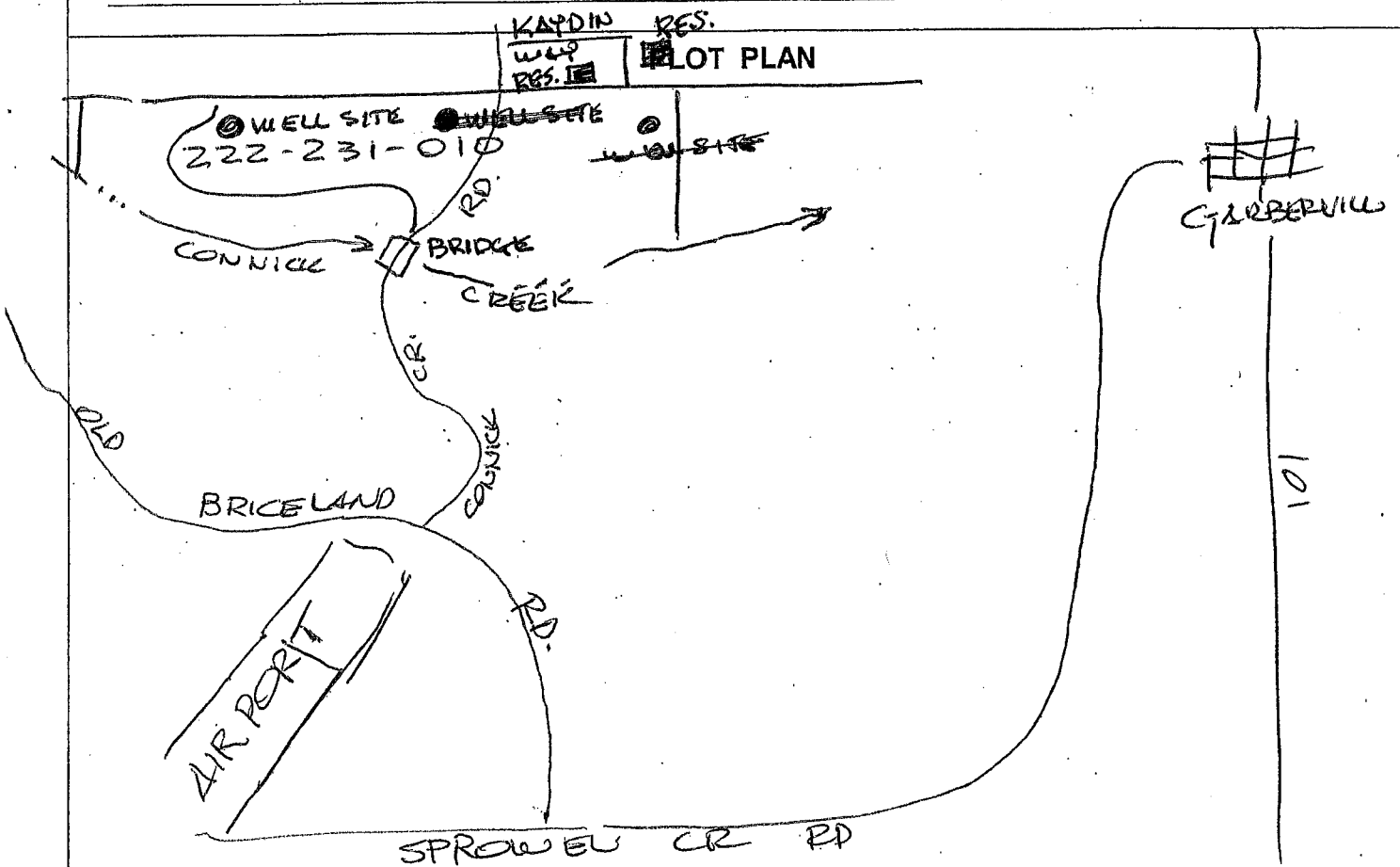
100 H Street - Suite 100 - Eureka, CA 95501
Voice: 707-445-6215 - Fax: 707-441-5699 - Toll Free: 800-963-9241
envhealth@co.humboldt.ca.us

WATER WELL APPLICATION

Site Location: CONNICK CR. RD APN 222-231-010
City/State/Zip GARBERVILLE CA 95542

Special Requirements / Comments:

1ST LT. ± 100' PAST BRIDGE - UP PVT. DR. ± 1/4 MI. TO END OF RD.
± 10' FROM PROP. LINE.



NOTE: CONTACT DAVID OR MICHELLE FOR KEY TO GATE
APPROX: 1/4 MI. UP PVT. DR. @ THIS LOCATION FROM GATE.
MICHELLE IS USUALLY AT "BOOTLEG FROM 10:00AM TO 3:00PM.
923-2002 - CELL: 223-~~3104~~ 3977 (WE KEEP A KEY AT THE STORE)
DAVID: TYPICALLY @ WORK IN FIELD OR IN BLOCKSBURG 1 HR. PLUS AWAY.
223-3104

WELL COMPLETION REPORT

Refer to Instruction Pamphlet

Page 1 of 1Owner's Well No. 1087885Date Work Began Sep 23-2013, Ended Sep 23-2013Local Permit Agency Humboldt DPHSPermit No. 11/12-1357Permit Date Sep 16

STATE WELL NO./STATION NO.

LATITUDE

LONGITUDE

APN/TRS/OTHER

GEOLOGIC LOG

WELL OWNER

ORIENTATION (✓)

VERTICAL

HORIZONTAL

ANGLE

(SPECIFY)

DEPTH FROM SURFACE

DRILLING METHOD

Direct Rotary

FLUID Air

DESCRIPTION

Describe material, grain size, color, etc.

Ft. to Ft.

0 to 20

Top soil

20 to 40

clay

40 to 100

San Francisco shale

100 to 180

shale

180 to 200

blue rock

Name

Mailing Address

City

Address

City

County

APN Book

Page

Parcel

Township

Range

Section

Lat

Long

DEG.

MIN.

SEC.

Long

DEG.

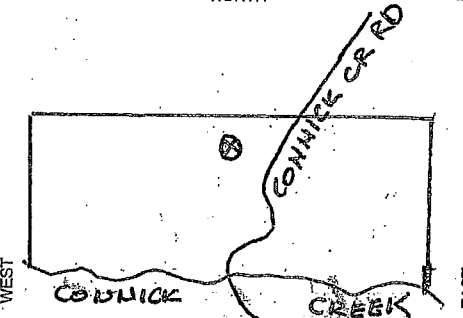
MIN.

SEC.

W

LOCATION SKETCH

NORTH



SOUTH

Illustrate or Describe Distance of Well from Roads, Buildings, Fences, Rivers, etc. and attach a map. Use additional paper if necessary. PLEASE BE ACCURATE & COMPLETE.

ACTIVITY (✓)

NEW WELL

MODIFICATION/REPAIR

Deepen

Other (Specify)

DESTROY (Describe Procedures and Materials Under "GEOLOGIC LOG")

USES (✓)

WATER SUPPLY

Domestic

Public

Irrigation

Industrial

MONITORING

TEST WELL

CATHODIC PROTECTION

HEAT EXCHANGE

DIRECT PUSH

INJECTION

VAPOR EXTRACTION

SPARGING

REMEDIATION

OTHER (SPECIFY)

RECEIVED

DEC 23 2019

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

TOTAL DEPTH OF BORING (Feet)

TOTAL DEPTH OF COMPLETED WELL (Feet)

WATER LEVEL & YIELD OF COMPLETED WELL

DEPTH TO FIRST WATER 170 (Ft.) BELOW SURFACE

DEPTH OF STATIC

WATER LEVEL

165 (Ft.)

DATE MEASURED

Sep 23-2013

ESTIMATED YIELD

3 (GPM)

TEST TYPE

Air Lift

TEST LENGTH

1 (Hrs.)

TOTAL DRAWDOWN

0 (Ft.)

* May not be representative of a well's long-term yield.

