



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: July 1, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **The Humboldt County Farms, Inc. Special Permit**
Record Number PLN-11512-SP
Assessor's Parcel Numbers (APN) 504-201-042 & 504-201-048 (One separate legal parcel)
7365 West End Road, Arcata

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Please contact Megan Acevedo, Planner, at 707-441-2634 or by email at macevedo@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 1, 2021	Special Permit	Megan Acevedo

Project Description: The Humboldt County Farms, Inc. seeks a Special Permit for an 1,800 square-foot wholesale nursery. Water will be sourced from a rainwater catchment system that will be connected to rooftops. Existing water storage on-site is 21,900 gallons in hard tanks. Anticipated yearly water usage is 21,600 gallons per year. Power is sourced by PG&E, and a total of 2 employees will be used for operations on-site. The applicant anticipates a total of three deliveries on average per week with no onsite sales. Typical trips would be between four and six per day.

Project Location: The project is located in the Arcata area, on the South side of West End Road, approximately 1.4 miles from the intersection of West End Road and Giuntoli Lane, then approximately 0.2 miles South on a private drive, on the property known as 7365 West End Road, Arcata.

Present Plan Land Use Designations: Residential Estates 1-5 units per acre

Present Zoning: Agriculture General (AG)

Record Number: PLN-11512-SP

Assessor's Parcel Number: 504-201-042 & 504-201-048

Applicant

The Humboldt County Farms, Inc.
1263 Dover Lane
Santa Barbara, CA 93103

Owner

Polecat, LLC
1263 Dover Lane
Santa Barbara, CA 93103

Agents

Evergreen Development Services
Suzanne Colby
5131 Ericson Way
Arcata, CA 95521

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

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

Major Issues: None

Recommended Zoning Administrator Action

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

Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and adopt the Resolution approving The Humboldt County Farms, Inc. Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: The Humboldt County Farms, Inc. seeks a Special Permit for a 1,800 square-foot wholesale nursery. Water will be sourced from a rainwater catchment system that will be connected to rooftops. Existing water storage on-site is 21,900 gallons in hard tanks. Anticipated yearly water usage is 21,600 gallons per year. Power is sourced by PG&E, and a total of 2 employees will be used for operations on-site.

The project will consist of one (1) 20'x60' nursery greenhouse, one (1) 20'x30' detached garage for nursery space, and one (1) 15'x15' storage shed. The applicant had a building inspection on February 7, 2019, and the project is conditioned to permit all structures with a nexus to cannabis with the Building Division.

The project was referred to the Department of Environmental Health on January 10, 2019. DEH commented on the project on January 23, 2019, stating that the Department did not have record of the well that was identified as the water source, and that the well cannot be used as a source of water for irrigation. The project is conditioned to not use the existing well on-site for cannabis irrigation, and this is included in the Ongoing Conditions of Approval for the project. The project includes the proposal of ADA portable toilets to be used for onsite wastewater treatment system. The project is conditioned to supply receipts or other document to prove service of portable toilets on-site.

Water Resources

Water for irrigation will be provided by a rainwater catchment system that will utilize the 1,800 ft² nursery greenhouse rooftop to catch rainwater. The anticipated amount of rainfall in Humboldt County area is 40.33" per year, and the applicant anticipates being able to collect a maximum of 45,226 gallons annually. Annual water anticipated for cannabis irrigation is 21,600 gallons, and there is 21,900 gallons of existing water storage in hard tanks on-site. The applicant will need to add an additional 2,500-gallon water tank to be designated for fire suppression to be in compliance with the Fire Safe Ordinance. The project is conditioned to add a 2,500-gallon to be designated for fire suppression, and shall supply an updated Site Plan to the Planning Department to include this additional tank.

There are no streams located on the subject parcel. The applicant is not currently enrolled in the State Water Resources Control Board's (SWRCB) General Order for Waiver of Waste Discharge. The project is required to enroll in the SWRCB's General Order for Waiver of Waste Discharge before commencing cannabis activities on the site, and is conditioned to provide a copy of proof of enrollment to the Planning Division in the form of a Notice of Applicability letter provided by the SWRCB. The project may also be required to provide technical reports for the project site for compliance with the General Order. Any technical reports required will be notated within the Notice of Applicability letter provided by the SWRCB. In the event that a Site Management Plan (SMP) is required for compliance with the General Order, the applicant shall provide a copy of the SMP to the Planning Department, and shall adhere to the recommendations within the report.

Biological Resources

There is one mapped sensitive species on-site, and two other mapped sensitive species located nearby. There is one NSO activity center located approximately 1.4 miles from the project site. As the project will utilize existing structures on-site, and no ground disturbance is proposed as part of this project, a Biological Assessment was not required for the project. As well, since the project will be powered by PG&E no noise pollution is anticipated as part of the project. The project is conditioned to meet International Dark Sky Standards, and to ensure that no light escapes from the nursery areas between the hours of dusk and dawn.

The project was referred to the California Department of Fish & Wildlife (CDFW) on January 10, 2019, and no response was received. As there are no streams or stream crossings on the parcel, the applicant is not required to obtain a Lake or Streambed Alteration Agreement with CDFW.

Tribal Cultural Resource Coordination

The project is located in the Bear River Band, Wiyot and Blue Lake Rancheria ancestral aboriginal territories. The project was referred to the Northwest Information Center (NWIC) on January 10, 2019, and a response was received on January 23, 2019. The NWIC recommended that the lead agency contact the local Native American tribes regarding traditional, cultural, and religious heritage values. The project was referred to the Bear River Band tribe, the Wiyot tribe and the Blue Lake Rancheria on January 10, 2019. Comments were received from the Blue Lake Rancheria on January 16, 2019 stating that they had no knowledge of cultural resources at the project location and recommended inadvertent discovery protocols. The Bear River Band tribe responded on August 8, 2019 recommending inadvertent discovery protocols. The project is conditioned to adhere to inadvertent discovery protocols in the event that cultural resources are encountered during operations on-site.

Access

Access to the site is via a driveway off of West End Road. The portion of West End Road to the private driveway is county maintained. The applicant submitted a Road Evaluation Report form for the 0.2 miles of the private road to the project site, selecting box 2 stating that the entire road segment is developed to the equivalent of a road category 4 standard. The project was referred to the Department of Public Works on January 10, 2019. The Department commented on the project on January 17, 2019, recommending conditions of approval for the project. Conditions of approval for the project include that the driveway and private road intersections onto the County Road shall be maintained in accordance with Sight Visibility Ordinance, and the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. The applicant anticipates a total of three deliveries on average per week with no onsite sales. Typical trips would be between four and six per day.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information).

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number PLN-11512-SP
Assessor's Parcel Number: 504-201-042 & 504-201-048**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving The Humboldt County Farms, Inc., Special Permit.

WHEREAS, The Humboldt County Farms, Inc., submitted an application and evidence in support of approving a Special Permit for 1,800 ft² of nursery space be for wholesale;

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

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on July 1, 2021, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The Humboldt County Farms, Inc. seeks a Special Permit for a 1,800 square-foot wholesale nursery. Water will be sourced from a rainwater catchment system that will be connected to rooftops. Existing water storage on-site is 21,900 gallons in hard tanks. Anticipated yearly water usage is 21,600 gallons per year. Power is sourced by PG&E, and a total of 2 employees will be used for operations on-site.

EVIDENCE: a) Project File: PLN-11512-SP

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

EVIDENCE: a) Addendum Prepared for the proposed project.

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

 c) The project is not required to enroll in the State Water Resource Control Board's General Order for Waiver of Waste Discharge until they are actually cultivating. The project has been conditioned to enroll prior to commencing cannabis activities at the site.

