



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: July 15, 2021

To: Humboldt County Planning Commission

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

Subject: **Humboldt Hempire Farms, LLC, Special Permit**
Record Number: PLN-2020-16602
Assessor's Parcel Number: 223-061-011
Garberville area.

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

AGENDA ITEM TRANSMITTAL

| Hearing Date | Subject | Contact |
|---------------|----------------|---------------------|
| July 15, 2021 | Special Permit | Christopher Alberts |

Project Description: A Special Permit for 43,560 square feet of new mixed light cannabis cultivation. The applicant anticipates 3 harvest cycles annually. Cultivation will occur in twelve (12) 1,600 square foot greenhouses, four (4) 2,000-square-foot greenhouses, two (2) 1,950 square foot greenhouses, and two (2) 2,600-square-foot greenhouses. Water for irrigation will be provided by rainwater catchment. There is an approved land use permit on the subject parcel that allows for a business engaged in the collection, storage, delivery, and sale of non-potable water to residents in the Southern Humboldt area for primarily agricultural use (e.g., irrigation). The applicant will utilize water from this onsite business to support the cultivation. The applicant anticipates approximately 600,000 gallons of water will be required annually for irrigation. There is 3,360,000 gallons of water storage onsite. Processing such as drying and curing will occur on the second floor of a 5,060-square-foot shop. Drying and curing will also occur in a 2,530 square foot portion on the first floor of the existing 5,060-square-foot shop. Further processing will occur offsite at a licensed processing facility. The applicant is anticipating a maximum of three employees working onsite. Power of the project will be provided by PG&E.

Project Location: The project is located in Humboldt County, in the Garberville area, on the north side of Sprowel Creek Road, approximately 1,300 feet northwest from the intersection of Sprowel Creek Road and West River Lane, on the property known as 1575 Sprowel Creek Road.

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

Present Zoning: Agricultural General (AG), Minimum building site area is 5 acres (B-5(5))

Record Number: PLN-2020-16602

Assessor Parcel Number: 223-061-011

Applicant

Humboldt Hempire Farms, LLC
Jessie Jeffries
1575 Sprowel Creek Rd
Garberville, CA 95542

Owner

Jeffries Jesse
1353 Sprowl Creek Rd
Garberville, CA 95542

Agent

Clearwater Ag Services
Diana Totten
446 Maple Ln
Garberville, CA 95542

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

Major Issue: None.

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

Humboldt Hempire Farms, LLC
Record Number: PLN-2020-16602
Assessor's Parcel Number: 223-061-011

Recommended Commission Action

1. Describe the application as part of the Public Hearing Agenda.
2. Request Staff to present the project.
3. Open the public hearing and receive public testimony; and
4. Close the public hearing and adopt the resolution to take the following actions:
 - (a) *Find that the Planning Commission has considered the Addendum to the adopted Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines;*
 - (b) *Make all required findings for approval of the Special Permit; and*
 - (c) *Approve the Hempire Farms, LLC Special Permit as recommended by staff and subject to the recommended conditions.*

Executive Summary: Humboldt Hempire Farms, LLC seeks a Special Permit to allow for 43,560 square feet of new mixed light cannabis cultivation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Cannabis Land Use Ordinance (CCLUO). The site is designated as Residential Agriculture (RA5-20) and is subject to the Airport Land Use Compatibility Plan (ALUCP). Cultivation will take place in twenty-one (21) 20'x100' square foot greenhouses and one (1) 1,560 square foot greenhouse. The applicant will be planting cannabis plants directly into the prime agricultural soil. Ancillary propagation will occur in a 4,356 square foot greenhouse. Artificial lighting used for mixed light cultivation, ancillary propagation nursery, and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO. Processing such as drying and curing will occur on the second floor of a 5,060-square-foot shop. Drying and curing will also occur in a 2,530 square foot portion on the first floor of the existing 5,060-square-foot shop. Further processing such as trimming will take place offsite at a licensed processing facility. The applicant anticipates on hiring a maximum of three employees during peak of operations. Power for the project will be provided by PG&E. The applicant will offset renewable energy by purchasing carbon credits or other renewable energy sources.

The project site is developed with a commercial rainwater collection, storage and commercial delivery operation, an existing single-family residence and a permitted 5,000 square foot commercial indoor cultivation operation.