DEPTH FROM SURFACE			BORE-HOLE DIA. (Inches)	CASING (S)							DEPTH FROM SURFACE			ANNULAR MATERIAL			
				TYPE (✓)				MATERIAL / GRADE	INTERNAL DIAMETER (Inches)	GAUGE OR WALL THICKNESS				SLOT SIZE IF ANY (Inches)	TYPE		
Ft.	to	Ft.	BLANK	SCREEN	CON- DUCTOR	FILL PIPE									CE- MENT (✓)	BEN- TONITE (✓)	FILL (✓)
0	180		✓				PVC	5		None		✓			3/8s		
180	200		✓				PVC	5		.032			✓		3/8s Pea gravel		

ATTACHMENTS (✓)

- Geologic Log
- Well Construction Diagram
- Geophysical Log(s)
- Soil/Water Chemical Analyses
- Other

ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME Bushnell Ent.
(PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)ADDRESS 649 Bear creek RdCITY Garberville STATE CA ZIP 95542Signed James Bushnell

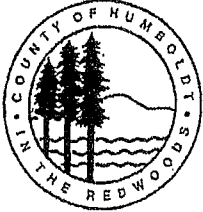
C-57 LICENSED WATER WELL CONTRACTOR

DATE SIGNED

Aug 1 2013

C-57 LICENSE NUMBER

403708



Humboldt County Department of Health and Human Services DIVISION OF ENVIRONMENTAL HEALTH

100 H Street - Suite 100 - Eureka, CA 95501
Voice: 707-445-6215 - Fax: 707-441-5699 - Toll Free: 800-963-9241
envhealth@co.humboldt.ca.us

RECEIVED
11/2-135-
SEP 16 2013
HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

WATER WELL APPLICATION CONSTRUCTION - REPAIR - DESTRUCTION

Instructions:

1. Complete both pages of the application and submit the required fee with the Well Permit application including Well Driller's signature.
2. The Well Permit will be returned to the property owner by mail when approved by the Humboldt County Division of Environmental Health (DEH).
3. Work on the well shall not be started prior to approval of the Well Permit Application by DEH.
4. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
5. DEH shall be notified by the Well Driller a minimum of 24 hours prior to sealing the annular space.

Site Address CONNICK CR. RD APN 222-231-010
City/State/Zip GARRBENVILLE CA 95542
Directions to Site ALONG CONNICK CR. RD OFF OF OLD BRICELAND RD - RT ON
KAYDIN WAY ±300' - RT (SLY.) BETWEEN 2-RES. TO GATE
WELL SITE JUST INSIDE GATE
Property Owner DAVID & MICHELE BUSHNELL
Mailing Address PO BOX 126
City/State/Zip BLOCKSBURG, CA 95514 Phone 707 223-3104
I hereby grant 'right-of-entry' for inspection purposes YES David Bushnell

Drilling Contractor BUSHNELL ENT. C-57 License # 403708

I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 15 days after completion of work, I will furnish DEH a report of the work performed and notify them before putting the well into use.

Well Driller Signature: [Signature]

Type of Application:

- ☒ Construction
☐ Repair
☐ Destruction

Estimated Work Dates:

9-17-13 Start
9-17-13 Completion

Construction:

Estimated Depth (ft.) 200
Diameter (in.) 9"
Depth of Seal (ft.) 50
Sealing Material Benlonite

Casing:

Diameter (in.) 5"
Material: PVC

Intended Use:

- ☒ Domestic - private
☐ Community Supply
☐ Irrigation
☐ Other _____

Type of Sewage System:

- ☐ Community Sewer
☒ Septic System

Distance from well site to septic system(s) _____

FOR OFFICE USE ONLY

Fee: \$365.00
Date: 9-16-13
Receipt: 300272
By: DM
Approved by: _____

Permit Number _____

Site Approved By: DES 10/2/13
Site Finaled By: _____
Sealed to Depth of: _____
Seal Observed: ☐ Yes ☐ No
Date Approved: _____



Humboldt County Department of Health and Human Services
DIVISION OF ENVIRONMENTAL HEALTH

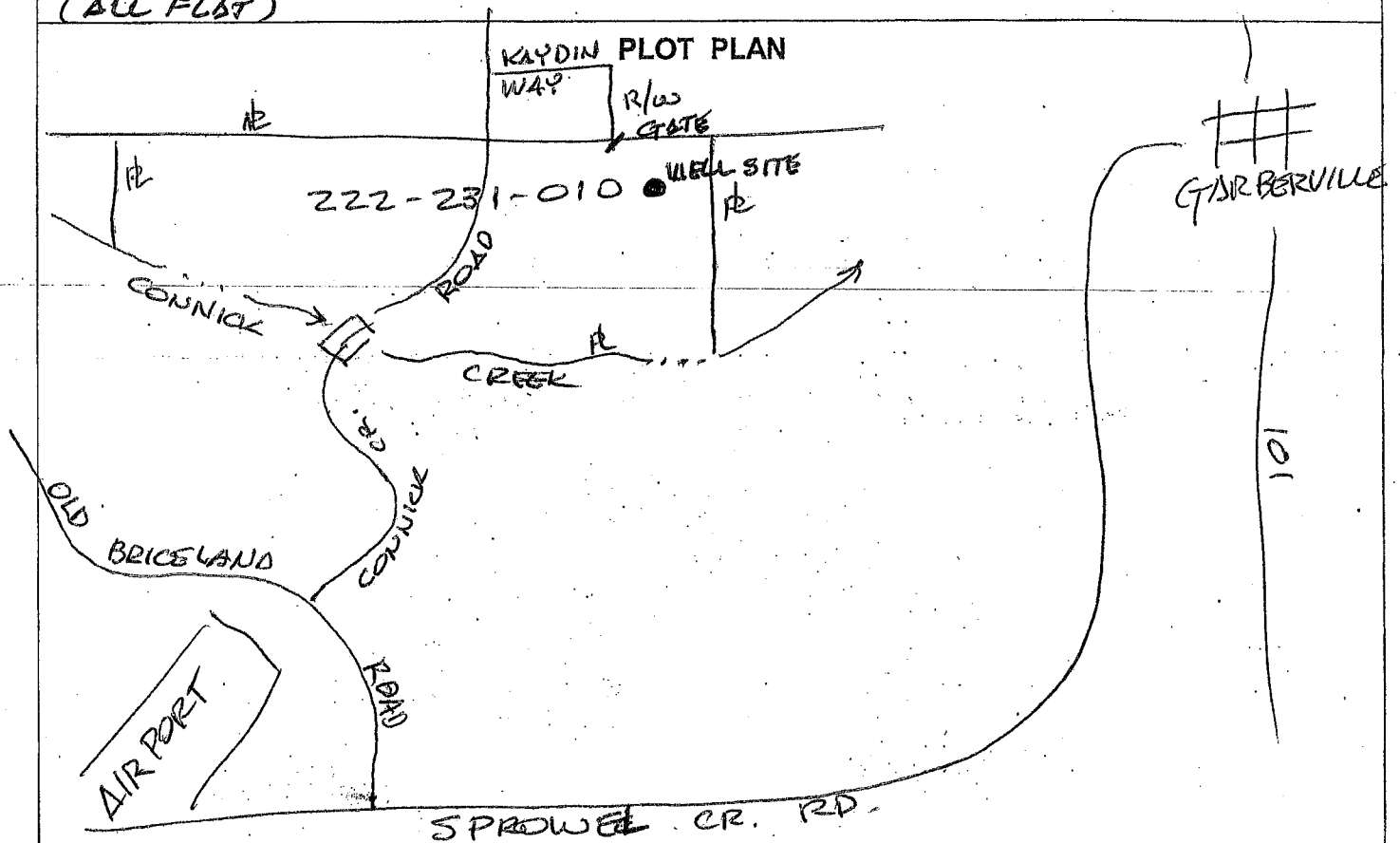
100 H Street - Suite 100 - Eureka, CA 95501
Voice: 707-445-6215 - Fax: 707-441-5699 - Toll Free: 800-963-9241
envhealth@co.humboldt.ca.us

WATER WELL APPLICATION

Site Location: CONNICK CR RD APN 222-231-010
City/State/Zip: GARBERVILLE CA 95542

Special Requirements / Comments:

CONNICK CR. RD - PAST BRIDGE UP HILL - ALONG FLAT TO KAYDIN WAY
RT. ON KAYDIN WAY ± 300' - RT. OF PVT. DR. BETWEEN 2- RESIDENCES
± 200' - GATE OF LT. - WELL SITE JUST INSIDE GATE
(ALL FLAT)



RECEIVED

SEP 16 2013

**HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH**

WELL COMPLETION REPORT

Refer to Instruction Pamphlet

Page 1 of 1Owner's Well No. 1087884Date Work Began Sep 22-2013 Ended Sep 22-2013Local Permit Agency Humboldt RTHSPermit No. 11/2-1358Permit Date Sep 16-2013

STATE WELL NO./STATION NO.