- d) As no ground disturbance is part of this project's proposal, no Biological Assessment was required for the project.
- e) The project was referred to the Bear River Band tribe, the Wiyot tribe and the Blue Lake Rancheria on January 10, 2019. The Bear River Band tribe and the Blue Lake Rancheria responded with the condition of inadvertent discovery protocols for the project, which has been included in the Conditions of Approval for the project.
- f) The project is accessed via a private driveway from West End Road. West End Road is a county maintained road. A Road Evaluation Report form was prepared for the 0.2 miles of the private road verifying that it is developed to the equivalent of a road category 4 standard. The project has been conditioned to improve the driveway where the county maintained road intersects the private road, and the road has been determined to meet functional capacity for the project needs.
- g) No timber conversion has occurred on the site.

FINDINGS FOR SPECIAL PERMIT

3. FINDING

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

EVIDENCE

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

4. FINDING

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

EVIDENCE

- a) The Agriculture General or AG Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the AG zone.
- c) Humboldt County Code section 314-55.4.8.7 allows nurseries producing commercial cannabis nursery products for bulk wholesale within AG zones with a Special Permit. The application for 1,800 ft² of wholesale nursery space on a 6.62-acre AG zoned parcel is consistent with the CMMLUO.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows nurseries producing commercial cannabis nursery products for bulk wholesale within AG zones (HCC 314-55.4.8.7).
- b) Per LLA-45-86 the configuration of APNs 504-201-042 and 504-201-048

combined comprise one legal parcel.

- c) The project will obtain water from a non-diversionary water source.
- d) The project is accessed via a private driveway from West End Road. West End Road is a county maintained road. A Road Evaluation Report form was prepared for the 0.01 miles of the private road verifying that it is developed to the equivalent of a road category 4 standard. The project has been conditioned to improve the driveway where the county maintained road intersects the private road, and the road has been determined to meet functional capacity for the project needs.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) No timber conversion has occurred on the subject parcel.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 1,800 ft² of wholesale nursery cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been self-certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation. The applicant anticipates a total of three deliveries on average per week with no onsite sales. Typical trips would be between four and six per day.
- b) Irrigation water will come from a rainwater catchment system that will utilize the 1,800 ft² greenhouse rooftop.
- c) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE

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

DECISION

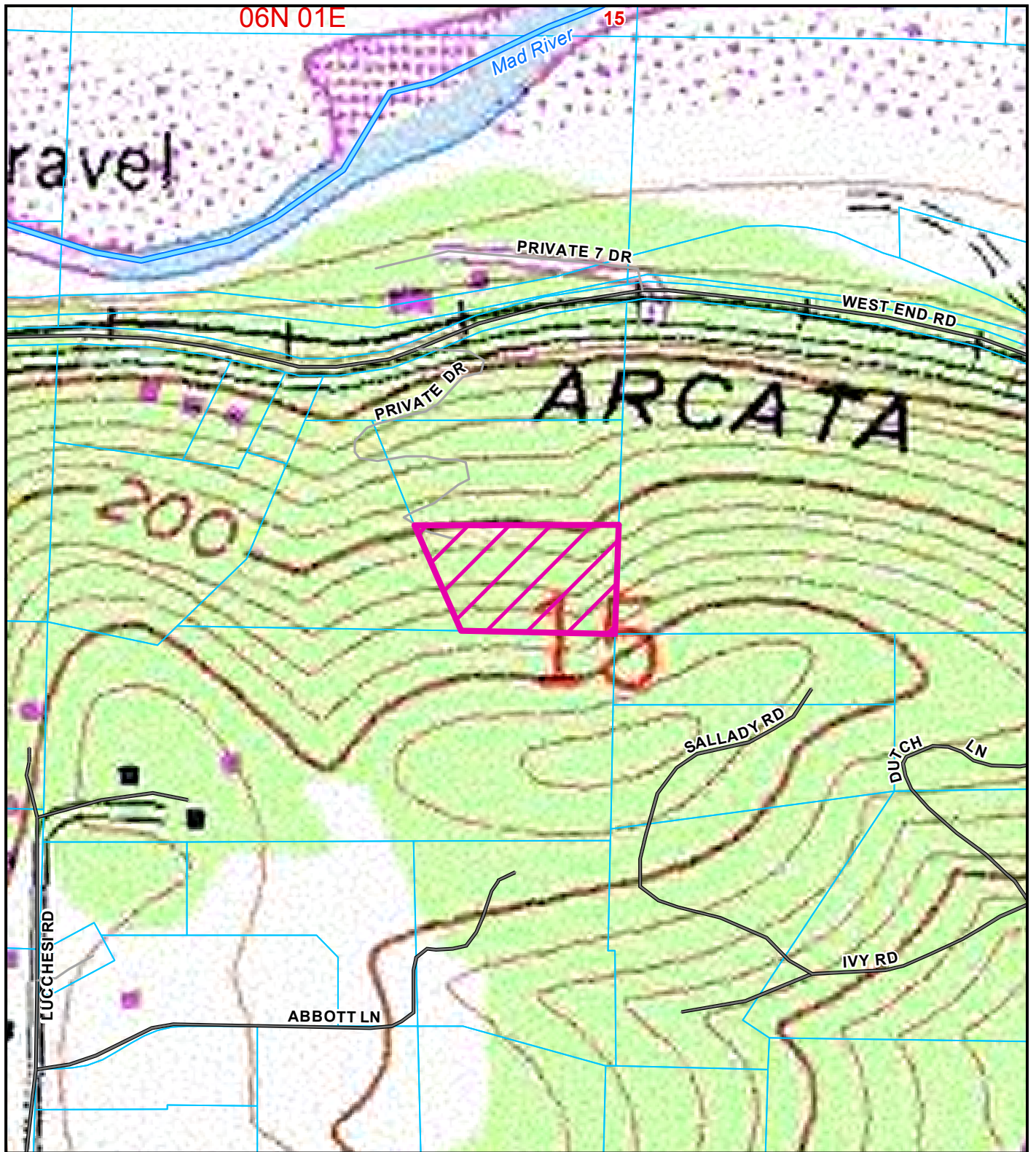
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

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

Adopted after review and consideration of all the evidence on July 1, 2021

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

John H. Ford, Zoning Administrator,
Planning and Building Department



TOPO MAP
PROPOSED THE HUMBOLDT COUNTY FARMS, INC.
ARCATA AREA

SP-16-241; SP-16-242
APN: 504-201-042-000

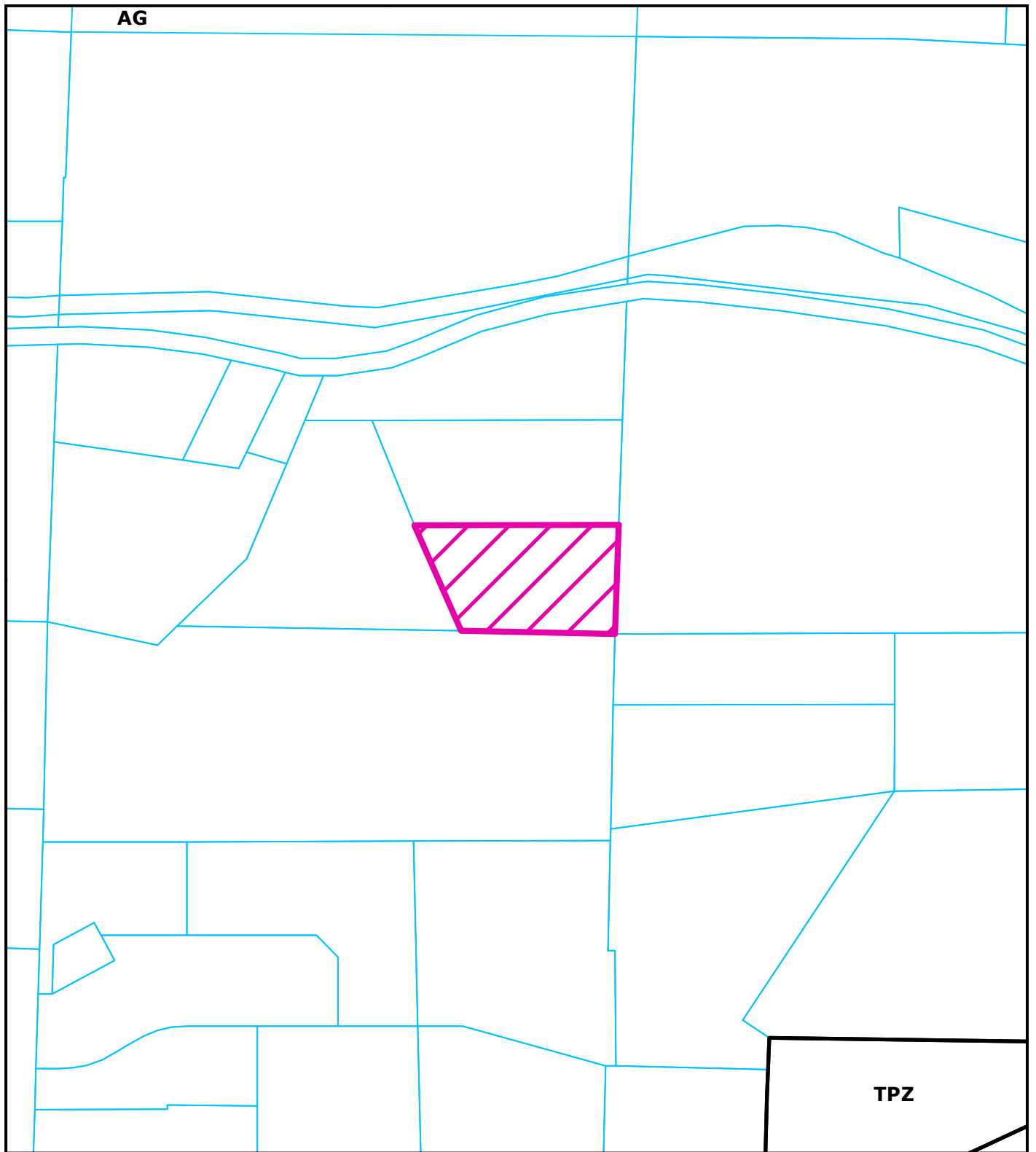
T06N R01E S15 HB&M (ARCATA NORTH)

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.

0 410 820 Feet





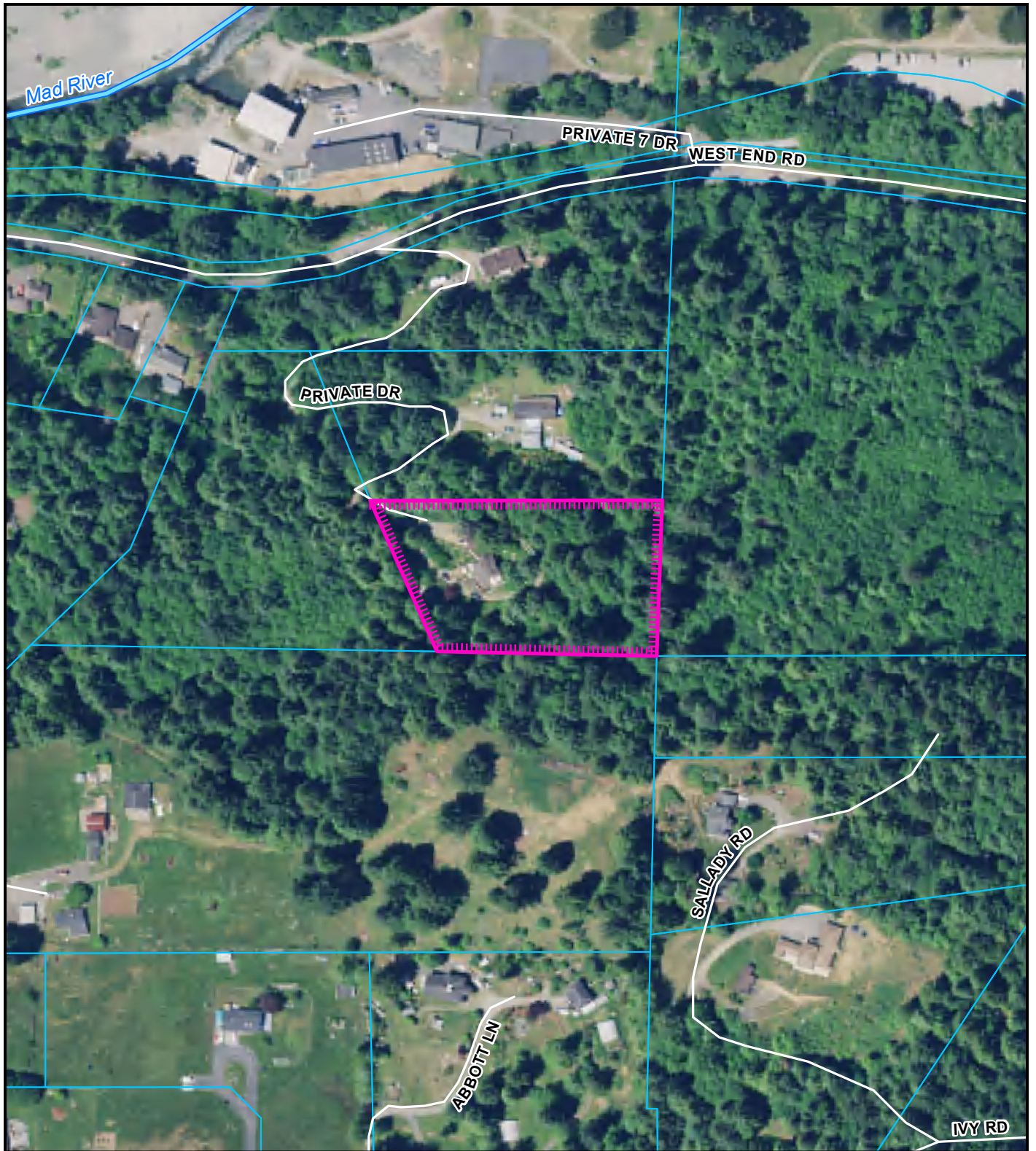
ZONING MAP
PROPOSED THE HUMBOLDT COUNTY FARMS, INC.
ARCATA AREA
SP-16-241; SP-16-242
APN: 504-201-042-000
T06N R01E S15 HB&M (ARCATA NORTH)

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.