LATITUDE

LONGITUDE

APN/TRS/OTHER

GEOLOGIC LOG

ORIENTATION () ☒ VERTICAL ☐ HORIZONTAL ☐ ANGLE (SPECIFY)

DRILLING METHOD

Direct RotaryFLUID Air

DESCRIPTION

Describe material, grain size, color, etc.

DEPTH FROM SURFACE

Ft. to Ft.

0	20
20	60
60	100
100	150
150	180
180	200

Brown topsoil
Sand stone
Blue clay
San Francisco shale
8 Shale
Blue Rock

Name

Mailing Address

City

STATE

ZIP

Address

City GardervilleCounty HumboldtAPN Book 222 Page 231 Parcel 010Township 4S Range 3E Section 26Lat 40 05 32.5 N

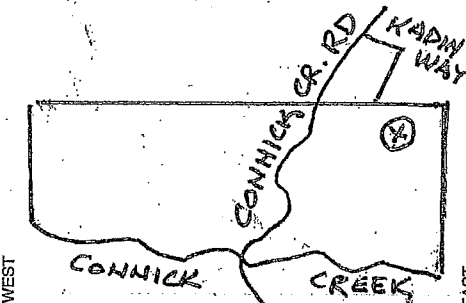
DEG. MIN. SEC.

Long -123 48 40.2 W

DEG. MIN. SEC.

LOCATION SKETCH

NORTH



ACTIVITY ()

☒ NEW WELL

MODIFICATION/REPAIR

☐ Deepen☐ Other (Specify)

DESTROY (Describe Procedures and Materials Under "GEOLOGIC LOG")

USES ()

WATER SUPPLY

☒ Domestic ☐ Public☒ Irrigation ☐ Industrial

MONITORING

TEST WELL

CATHODIC PROTECTION

HEAT EXCHANGE

DIRECT PUSH

INJECTION

VAPOR EXTRACTION

SPARGING

REMEDIATION

OTHER (SPECIFY)

RECEIVED

DEC 23 2013

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

TOTAL DEPTH OF BORING (Feet)

TOTAL DEPTH OF COMPLETED WELL (Feet)

WATER LEVEL & YIELD OF COMPLETED WELL

DEPTH TO FIRST WATER 155 (Ft.) BELOW SURFACEDEPTH OF STATIC WATER LEVEL 155 (Ft.) & DATE MEASURED Sep 22-2013ESTIMATED YIELD 6 (GPM) & TEST TYPE Air LiftTEST LENGTH 1 (Hrs.) TOTAL DRAWDOWN 5 (Ft.)

* May not be representative of a well's long-term yield.

DEPTH FROM SURFACE		BORE-HOLE DIA. (Inches)	CASING (S)						DEPTH FROM SURFACE		ANNULAR MATERIAL					
			TYPE (✓)				MATERIAL / GRADE	INTERNAL DIAMETER (Inches)			GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (Inches)	TYPE			
Ft.	to Ft.		BLANK	SCREEN	CON- DUCTOR	FILL PIPE								Ft.	to Ft.	CE- MENT (✓)
0	180	9	✓				PVC	5		none	0	20		✓		3/8s
180	200	9		✓			PVC	5		0.032	20	200			✓	3/8s Pea gravel

ATTACHMENTS ()

- ☐ Geologic Log
- ☐ Well Construction Diagram
- ☐ Geophysical Log(s)
- ☐ Soil/Water Chemical Analyses
- ☐ Other

ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME Bushnell Ent.
(PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)ADDRESS 649 Bear creek Rd CITY Garderville STATE CA ZIP 95542Signed Ernest Bushnell
G-57 LICENSED WATER WELL CONTRACTORDATE (SIGNED) Aug 1 2013 G-57 LICENSE NUMBER 403708



Humboldt County Department of Health and Human Services
DIVISION OF ENVIRONMENTAL HEALTH

100 H Street - Suite 100 - Eureka, CA 95501
Voice: 707-445-6215 - Fax: 707-441-5699 - Toll Free: 800-969-9244
envhealth@co.humboldt.ca.us

RECEIVED
11/12-1358
SEP 16 2013

WATER WELL APPLICATION
CONSTRUCTION - REPAIR - DESTRUCTION

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

Instructions:

1. Complete both pages of the application and submit the required fee with the Well Permit application, including Well Driller's signature.
2. The Well Permit will be returned to the property owner by mail when approved by the Humboldt County Division of Environmental Health (DEH).
3. Work on the well shall not be started prior to approval of the Well Permit Application by DEH.
4. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
5. DEH shall be notified by the Well Driller a minimum of 24 hours prior to sealing the annular space.

Site Address CONNICK CR. RD APN 222-231-010
City/State/Zip GARBEDINE CA 95542
Directions to Site CONNICK CR. RD. - OFF OF OLD BRICELAND RD. - CROSS BRIDGE UP
CONNICK CR. RD. TO TOP - TURN LT. @ WOOD FENCE (KEY GATE)
WALK AROUND OR SEE MICHELLE @ GARB. "BOOTEER"
Property Owner DAVID & MICHELLE BUSHNELL 223-3977
Mailing Address BOX 126 223-2002
City/State/Zip BLOCKSBURG CA 95514 Phone 223-3104
I hereby grant 'right-of-entry' for inspection purposes YES - David Bushnell

Drilling Contractor BUSHNELL ENT. C-57 License # 403708

I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 15 days after completion of work, I will furnish DEH a report of the work performed and notify them before putting the well into use.

Well Driller Signature: [Signature]

Type of Application:

- ☒ Construction
☐ Repair
☐ Destruction

Construction:

Estimated Depth (ft.) 200'
Diameter (in.) 9"
Depth of Seal (ft.) 20'
Sealing Material Bentonite

Intended Use:

- ☒ Domestic - private
☐ Community Supply
☐ Irrigation
☐ Other _____

Estimated Work Dates:

9-18-13 Start
9-18-13 Completion

Casing:

Diameter (in.) 5"
Material: PVC

Type of Sewage System:

- ☐ Community Sewer
☒ Septic System

Distance from well site to septic system(s) _____

FOR OFFICE USE ONLY

Fee: \$365.00
Date: 9-16-13
Receipt: 300273
By: D.M.
Approved by: _____

Permit Number _____

Site Approved By: DES 10/2/13
Site Finaled By: _____
Sealed to Depth of: _____
Seal Observed: ☐ Yes ☐ No
Date Approved: _____



Humboldt County Department of Health and Human Services
DIVISION OF ENVIRONMENTAL HEALTH