0 410 820 Feet

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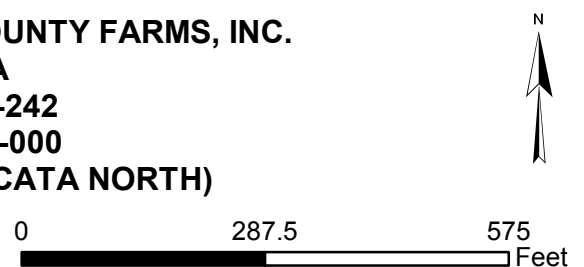


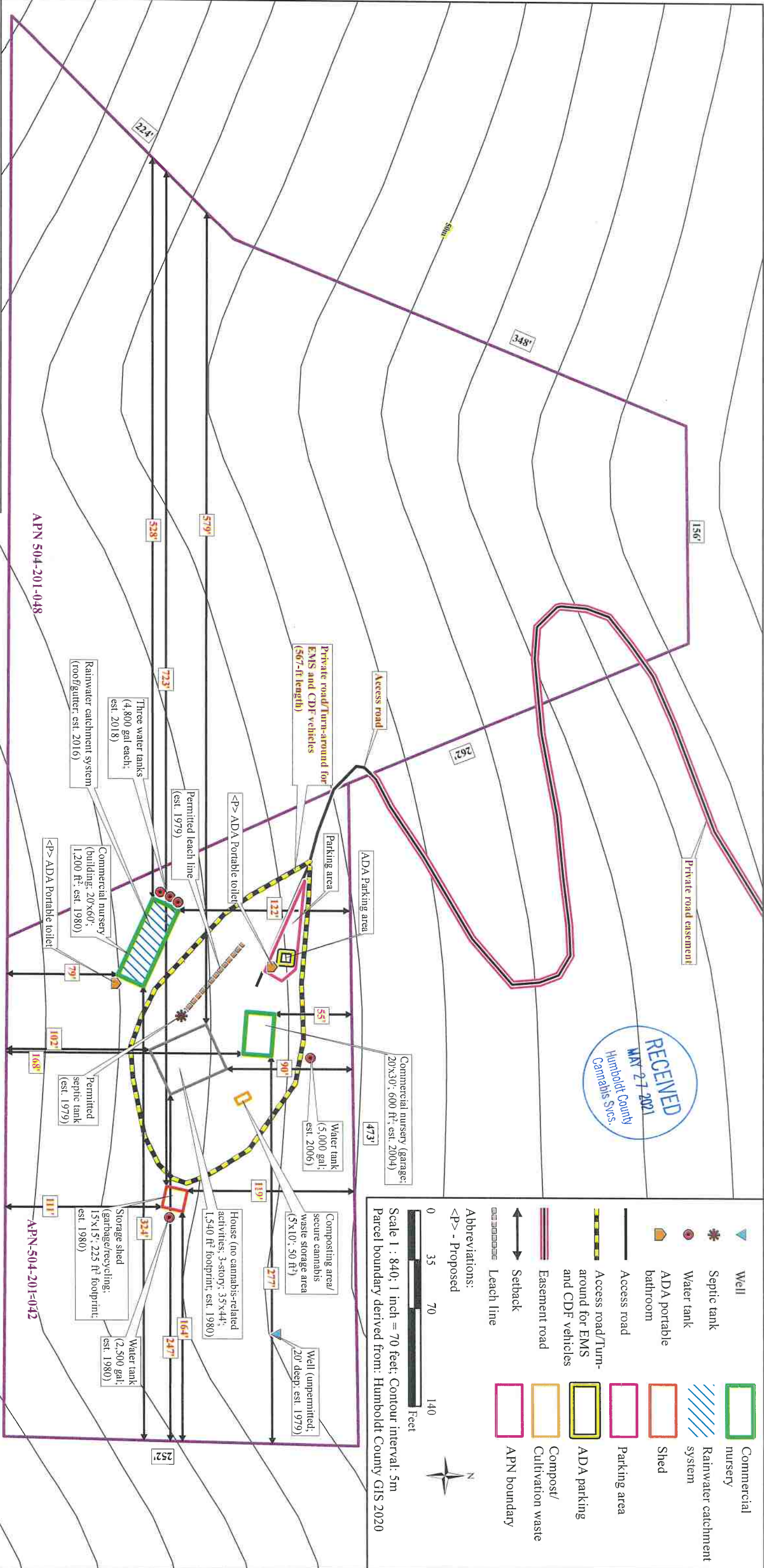
**AERIAL MAP
PROPOSED THE HUMBOLDT COUNTY FARMS, INC.
ARCATA AREA**

Project Area = 

**SP-16-241; SP-16-242
APN: 504-201-042-000
T06N R01E S15 HB&M (ARCATA NORTH)**

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.





- Note:
1. Owner's Name/APN: Jay Preto/APN 504-201-042.
 2. This property consists of one legal parcel that is composed of two APNs. Both APNs are held by a comment owner, Jay Preto.
 3. One private road easement through APNs 504-201-044, 504-201-047, and 504-201-048.
 4. There are no school bus stops within 600 feet of a cultivation area.
 5. There are no public parks within 600 feet of a cultivation area.
 6. There are no schools within 600 feet of a cultivation area.
 7. There are no places of worship within 600 feet of a cultivation area.
 8. The nearest residence is approximately 260 feet to the northeast of the Cultivation Area.
 9. There are no known tribal cultural resources within 600 feet of any cultivation site.

Humboldt County CCLUO Site Plan for APN 504-201-042 and 504-201-048, located on West End Road, Arcata, Humboldt County, California.

Prepared April 2020 by:
Pacific Watershed Associates
www.pacificwatershed.com



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS.

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 90-days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit a revised plot plan prepared by a licensed surveyor showing the following, in addition to what is shown:
 - a. The addition of a 2,500-gallon water tank to be designated for fire suppression.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity before commencing cannabis activities on the site, including but not limited to: one (1) 20'x60' nursery greenhouse, one (1) 20'x30' detached garage for nursery space, and one (1) 15'x15' storage shed. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The driveway and private road intersections onto the County Road shall be maintained in accordance with Sight Visibility Ordinance, and the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road before commencing cannabis activities on the site. An encroachment permit shall be obtained from Department of Public Works, Land Use Division prior to work within the County right-of-way.
8. The project is conditioned to supply receipts or other document to prove service of portable toilets on-site.
9. The project is required to enroll in the SWRCB's General Order for Waiver of Waste Discharge before commencing cannabis activities on the site, and is conditioned to provide a copy of proof of

enrollment to the Planning Division in the form of a Notice of Applicability letter provided by the SWRCB before commencing cannabis activities on the site.

10. In the event that a Site Management Plan (SMP) is required for compliance with the General Order, the applicant shall provide a copy of the SMP to the Planning Department, and shall adhere to the recommendations within the report.
11. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before commencing cannabis activities on the site. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
12. The applicant shall 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 before commencing cannabis activities on the site.

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

1. The combination of background and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Per the Department of Environmental Health's referral comments, the project is conditioned to not use the existing well on-site for cannabis irrigation.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. 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.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
12. 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 toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. 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.
14. 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.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with State Water Resources Control Board's General Order for Waiver of Waste Discharge, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
18. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

19. Pay all applicable application, review for conformance with conditions and annual inspection fees.
20. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
21. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
22. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

23. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
24. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
25. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
26. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. 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.
 - b. 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; and
 - (3) Poison control contacts.
 - c. 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.

- d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
27. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
 28. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
 29. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within 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 noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
 30. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
 31. 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.
 32. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;

- d. Acknowledgement of full responsibility for complying with the existing permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

33. 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. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), the use is subject to the Permit Duration and Renewal provisions set forth in Humboldt County Code.
2. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

ATTACHMENT 2

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

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

**APN 504-201-042 & 504-201-048; 7365 West End Road, Arcata
County of Humboldt**

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

June 2021

Background

Modified Project Description and Project History –

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within Humboldt County. These regulations were developed in concert with the MND that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

Project Description: The modified project involves a Special Permit for a 1,800 square-foot wholesale nursery. Water will be sourced from a rainwater catchment system that will be connected to rooftops. Existing water storage on-site is 21,900 gallons in hard tanks. Anticipated yearly water usage is 21,600 gallons per year. Power is sourced by PG&E, and a total of 2 employees will be used for operations on-site.

There are no streams located on the subject parcel. The applicant is not currently enrolled in the State Water Resources Control Board's (SWRCB) General Order for Waiver of Waste Discharge. The project is required to enroll in the SWRCB's General Order for Waiver of Waste Discharge before commencing cannabis activities on the site, and is conditioned to provide a copy of proof of enrollment to the Planning Division in the form of a Notice of Applicability letter provided by the SWRCB. The project may also be required to provide technical reports for the project site for compliance with the General Order. Any technical reports required will be notated within the Notice of Applicability letter provided by the SWRCB. In the event that a Site Management Plan (SMP) is required for compliance with the General Order, the applicant shall provide a copy of the SMP to the Planning Department, and shall adhere to the recommendations within the report.

There is one mapped sensitive species on-site, and two other mapped sensitive species located nearby. There is one NSO activity center located approximately 1.4 miles from the project site. As the project will utilize existing structures on-site, and no ground disturbance is proposed as part of this project, a Biological Assessment was not required for the project. As well, since the project will be powered by PG&E no noise pollution is anticipated as part of the project. The project is conditioned to meet International Dark Sky Standards, and to ensure that no light escapes from the nursery areas between the hours of dusk and dawn.

The project is located in the Bear River Band, Wiyot and Blue Lake Rancheria ancestral aboriginal territories. The project was referred to the Northwest Information Center (NWIC) on January 10, 2019, and a response was received on January 23, 2019. The NWIC recommended that the lead agency contact the local Native American tribes regarding traditional, cultural, and religious heritage values. The project was referred to the Bear River Band tribe, the Wiyot tribe and the Blue Lake Rancheria on January 10, 2019. Comments were received from the Blue Lake Rancheria on January 16, 2019 stating that they had no knowledge of cultural resources at the project location and recommended inadvertent discovery protocols. The Bear River Band tribe responded on August 8, 2019 recommending inadvertent discovery protocols. The project is conditioned to adhere to inadvertent discovery protocols in the event that cultural resources are encountered during operations on-site.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing & new cultivation. These

include enrolling in the State Water Resource Control Board's General Order for Waiver of Waste Discharge, and ensuring supplemental lighting and security lighting adheres to International Dark Sky Association standards.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 1,800 square feet of wholesale nursery cultivation is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Pacific Watershed Associates received 10/24/2019.
- Cultivation and Operations Plan received 11/05/2020.
- Floor Plans for the proposed nursery spaces received 11/05/2020.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- Road Evaluation Report form dated 5/27/2021.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on-file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On-file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (**Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**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. (Riparian Water Rights Statement of Diversion and Use claims and reporting (Application ID S025127 dated 7/12/16 & S02554 dated 7/7/15) and Registration Cannabis (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Condition of Approval)
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 California Department of Fish and Wildlife. (Not Applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior

unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not Applicable)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not Applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On-file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. Floor Plans for the nursery spaces received 11/05/2020. **(Attached)**
16. Road Evaluation Report form for the Private Road prepared by the applicant and received 5/27/2020. **(Attached)**
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)



THE HUMBOLDT FARMS, LLC

REVISED CULTIVATION, OPERATIONS, AND SECURITY PLAN

OPERATIONS PLAN

REVISED PROJECT DESCRIPTION: Applicant is seeking to permit an 1,800 sq. ft. wholesale commercial nursery facility split between one 20 x 60 sq. ft. building and a 20'x30' building located on the property. The property is over 2.5 acres and is zoned Agricultural General (AG). The proposed water source for the project is a rainwater catchment system that collects rainwater from the rooftops of the buildings, and which is stored in five separate water tanks totaling 21,900 gallons of water storage. Applicant is proposing to have two employees to run the wholesale nursery facility, with neither employee residing on site. The location of off-street parking for employees is located wholly on site, with parking areas located near the 600 sq. ft. nursery facility as shown on the site plan. There is one dedicated ADA parking spot and two spaces for vehicles in the area designated on the site plan. Floor plans will be provided for the nursery buildings.

WATER SOURCE AND STORAGE: The irrigation source for the nursery operation will be from rainwater catchment. The anticipated amount of rainwater to be collected based on 1,800 sq. ft. of catchment area and an annual average rainfall in the Humboldt County area of 40.33 in., applicant is anticipating being able to collect 45,226 gallons of rainwater, more than sufficient to fill the amount of applicant's water storage capacity of 21,900 gallons.

PROJECTED WATER USAGE: Applicant is proposing a wholesale nursery facility of a total of 1,800 sq. ft. Applicant is applying for a special permit for the referenced activity. Projects for water usage in the nursery operation is based on historical usage. Applicant is anticipating using approximately 21,600 gallons of water total for nursery operations. The below table breaks down projected monthly water usage in gallons:

Nursery (gal/month)	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800

The above figures are weather dependent and are only estimated water usage totals. Applicant has installed flow meters at all critical points to measure actual yearly water usage.

SITE DRAINAGE: There are no watercourses on the property and there are no stream crossings. The house and garage shown on the property are guttered to redirect and disperse storm water runoff to stable areas. Applicant is working with PWA to address site drainage on the property.

WHOLESALE NURSERY CULTIVATION OPERATIONS PLAN – THE HUMBOLDT COUNTY FARMS, INC.

EROSION CONTROL MEASURES: There is no active erosion on Applicant's parcel. The area surrounding the developed areas is well vegetated with mature trees and native vegetation and storm water runoff is infiltrated. Developed areas are guttered and flows are dispersed to stable. Applicant will work with PWA to address any erosion issues as they arise on the parcel.

RUNOFF CONTROL MEASURES: Applicant employs raised beds and infiltration basins as part of the nursery and indoor cultivation activities. Applicant waters at agronomic rates to avoid nutrient rich runoff. Secondary infiltration basins will collect any nutrient rich runoff that does occur and Applicant will properly dispose of wastewater by trucking it off-site for treatment. Applicant will work with PWA to address issues with runoff as necessary.

PROTECTION OF WATERSHED AND HABITAT: The developed areas and the cultivation areas satisfy all required setbacks from watercourses. The developed areas surrounding the cultivation areas are well vegetated with mature timber that filter any nutrient rich runoff from Applicant's developed areas. Applicant will leave these buffers intact and activities will be excluded from these areas. Soil piles are not kept on the property and there is no threat of migration to watercourses from any cultivation related waste. Applicant will consult with PWA and implement measures, as necessary, for the protection of watershed and habitat.

CULTIVATION RELATED WASTE PROTOCOLS: Applicant is implementing measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in place in the raised beds and covered with plastic sheeting to prevent nutrient transport and will be reused as part of Applicant's soils management plan. Applicant intends to re-amend soils, resulting in zero soil waste on site.

Pots containing starts and clones will be washed, rinsed, and reused between seasons and recycled at the end of their useful life. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. All other associated waste will be placed in garbage cans with lids and placed in the storage shed as shown on the site plan to prevent nutrients from being leached to groundwater or transported to watercourses.

Applicant will determine frequency of disposal to permitted disposal sites that prevents rodent infestation and other nuisances on the property. This will likely be done on a bi-weekly schedule during the growing season.

REFUSE DISPOSAL: Garbage is stored in three (3) 32 -gallon trash cans equipped with lids in secondary containment to prevent leaching and transport of foreign materials to receiving waters. The trash cans are stored in the storage shed as shown on the site map. Applicant will determine the frequency of pickup and delivery to disposal facilities that prevents rodent infestation and other nuisances on the property. This will likely be done on a weekly schedule during the growing season.

WHOLESALE NURSERY CULTIVATION OPERATIONS PLAN – THE HUMBOLDT COUNTY FARMS, INC.