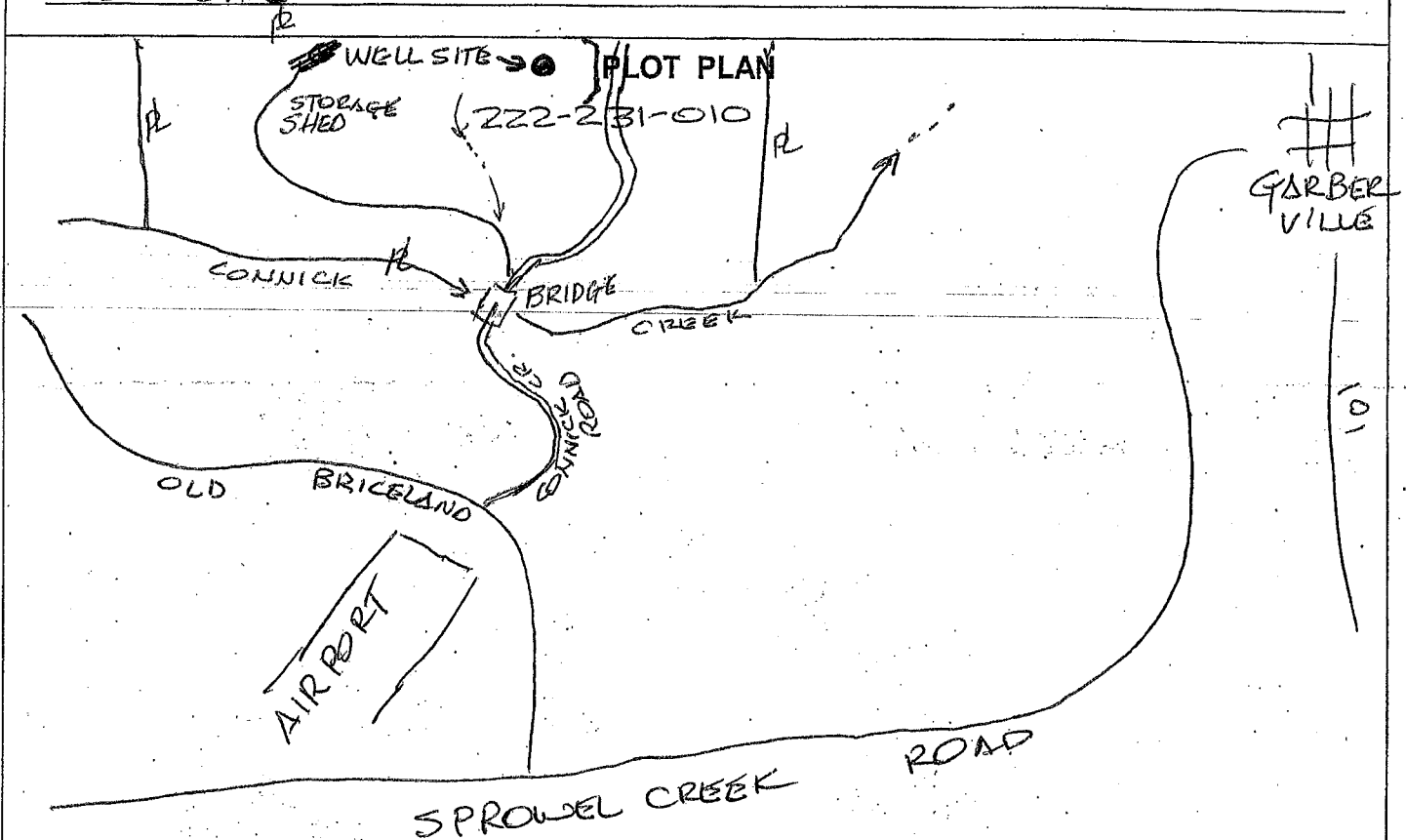
100 H Street - Suite 100 - Eureka, CA 95501
Voice: 707-445-6215 - Fax: 707-441-5699 - Toll Free: 800-963-9241
envhealth@co.humboldt.ca.us

WATER WELL APPLICATION

Site Location: CONNICK CR. RD APN 222-231-010
City/State/Zip GARBERVILLE CA 95542

Special Requirements / Comments:

CONNICK CR. RD. ± 1/4 MI. PAST BRIDGE & UP GRADE TO TOP OF
FLAT. - 6' WOOD FENCE ON LT. - THROUGH OR AROUND FENCE TO
WELL SITE



RECEIVED
SEP 16 2013
HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

Invasive Species Control Plan

Assessor Parcel Number (APN):
222 – 231 – 012



Prepared by:

Naiad
Biological
Consulting



Mason London MSc, Owner/Biologist

X 

Prepared for:

Chronic Creek, LLC

P.O. Box 2018
Redway, CA
95560

Date Prepared:

December 27th, 2019

Table of Contents

Section 1 Introduction	3
1.1 Purpose and Need	3
1.2 Biologist's Qualifications	3
1.3 Invasive Species Information.....	3
1.4 Assessment and Control Options.....	4
1.4.1 Biological Eradication.....	4
1.4.2 Mechanical Eradication.....	4
1.4.3 Chemical Eradication	5
Section 2 Methods.....	6
2.1 Field Observations	6
2.2 Invasive Species Assessment	6
Section 3 Results.....	7
3.1 Parcel Habitat	7
3.2 Observed Invasive Species.....	7
3.3 Invasive Species Information, Management and Removal Recommendations.....	7
3.3.1 Bull thistle (<i>Cirsium vulgare</i>).....	7
3.3.2 Himalaya blackberry (<i>Rubus armeniacus</i>)	8
3.3.3 Scotch broom (<i>Cytisus scoparius</i>).....	8
3.3.4 Pennyroyal (<i>Mentha pulegium</i>)	9
3.3.5 Big quaking-grass (<i>Briza maxima</i>).....	10
Section 4 Conclusion and Discussion.....	11
Section 5 References.....	12
Appendix A: Photos	13
Appendix B: Maps.....	16

Section 1 Introduction

1.1 Purpose and Need

Section 55.4.12.16 of the Humboldt County Commercial Cannabis Land Use Ordinance (CCLUO), Ordinance 2599, states that “[i]t is the responsibility of a certificate or permit holder to work to eradicate invasive species. As part of any application, the existence of invasive species on the project parcel need to be identified, including the type(s) of invasive plant species, where they are located, and a plan to control their spread. All invasive plant species shall be removed from the cultivation site and associated infrastructure using measures appropriate to the species. Removal shall be confirmed during subsequent annual inspection. Corrective action may be required if invasive species are found to have returned.”

1.2 Biologist’s Qualifications

The Invasive Species Control Plan was prepared by Mason London. Mason holds an MSc in Biology with a concentration in aquatic ecology from Humboldt State University. Mason also has 9 collective years of experience working professionally as a botanist, wildlife biologist, and aquatic ecological research scientist. Mason has worked in both Northern California and Southern Oregon targeting and eradicating invasive species for nonprofit land stewardship councils and government agencies.

1.3 Invasive Species Information

Not all non-native species are necessarily invasive species. For a species to be considered non-native, it means it has been introduced with human help (intentionally or accidentally) to a new place or new type of habitat where it was not previously found. Whereas, according to the USDA National Invasive Species Information Center, Executive Order 13112 (February 1999), “[a]n invasive species is defined as a species that is 1) non-native (or alien) to an ecosystem under consideration **and** 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health.”

The invasive species list used for this Invasive Species Control Plan was derived from the California Invasive Plant Council (Cal-IPC), as required by the Humboldt County Board of Supervisors, in the Mitigation Monitoring and Reporting Program – Proposed Amendments to

Humboldt County Code Regulating Commercial Cannabis Activities (Mitigation 3.4-3b: Invasive plant species).

1.4 Assessment and Control Options

A physical survey of the parcel to determine the scope of the present invasive species will create a comprehensive starting point for management techniques. Several control options exist for eradicating invasive species; including biological, mechanical and chemical.

1.4.1 Biological Eradication

This option is generally used as a first line of defense for control of invasive species. The reintroduction of native species can, in some cases, create a host for insects and microorganisms which will feed on the invasive species and/or create an environment which will discourage new growth of the invasive planet. Because of this, competitive planting of non-invasive species can help to cultivate an environment which will discourage new growth of invasive plants.

Many invasive species become introduced to an area after a recent disturbance. By using native grasses or plants, in a restoration style planting or seeding, many invasive species will become unable to establish and entrench the exposed soils.

1.4.2 Mechanical Eradication

This option is the most common short-term option for the eradication of invasive species. Hand pulling, or with use of tools such as a weed wrench, can be done easily during certain times of year when the soils are still moist, and roots are easily removed. Depending on the species, it can be important to remove the entire root because some species can regenerate from roots left in the soil. Other species need to be removed before their seeds fully mature in order to not promote aerial spreading of fertile seeds. In some of these cases, the removed plant matter will need to be removed from the property since some seeds are able to mature on a plant even when the plant has been removed from the ground. This method is ideal for populations of invasive plants that are smaller and can be easily managed with hands or hand tools.

For populations of invasive plants that cannot be easily or affectively managed by hand, use of weed whackers, tractors, or cutting tools may be required to eradicate or control the spread of certain species.

1.4.3 Chemical Eradication

This method is considered only as a last resort, if at all, since most commercial cannabis projects are operating under organic and/or natural growing techniques that never include the use of chemicals.

Section 2 Methods

2.1 Field Observations

On December 15th, 2019 the parcel of proposed cultivation (APN: 222-231-012) was visited in order to observe the presence of invasive species (Appendix B: Map 1). The parcel is located approximately 1.25 air miles southwest of Garberville in Humboldt County, California within the Garberville 7.5 minute quadrangle (Quad code: 4012317) in the in the Connick Creek Watershed (Connick Creek is a tributary to the South Fork Eel River) (CDFW Region: 1) with a center location of 40°05'27.3"N 123°48'59.9"W.

The project sites (proposed cultivation areas) occur over three locations and are referred to throughout the rest of this report as *Site 1*, *Site 2* and *Site 3* (Appendix B: Map 2). These sites are to occur entirely within the large, previously graded clearings that have been historically utilized for grazing. *Site 1* and *Site 2* has previously been utilized for cannabis cultivation as well. The project sites, as well as the surrounding area/habitat, was investigated and surveyed for invasive species presence during this visit.

2.2 Invasive Species Assessment

The Cal-IPC Inventory was used to determine invasive species of concern for the site visit investigation. The *Weed Control in Natural Areas in the Western United States* (UC Davis Weed Research and information Center, 2013) was utilized to determine specific species information and adequate eradication and management methods, as recommended by Cal-IPC.

Section 3 Results

3.1 Parcel Habitat

The habitat within the vicinity of the proposed project site consists of mostly second growth mixed hardwood and coniferous forest and preexisting cleared flats which will be utilized for cultivation. The project site is to exist entirely within cleared flat habitat.

3.2 Observed Invasive Species

Many non-native species were observed during the site visit investigation throughout the project sites and the surrounding area, however, only a few invasive species were observed.

The invasive species observed in the project areas, listed on the CAL-IPC inventory, were bull thistle (*Cirsium vulgare*), Himalayan blackberry (*Rubus armeniacus*), Scotch broom (*Cytisus scoparius*), pennyroyal (*Mentha pulegium*), and big quaking-grass (*Briza maxima*).

3.3 Invasive Species Information, Management and Removal Recommendations

3.3.1 Bull thistle (*Cirsium vulgare*)

Cirsium vulgare (Figure 1) was observed throughout *Site 1* and in scattered clustered in *Site 2* and *Site 3* (Appendix B: Map 2). *Cirsium vulgare* is found everywhere in the United States, favors disturbed areas including rangeland, pastures, forest clear-cuts, roadsides and waste areas, and can also be seen in foothills, dry meadows and riparian areas. This species was introduced from Europe. *Cirsium vulgare* is not palatable to livestock and reduces the forage potential of infested pasture. Once *Cirsium vulgare* becomes established it can easily outcompete native plants.

Cirsium vulgare is considered to have ranking of Moderate Invasiveness by the Cal-IPC Inventory. The most feasible method of eradication for this species is by mechanical methods. According to the Weed Report from the Weed Control in Natural Areas in the Western United States, *Cirsium vulgare* can be effectively removed by “[t]illage, hoeing, and hand pulling... as long as they are done before flowering to prevent seed production. Any mechanical or physical control measure that severs the root below the soil surface is very effective...[however], the

plant must be cut off below the soil surface and no leaves should remain attached, or the plant will recover.”

The removed plants should be bagged up and removed from the property to make sure plant material and fertile seeds do not promote repropagation.

3.3.2 Himalaya blackberry (*Rubus armeniacus*)

Rubus armeniacus (Figure 2) is common throughout the western United States and favors disturbed, open, moist sites. This species originally came from Eurasia and is a highly competitive plant with a growth form that allows it to quickly crowd out native species. Its thickets have dense canopies allowing little light penetration and reducing the growth of understory plants. This species is given the ranking of High Invasiveness by the Cal-PIC Inventory.

According to the Weed Report, from the Weed Control in Natural Areas in the Western United States, “[h]and pulling can be an effective control method for small populations. To successfully control populations with mechanical removal, it is important to remove the canes, roots and the root crowns to prevent resprouting. A Pulaski, mattock or similar device can be used to remove plants. Bulldozing may cause resprouting and can spread the weed by fragmenting roots and stems.”

This species was observed in the surrounding margins of both proposed cultivation sites, but with more dominance in *Site 1*. Due to the dominate presence of *Rubus armeniacus*, it is important to remove the entire plant since, according to the Weed Report, “[c]utting and removing only the aboveground biomass will result in the stimulated growth of root sprout. The root sprouts must be controlled and repeated cutting of the above-ground biomass during flowering time will exhaust the root stores.”

3.3.3 Scotch broom (*Cytisus scoparius*)

Cytisus scoparius (Figure 3) was found throughout the parcel at the perimeter of the forested openings along both cultivation sites (Appendix B: Map 2). *Cytisus scoparius* is common throughout the western United States and favors grasslands, shrublands, oak woodlands, forest

margins, coastal habitats, riparian corridors; disturbed sites such as roadsides, pasture, gravelly floodplains, burned areas, cleared forests and is typically found in mountain regions and cool coastal areas with dry summers. It is a fast-growing deciduous shrub that can reach 5 to 10 ft tall. *Cytisus scoparius* forms dense stands that most wildlife finds impenetrable and unpalatable. These dense stems limit regeneration of most other plant species and the accumulation of woody biomass creates a dangerous fire hazard. This species is given the ranking of High Invasiveness by the Cal-PIC Inventory.

According to the Weed Report, from the *Weed Control in Natural Areas in the Western United States*, “[s]eedlings and small shrubs can be hand pulled. For larger established shrubs, a weed wrench or other woody weed extractor can be used. Extract the entire root or resprouting will occur.” The report goes on to point out that the “[b]est results are achieved when soil is moist...” but the technician completing this mechanical control needs to be careful because “[d]isturbing the soil can stimulate the seedbank.”

Given the abundant population of *Cytisus scoparius* it is recommended that the applicant focuses on the control of the individuals at the margins of the project site. The Weed Report points out that “[c]utting broom off before it flowers will reduce seed production and will deplete the plant’s energy reserves...” and that “[r]sprouting is common after treatment, but can be reduced by cutting broom at the beginning of the dry season.” It is recommended that the applicant follows these methods of control in order to keep the spread of *Cytisus scoparius* at bay.

3.3.4 Pennyroyal (*Mentha pulegium*)

Mentha pulegium (Figure 4) was found throughout cultivation Site 1, Site 2 and in scattered patches in Site 3 (Appendix B: Map 2). *Mentha pulegium* is common as an obligate wetland indicator species in seasonally inundated soils of valleys and bottomlands, usually below 1,640 feet elevation. The presence of these species is not always representative of a wetland. This parcel is located within the USACE Land Resource Region A (LRR:A) within the western mountains, valleys and coast region. LRR:A, or the northwest forests and coast sub region,

often experiences frequent and heavy rainfall events that create ample opportunities for wetland vegetation to propagate.

Even though pennyroyal is considered uncommon in much of California, it occurs in the sierra foothills, Central Valley, and most coastal counties from the Mexican border to Oregon.

Pennyroyal favors disturbed sites, seeps, stream sides, vernal pools, marches and ditches. This species is given the ranking of High Invasiveness by the Cal-PIC Moderate.