HUMAN WASTE: Applicant has an existing permitted on-site waste treatment system (OWTS) that services the parcel (Receipt No. 34882). The OWTS has an 1800-gallon septic system, with 4 lines fifty foot in length buried in a six-foot trench. The system is designed to accommodate a three-bedroom house. Applicant anticipates that the current OWTS system will be sufficient to handle the waste generated by the cultivation operation. Applicant has also installed an ADA accessible portable toilet that will service the wholesale nursery operation.

PESTICIDES: Pesticides will be stored in the storage shed equipped with a cement floor to prevent leaching of pesticides into groundwater or transport to surface waters. Pesticides will be kept in original containers with labels affixed and kept in secondary containment totes to further minimize spills from being transported to groundwater or receiving surface waters. Approved spill proof containers with appropriate warning and information labels will be used to transport pesticides to and from site. Applicant will maintain and keep personal protective equipment required by the pesticide label in good working order. Coveralls will be washed after all use when required.

All required warning signs will be posted and material safety data sheets (MSDS) will be kept in the area where pesticides are stored. Emergency contact information in the event of pesticide poisoning shall also be posted at the work site including the name, address and telephone number of emergency medical care facilities. Change areas and decontamination rooms will be available off-site.

Before making a pesticide application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

FERTILIZERS: Fertilizers will be stored in the storage shed which is equipped with a cement floor to prevent leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols it uses for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching. Applicant will use all fertilizers according to the label and use personal protective equipment as required by the label.

Before making a fertilizer application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

SOIL AMENDMENTS: Applicant will store and use soil amendments according to the protocols it uses for pesticide storage and use. Soil amendments will be kept in secondary containment totes to further prevent leaching. Applicant will use all soil amendments according to the label and use personal protective equipment as required by the label.

Applicant will seek out and use soil amendments that are advertised as naturally based. Applicant will follow appropriate application rates of soil amendments. Before making a soil

WHOLESALE NURSERY CULTIVATION OPERATIONS PLAN – THE HUMBOLDT COUNTY FARMS, INC.

amendment application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

PETROLEUM PRODUCTS AND STORAGE: On-site fuel storage consists of four 5-gallon propane tanks, and two 5-gallon gasoline cans. All petroleum products will be stored under cover and off the ground and in a secondary containment tote. Fuels will be stored in the storage shed. Applicant will store combustible materials in a different location from petroleum products.

WHOLESALE NURSERY ACTIVITIES: Applicant is proposing 1,800 sq. ft. of wholesale nursery activities consisting of raising immature cannabis plants for wholesale sale to licensed cannabis cultivators. Applicant is applying for a special permit pursuant to the CMMLUO. Applicant will irrigate wholesale nursery clones and starts from the rain catchment irrigation source. Applicant will secure all necessary building permits for the structures housing wholesale nursery operations. The wholesale nursery will be a year round operation, with peak operations beginning in early February and ending in September or October.

Applicant will be hiring at most two employees to work year-round in the wholesale nursery operation. Employees will be trained in wholesale nursery operations and will be responsible for conducting operations within the wholesale nursery and making deliveries of clones and starts to licensed cannabis cultivators. The maximum amount of deliveries per week shall be no more than three (3) with an anticipated total trip total to and from the site of six (6). Applicant will schedule deliveries to avoid peak traffic hours from 8:00 AM and 9:00 AM and 5:00 PM to 6:00 PM. Applicant has two dedicated on-site parking spots and an ADA accessible parking space sufficient for both employees.

The power source for Applicant's proposed wholesale nursery operations come from on grid power serviced by Pacific Gas and Electric Company. Applicant is anticipating running lights approximately 18 hours a day for vegetative starts and clones.

Applicant will ensure that there is no light emanating from the wholesale nursery buildings. Each building is made of permanent materials, i.e. wood structures, whereby no light is emitted. Further, Applicant will ensure that the nursery operation complies with the International Dark Sky Associations standards as set forth in the CMMLUO.

Applicant will follow all performance standards outlined in Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO") with respect to cultivation activities, including developing safety protocols which include: 1) an emergency action response plan and spill prevention protocols; 2) fire prevention policies; 3) maintenance of Material Safety Data Sheets (MSDS); 4) materials handling policies; and 5) personal protective equipment policies. Applicant will ensure that all safety equipment is in good and operable condition, and provide employees with training on the proper use of safety equipment.

WHOLESALE NURSERY CULTIVATION OPERATIONS PLAN – THE HUMBOLDT COUNTY FARMS, INC.

Applicant will post and maintain an emergency contact list which includes: 1) operation manager contacts; 2) emergency responder contacts; and 3) poison control contacts. All cultivation activities will be charted and calendared and visibly posted in the cultivation facilities.

SCHEDULE OF ACTIVITIES: Applicant will be conducting wholesale nursery operations throughout the year. Applicant will be raising and maintaining mother plants to provide the wholesale nursery throughout the year with plant starts and clones on an as needed basis. Applicant will maintain a stock of seedlings, clones and starts. Unsold starts and clones will be discarded and either burned pursuant to a valid Humboldt County Burn Permit or disposed of as green waste at the nearest permitted disposal facility. Therefore, the below schedule of activities relates to the indoor cultivation operation only. A reference is made in each month to “nursery activities” that encompass the activities referenced above.

January

- Cloning activities; cutting clones; raising clones; maintaining mother plants

February

- Cloning activities; cutting clones; raising clones; maintaining mother plants

March

- Cloning activities; cutting clones; raising clones; maintaining mother plants

April

- Cloning activities; cutting clones; raising clones; maintaining mother plants

May

- Cloning activities; cutting clones; raising clones; maintaining mother plants

June

- Cloning activities; cutting clones; raising clones; maintaining mother plants

July

- Cloning activities; cutting clones; raising clones; maintaining mother plants

August

- Cloning activities; cutting clones; raising clones; maintaining mother plants

September

WHOLESALE NURSERY CULTIVATION OPERATIONS PLAN – THE HUMBOLDT COUNTY FARMS, INC.

- Cloning activities; cutting clones; raising clones; maintaining mother plants

October

- Cloning activities; cutting clones; raising clones; maintaining mother plants

November

- Cloning activities; cutting clones; raising clones; maintaining mother plants

December

- Cloning activities; cutting clones; raising clones; maintaining mother plants

PROCESSING PLAN AND ACTIVITIES

No processing activities shall take place on site.

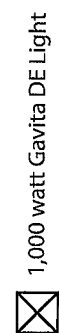
SECURITY FEATURES

Applicant will implement procedures to ensure no diversion of cannabis will occur as part of the licensed facility including confirming all customers valid state licenses; entering stock into applicant's track and trace system; and logging each transaction into the track and trace system. Applicant will comply with all applicable regulations governing the commercial cultivation of cannabis in California pursuant to the Medical and Adult Use Recreation and Safety Act (MAUCRSA) and applicable Humboldt County Code requirements.