According to the Weed Report, from the *Weed Control in Natural Areas in the Western United States*, “[p]ennyroyal infestations can be suppressed by manual removal of individual plants and small patches before flowering... below-ground reproductive tissues should be severed approximately 3 inches below the soil surface when the plants are beginning to bolt.”

The report goes on to explain that “[t]illage can be an effective control strategy for rosettes and bolting plants.” This species should be combated in order to prevent any potential spreading.

3.3.5 Big quaking-grass (*Briza maxima*).

Briza maxima (Figure 5) was only observed in a few patches along the outskirts of cultivation Site 2 (Appendix B: Map 2). *Briza maxima* is a winter annual grass and is found in coastal ranges throughout of California. This species is given the ranking of Limited Invasiveness by the Cal-PIC Moderate.

The mechanical eradication that is recommended by the Weed Report from the *Weed Control in Natural Areas in the Western United States*, is to till or pull the species “just before viable seed production.” This is the only mechanical control recommendation that is considered to be “excellent,” meaning that in general its success in eradicating the species is greater than 95%. Other “good” mechanical control recommendations, meaning its success of eradication is 80-95%, include grazing, prescribed burning, and mowing or cutting “...before seed drop[s].”

Section 4 Conclusion and Discussion

The applicant can control the spread of the invasive species previously listed if the recommended mitigation and control methods are followed. If the applicant follows the “early detection rapid response” approach before the plants can flower and seed, the current state of the cultivation area should be easily treatable. Due to the clustering of the invasive species observed within the proposed project site locations, and given that many of these species do not favor the surrounding forested habitat, the applicant can halt the invasion of these species spreading throughout the surrounding habitats if action is taken.

Section 5 References

California Invasive Plant Council (Cal-IPC) Inventory: <https://www.cal-ipc.org/plants/inventory/>.

Accessed December 2019.

Ordinance No. 2599, amending sections 314-55.4, 314-55.3.11.7, 314-55.3.7 and 314-55.3.15 of Chapter 4 of Division 1 of Title III of the County Code (CCLUP for Areas Outside the Coastal Zone). Board of Supervisors, County of Humboldt, State of California, May 2018. Accessed June 2019.

Weed Control in Natural Areas in the Western United States. UC Davis Weed Research and Information Center, 2013. Accessed December 2019.

Appendix A: Photos



Figure 1. Bull thistle (*Cirsium vulgare*)



Figure 2. Himalaya blackberry (*Rubus armeniacus*)



Figure 3. Scotch broom (*Cytisus scoparius*)



Figure 4. Pennyroyal (*Mentha pulegium*)



Figure 5. Big quaking-grass (*Briza maxima*)

Appendix B: Maps



Map 1. Invasive Species Survey path conducted on December 15th, 2019 on APN 222-231-012. (This is not a boundary survey, property lines shown here are approximated and taken from Humboldt County Web GIS)



Map 2. Map showing the proposed cultivation site locations for reference of invasive species observed. (This is not a boundary survey, property lines shown here are approximated and taken from Humboldt County Web GIS)

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



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

Applicant Name: Chronic Creek, LLC

APN: 222-231-012-000

Planning & Building Department Case/File No.: TBD

Road Name: CONNICK CREEK (complete a separate form for each road)
~~ROAD~~

From Road (Cross street): OLD BRICELAND ROAD

To Road (Cross street): KADIN WAY

Length of road segment: ~0.5 miles Date Inspected: 12-20-19

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

Check one of the following:

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

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

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

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

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

Steven S.

12-20-19

Signature

Date

STEVE LUU

Name Printed

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

**HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT**

PART A: Part A may be completed by the applicant

Applicant Name: Chronic Creek, LLC

APN: 222-231-012-000

Planning & Building Department Case/File No.: TBD

Road Name: KADIN WAY (complete a separate form for each road)

From Road (Cross street): CONNICK CREEK ROAD

To Road (Cross street): GATE

Length of road segment: ~0.125 miles Date Inspected: 12-20-19

Road is maintained by: ☐ County ☒ Other Private

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

Check one of the following:

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

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

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

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

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



12-20-19

Signature

Date

STEVE LUU

Name Printed

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





PHOTO 1

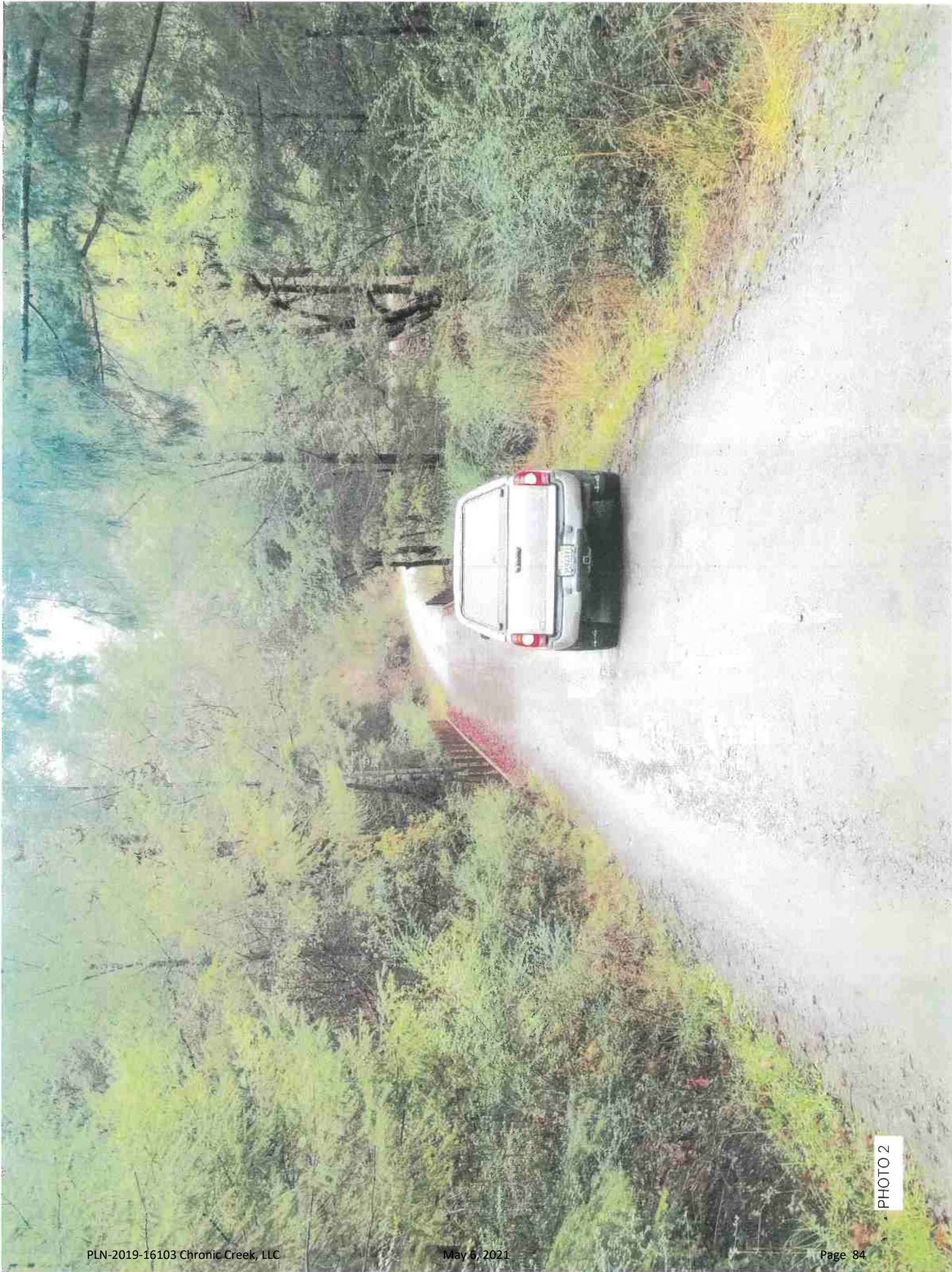


PHOTO 2

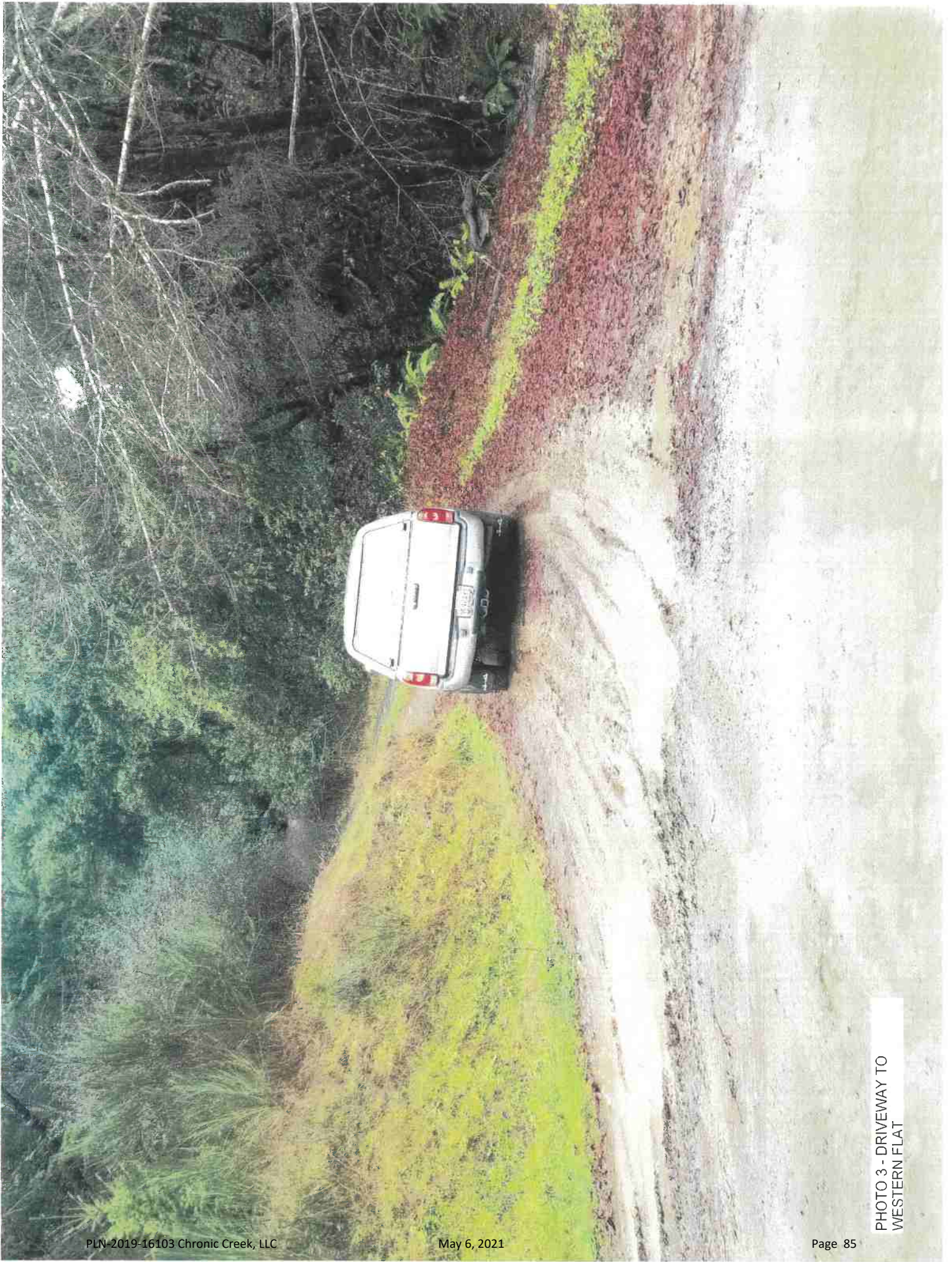


PHOTO 3 - DRIVEWAY TO
WESTERN FLAT

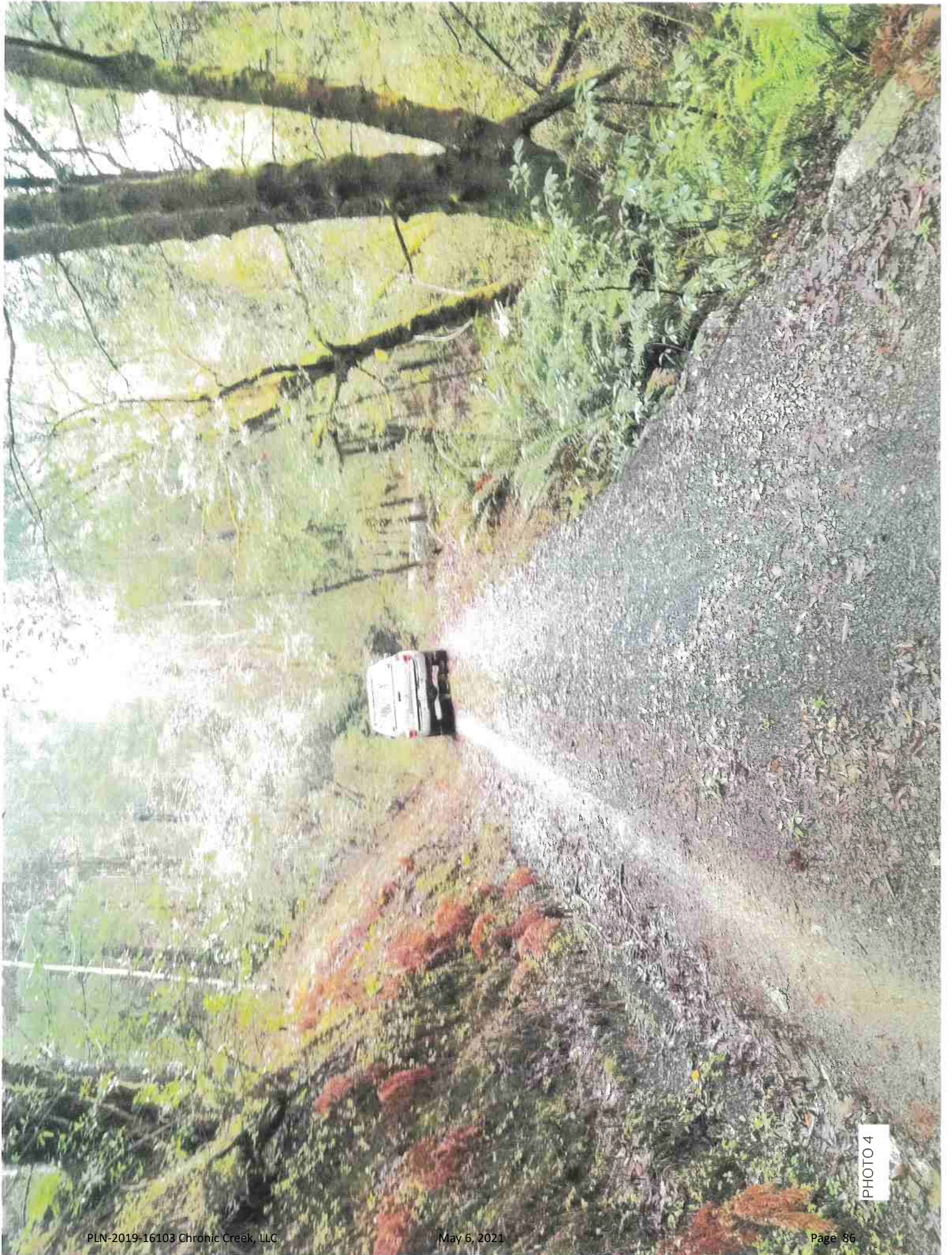


PHOTO 4

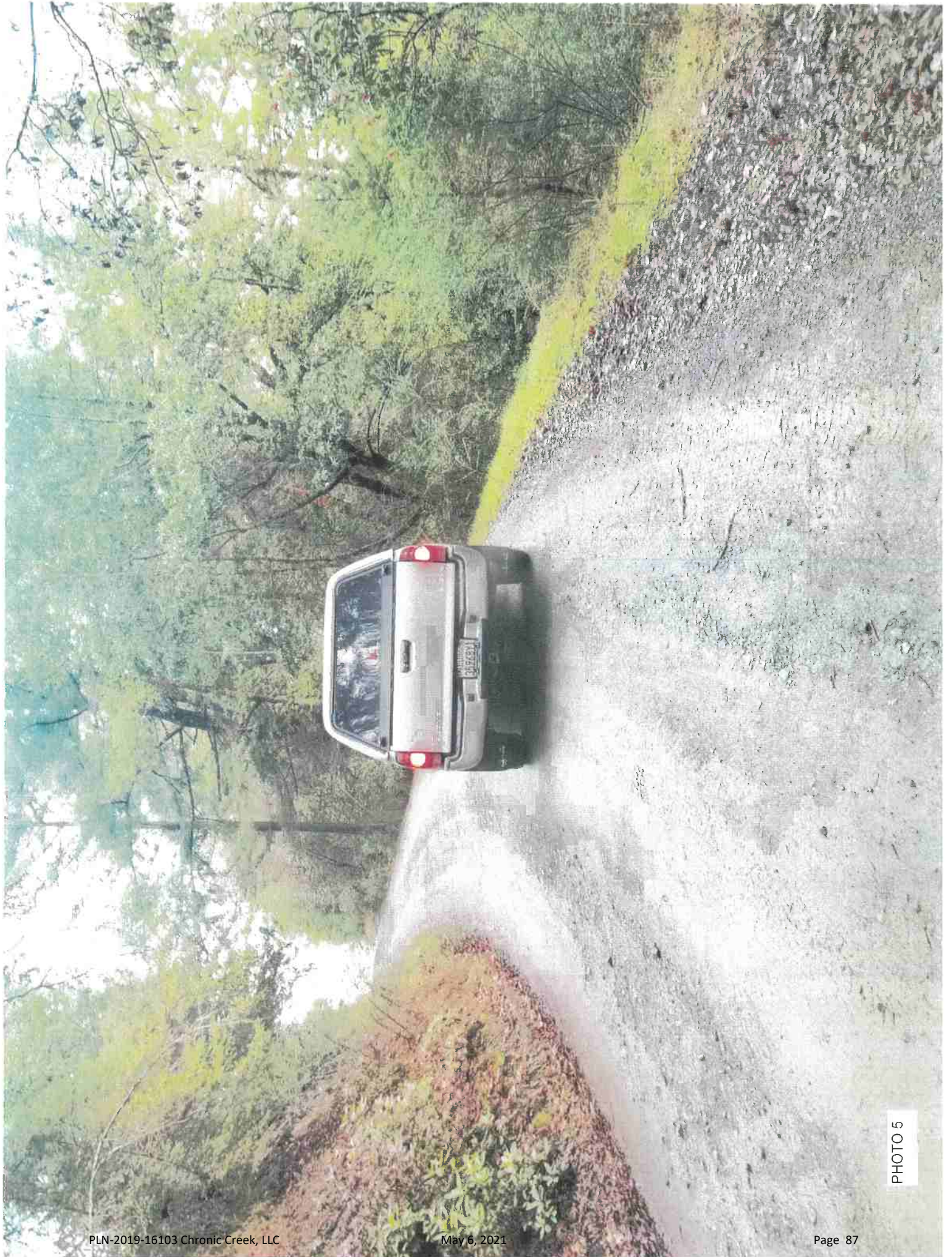


PHOTO 5



ATTACHMENT 5

Referral Agency Comments and Recommendations

The project was referred to the following referral agencies for review and comment. Recommendations received are summarized, and the locations of the recommendations are noted.

Referral Agency	Response	Recommendation	Location
Division of Environmental Health	✓	Conditional Approval	On file with Planning
Public Works Land Use Division	✓	Conditional Approval	Attached
Bear River Band Rohnerville Rancheria	✓	Conditional Approval	On file with Planning
California Division of Water Rights	✓	Approved	On file with Planning
Humboldt County Sheriff's Office	✓	Approved	On file with Planning
NWIC	✓	Conditional Approval	On file with Planning
Building Inspections	✓	Approved	On file with Planning
NCUAQMD		No Response	
Southern Humboldt Joint Unified School District		No Response	
California Department of Fish and Wildlife		No Response	Attached - staff email comments from CDFW dated September 8, 2020.
Intertribal Sinkyone Wilderness Council		No Response	
Regional Water Quality Control Board		No Response	
District Attorney		No Response	
AG Commissioner		No Response	



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

ON-LINE
WEB: CO.HUMBOLDT.CA.US

PUBLIC WORKS BUILDING SECOND & L ST., EUREKA FAX 445-7409		CLARK COMPLEX HARRIS & H ST., EUREKA FAX 445-7388	
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
			LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Meghan Ryan, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 06/17/2020

RE:

Applicant Name	CHRONIC CREEK LLC
APN	222-231-012
APPS#	PLN-12254-ZCC

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:

Review Items #5, #6, and #7 on Exhibit C.

Applicant has submitted a road evaluation report for Connick Creek Road, dated 10/29/2019, with Part A –Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

The Applicant has incorrectly stated that Connick Creek Road is maintained by the County, as this is a privately maintained road.

// END //

Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # 12254

All of the following questions are to be answered by Planning and Building Department staff.

No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

1. **ROADS – PART 1.** Does the project take access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?

☐ YES ☒ NO

If YES, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the Road Evaluation Report(s) for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

2. **ROADS – PART 2.** Does the project take access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?