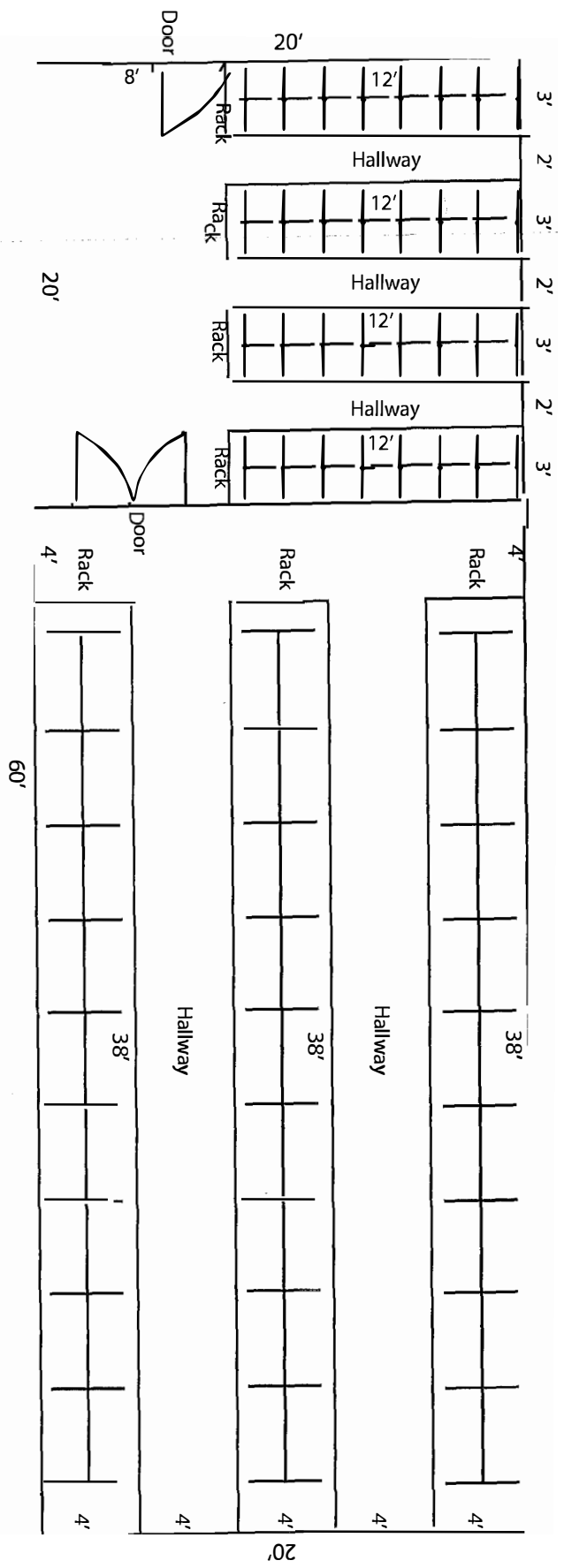
In terms of physical safety measures, Applicant has implemented security measures to safeguard the product and prevent nuisance from occurring on the property. Chain link fencing has been installed around the perimeter of the parcel. All doors and windows on buildings are lockable. Finished product is stored in a locked area away from the processing facility. There are locked gates on all access roads. "No Trespassing" signs and "Private Property" signs have been posted along the entrance to the site.

Applicant intends to install security cameras and motion sensors around the exterior of the proposed processing facility, the cultivation sites, and at the entrance to the parcel.

WHOLESALE NURSERY CULTIVATION OPERATIONS PLAN – THE HUMBOLDT COUNTY FARMS, INC.



Garage/Shop
 Immature Plant Area
 Floor Plan
 (1,200 ft²)



Four 3'x12' racks - 8 LED light fixtures, 4 18-watt lamps each fixture, 1 28lam psx 18 watts, 2,304 watts total
 Three 4'x38' racks - 10 64 5-watt LED light fixtures, 19,350 watts total

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: **Jay Pretto**

APN: **504-201-042**

Planning & Building Department Case/File No.: _____

Road Name: **no name private road** (complete a separate form for each road)

From Road (Cross street): **West End Ed**

To Road (Cross street): **Ericson way**

Length of road segment: **.01** miles Date Inspected: **05/27/21**

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. A map showing the location and limits of the road being evaluated in PART A is attached.

Signature


Jay Pretto

Name Printed

Date

05/27/21

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.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Comments	Attached
Division Environmental Health	✓	Comments	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE	✓	Comments	Attached
Arcata Fire Protection District	✓	Approved	Attached
Northwest Information Center	✓	Comments	On file and confidential
Bear River Band THPO	✓	Comments	On file and confidential
Blue Lake Rancheria Tribe	✓	Comments	On file and confidential
Humboldt County Sheriff	✓	Approved	On file
Federal Aviation Administration	✓	Approved	Attached
Pacific Union School District	✓	Recommend Denial	Attached
Wiyot Tribe		No Response	
California Department of Fish & Wildlife		No Response	
Northern Humboldt Union School District		No Response	
County Counsel		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
City of Arcata		No Response	

Pre-Site Inspection

Status:

[History](#)

PRE-SITE

Project Started

☐ Yes ☐ No

AOB Inspection

☐ Yes ☐ No

Soil Required Due to

Project is in flood zone A

☐ Yes ☐ No

2nd Flood Certificate Required

☐ Yes ☐ No

SRA requirements apply

☐ Yes ☐ No

SRA water storage requirements apply

☐ Yes ☐ No

Grading permit required

☐ Yes ☐ No

Erosion and sediment control measures required

Lot created prior to 1992

☐ Yes ☐ No

Incomplete Submittal Construction Plan

☐ Yes ☐ No

 Standard Comment

Plans Stamped by Licensed Prof Required

☐ Yes ☐ No

Soil Report Required

☐ Yes ☐ No

FIRM panel number

(Text)

Flood elevation certificate required

☐ Yes ☐ No

Project appears to be within wet area

Appr.SRA req. need to be shown on plot plan

☐ Yes ☐ No

Driveway slope appears to be

Submit engineered foundation for

Applicant must locate property lines

☐ Yes ☐ No

Plot plan incomplete, must be revised

☒ Yes ☐ No

Other concerns exist

☐ Yes ☐ No

2-7-19

Revise site plan to show no processing or cannabis activity in the house, which building is to be used for nursery, which building is to be used for cultivation, and the property lines with setback to each structure. Make sure plan of operation is up to date.
RM

check spelling

Attachment(s) : 

PLN-11512-SP

The Humboldt Co...
Tier II Special Per...

STATUS

> In Referrals
01/10/2019 by ...

LOCATION

> 7365 West En...
Arcata, CA

CONTACT

> Jeffrey Slack

WORKFLOW

> 15 total Task
☒ 6 completed ☐
3 active

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (2)

Payment

Workflow History (14)

Comments (5)

Cancel

Help

Task
Environmental Health

Due Date
02/02/2019

Assigned Date
01/18/2019

Assigned to Department
Environmental Health

Assigned to
LandUse1 DEH

Status
Approved with Conditions

Action by Department
Environmental Health

Action By
Ben Dolf

Status Date
01/23/2019

Start Time

End Time

Hours Spent
0.0

Billable
No

Overtime
No

Comments
DEH has no record of the well identified as the project water source. The well cannot be used as a source of water for irrigation.

Time Tracking Start Date

Est. Completion Date

In Possession Time (hrs)

Display E-mail Address in ACA ☐ Display Comment in ACA ☐

Comment Display in ACA
☒ All ACA Users

☒ Record Creator

☒ Licensed Professional

☒ Contact

☒ Owner

Workflow Calendar

Estimated Hours
0.0

Action
Updated



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Elizabeth Schatz, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 01-17-2019

RE:

Applicant Name	THE HUMBOLDT COUNTY FARMS, INC.
APN	504-201-042
APPS#	PLN-11512-SP

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Items 6 and 7 on Exhibit "C"

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply) APPS # 11512

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

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- DRIVEWAY (PART 1):**
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:
- ☐ **COUNTY ROADS- DRIVEWAY (PART 2):**
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.
 - If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
 - If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
 - If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.
The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- DRIVEWAY (PART 3):**
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.
- ☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION:**
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
 - If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
 - If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**
All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

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.