☐ YES ☒ NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? ☐ YES ☐ NO

If YES, a *Road Evaluation Report* must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the *Road Evaluation Report* form must be completed.

4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements? ☐ YES ☐ NO

How to check: Method 1: Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel ___ of Parcel Map No. ___" then there may be deferred subdivision improvements; further research will be needed. *Method 2:* Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If YES then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

5. **AIRPORT- PART 1 (ALUCP).** Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? ☒ YES ☐ NO

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. 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.

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer AND is the project proposing to construct (or permit) a fence, building or other structure? ☒ YES ☐ NO

Exhibit "C"

Additional Review is Required by Planning & Building Staff

If YES, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:
- o If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
 - o If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
 - o If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
 - o If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO** or **NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction Airspace Certification Form to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? ☐ YES ☒ NO

If YES, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

// END //

From: [Alberts, Chris](#)
To: [Hollis, Jonathan@Wildlife](#)
Cc: [david.manthorne@wildlife.ca.gov](#); [Bocast, Kalyn@Wildlife](#)
Subject: 16103- CDFW Referral Comments (APN 222-231-012)
Date: Tuesday, September 8, 2020 4:05:00 PM
Attachments: [image001.png](#)
[16103 Biological Report 12-31-19.pdf](#)

Good Afternoon,

I am anticipating on scheduling the subject project for the October 22, 2020 Zoning Administrator Hearing. Attached to this email is the Biological Report that was prepared for the subject project. The subject project description is below:

“A Special Permit for 22,000 square feet of new and proposed mixed light and outdoor cannabis cultivation. There will be 3,500-square feet of existing mixed light cultivation and 3,500 square feet of outdoor cannabis cultivation. The applicant is proposing 13,700 square feet of mixed light cannabis cultivation and 1,300 square feet of outdoor cannabis cultivation. Cultivation activities extend from January to December. Water is sourced from three existing permitted wells. The anticipated maximum water usage is 178,600-gallons. During peak of operations a maximum of six employees will be on-site to assist with cultivation activities. Processing such as drying, curing, trimming and packaging is proposed to occur onsite inside of a 576-square-foot shop building and two proposed 1,800-square-foot barns. Power will be provided by P.G.&E.”

Please let me know if you have any questions.

Best,



Christopher Alberts
Planner I
[Planning and Building Department](#)
County of Humboldt
(707) 268-3771



Please consider your environmental responsibility before printing this e-mail