Road Evaluation Reports

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

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:
- 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.
 - 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.
 - 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.
 - 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 //

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



219

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

1/10/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Arcata FPD:FPD, RWQCB, NCUAQMD, Pacific Union:School District, Cal Fish & Wildlife, Division of Water Resources, CalFire, Bear River Band, Blue Lake Rancheria, NWIC, Wiyot Tribe, Northern Humboldt Union:School District

Applicant Name The Humboldt County Farms, Inc. **Key Parcel Number** 504-201-042-000

Application (APPS#) PLN-11512-SP Historic Planning **Assigned Planner** Elizabeth Schatz

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

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

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

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

Return Response No Later Than: 1/25/2019

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

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

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

Other Comments: _____

DATE: Jan 14, 2019 PRINT NAME: Ed Lardlaw



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-AWP-1953-OE

Issued Date: 02/24/2020

Jay Pretto
Jay Pretto
4774 Kneeland Rd.
Kneeland, CA 95549

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building Barn
Location:	Arcata, CA
Latitude:	40-54-17.77N NAD 83
Longitude:	124-03-14.96W
Heights:	243 feet site elevation (SE) 13 feet above ground level (AGL) 256 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (817) 222-4613, or natalie.schmalbeck@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-AWP-1953-OE.

Signature Control No: 430806310-431609595

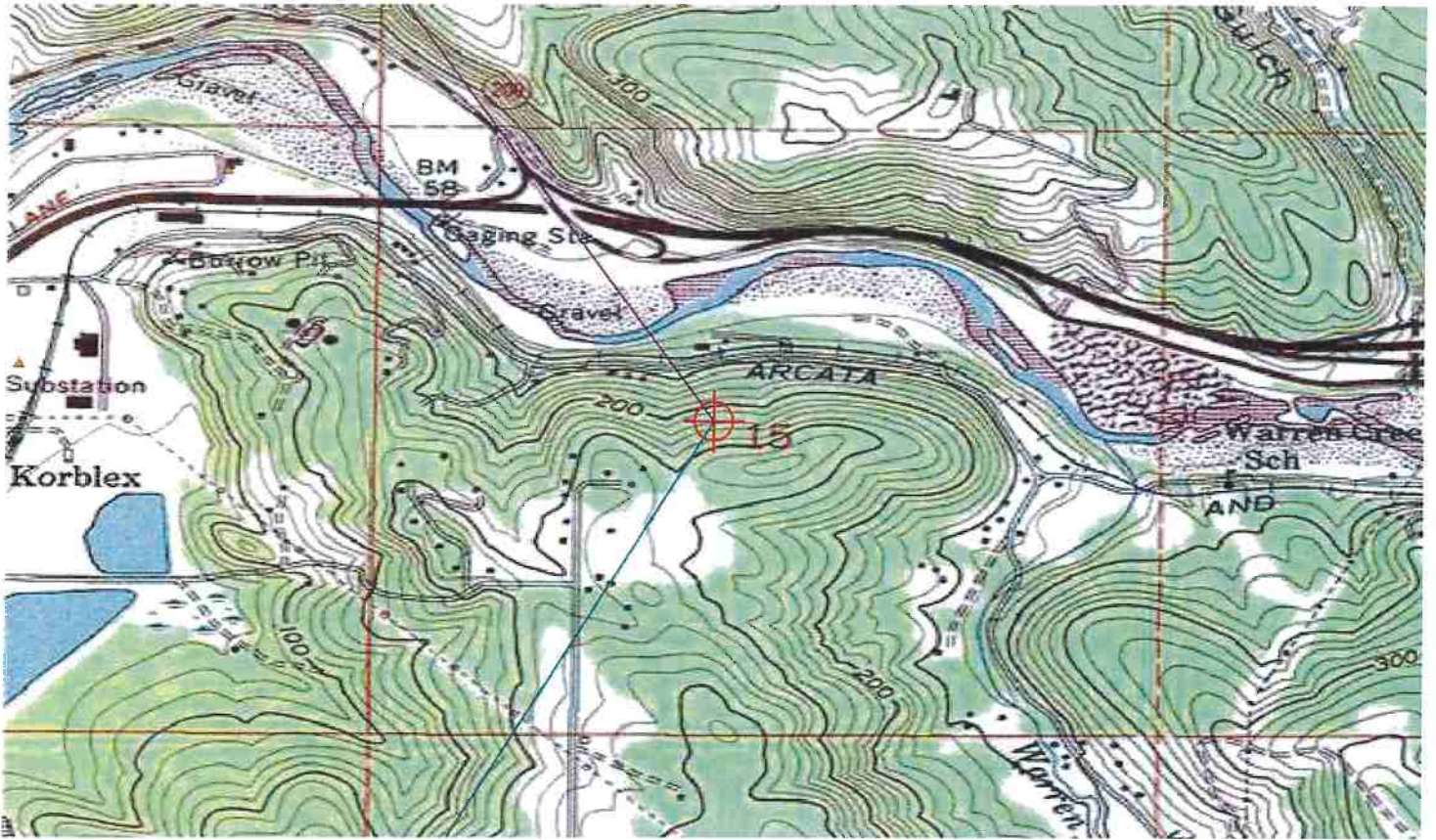
(DNE)

Natalie Schmalbeck

Technician

Attachment(s)

Map(s)





Northern Humboldt Union High School District

2755 McKinleyville Avenue, McKinleyville, CA 95519-3400
TELEPHONE: (707) 839-6470 • FAX: (707) 839-6477
www.nohum.k12.ca.us

ROGER MACDONALD
District Superintendent

CINDY VICKERS
Director of Fiscal Services

MELANIE SUSAVILLA
Director of Student Services

January 17, 2019

Humboldt County Planning Commissioners
Planning Commission Clerk
3015 H Street
Eureka, CA 95501

RE: Case No. PLN-11512-SP

The proposed facility is not within 600 feet of a school or existing bus stop. However, Northern Humboldt Union High School District has concerns about this proposed facility as cannabis is still illegal under federal law and our district receives federal funds.

Additionally, the district has concerns about a grow operation in an area where current and/or future students may live in the area or near the facility, and be required to pass by it to and from school.

Should you have any further questions, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to be "R. Macdonald", written over a horizontal line.

ROGER MACDONALD
Superintendent



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

1/10/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Arcata FPD:FPD, RWQCB, NCUAQMD, Pacific Union:School District, Cal Fish & Wildlife, Division of Water Resources, CalFire, Bear River Band, Blue Lake Rancheria, NWIC, Wiyot Tribe, Northern Humboldt Union:School District

Applicant Name The Humboldt County Farms, Inc. **Key Parcel Number** 504-201-042-000

Application (APPS#) PLN-11512-SP Historic Planning **Assigned Planner** Elizabeth Schatz

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

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

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

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

Return Response No Later Than: 1/25/2019

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

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

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

Other Comments: _____

DATE: 1/16/19

PRINT NAME: ROGER MACDONALD

ATTACHMENT 5
Public Comments

From: Ken Johnson [<mailto:krjohnso@suddenlink.net>]
Sent: Thursday, June 24, 2021 1:00 PM
To: Acevedo, Megan <macevedo@co.humboldt.ca.us>
Subject: Zoning Administrator Meeting

Dear Megan Acevedo,

Re: Humboldt County Farms AP 504-201-042 & 504-201-048

7365 West End Road, Arcata, CA 95521

I received the notice of the Zoom meeting on July 1, 2021 about the 1800 sq. ft. wholesale nursery and we have no objections to them running a business like this but our main concern is the increased traffic on the only road that is shared by three residences and the wear and tear on maintaining an unpaved road. Since my property is located at the bottom of the property and I have to deal with running water from storms that are not directed to drainage ditches and ends up eroding the road. It would be best if there was a shared financial and road maintenance arrangement for the upkeep of the road.

Kenneth R Johnson

7361 West End Road, Arcata, CA 95521

707-599-2492

AP 504-201-044-000