Water Resources

The parcel is situated along the southside of the South Fork Eel River. The applicant submitted a Biological Survey prepared by SHN Consulting Engineers & Geologists, Inc. dated May 11, 2018. The survey concludes setbacks are in compliance with the County's Streamside Management Ordinance. Water for irrigation will be provided by an existing and permitted commercial rainwater catchment, storage and delivery operation that includes 3,360,000 gallons of on-site water storage (PLN-9635-CUP). The permit allows for water collection, storage, delivery, and sale of non-potable water, primarily for agricultural use. An 83,000-squarefoot tarpaulin will be used to catch rainwater, which will then be pumped into six-teen (16) 210,000-gallon water bladders. There will be a maximum of three harvest cycles occurring annually. Approximately 600,000 gallons of water will be required annually for cultivation. While the CCLUO prohibits the use of bladders for water storage, the on-site bladders are existing and are permitted for agricultural purposes. These bladders will remain on-site and utilized for commercial irrigation purposes regardless of whether this cultivation permit is approved. Accordingly, the Planning Department considers these to be an already approved source of irrigation.

The South Fork Eel River runs along the north side of the parcel. All cultivation and cultivation related activities are proposed outside of the mapped Streamside Management Area's for the South Fork Eel River. All cultivation and proposed structures are located outside of the FEMA Flood Zones. The California Department of Fish and Wildlife objected to this application when it was originally scheduled for the Zoning Administrator and asked that it be heard by the Planning Commission. CDFW has asked why the county is considering permitting cultivation that utilizes the existing water bladders and has commented that the project appears to be located in the flood zone and riparian setbacks (Attachment 4). The proposed cultivation is outside of the mapped flood plain and is over 200 feet from the edge of riparian vegetation (See Attachment 3).

The site is the subject of a current Notice of Violation (NOV) from CDFW and from the State Water Resources Control Board for an unauthorized water diversion for cannabis cultivation that occurred in 2018 (Attachment 4), prior to county and state authorization of any commercial cannabis on the property. A county code enforcement case was opened in 2018 for violations of the CCLUO and for development occurring in a Streamside Management Area associated with the cannabis cultivation in 2018. The code enforcement case was closed and the violations resolved in January of 2019 however the NOV's from CDFW and the State Water Resources Control Board remain unresolved. At this time the county has no information that indicates that there are any on-going violations related to the currently proposed cannabis cultivation.

Tribal Consultation

The project is located in the Bear River and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River and Intertribal Sinkyone Wilderness Council. The applicant submitted a Cultural Resources investigation prepared by William Rich and Associates dated June 2015. The investigation concluded no cultural resources were identified in the project area during the field investigation. The project has an ongoing condition to include inadvertent archaeological discovery language.

Biological Resources

According to the California Natural Diversity Data Base, the *Myotis evotis* and *Bombus occidentalis* are the only mapped rare and endangered species of concern on the project site. The nearest Northern Spotted Owl Activity center (HUM0927) is located approximately 2.9 miles west from the project site and the nearest NSO observation is approximately 1.29 miles southwest from the project site. Marbled murrelet habitat is mapped approximately 2.32 miles north of the project site. The applicant submitted a Biological Survey prepared by SHN Consulting Engineers & Geologists, Inc., dated May 11, 2018. The Biological Survey concluded, it is unlikely that special status plant and animal species will occur within the project area because the proposed project will occur entirely within non-native grassland historically used for agriculture and regularly mowed and tilled and covered in several large water bladders. The applicant submitted a 24-hour noise assessment that was conducted from April 22, 2021 to April 23, 2021. According to the assessment, typical noise levels recorded generated an average of 45 dB's across all sites. General noise came from wind and passing cars from a nearby road. The applicant took noise samples from three different locations on the parcel. The first sample was taken along the southeast line gate. The observed ambient noise at the location was passing cars entering the property, gate opening and closing, and wind. The average ambient noise range was 40-45 decibels. The second noise sample was taken at the east property line forest and meadow. The observed ambient noise was wind and noise sourced from the home. The average decibel reading was 40-45 decibels. The third noise sample was taken at the south property line. The observed ambient noise was heavy traffic from Sprowel Creek Road and the wind. The average decibel reading was 35-45 decibels. Staff believes noise from the project will not have direct or indirect impact on any special status species. The

applicant shall ensure noise generated from the project does not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site.

Access

The property is accessed via Private Driveway from Sprowel Creek Road. The applicant submitted a Road Evaluation Report prepared by the Applicant. According to the report, 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 who commented that an existing Avigation Easement is recorded on the subject parcel (#2014-021439-7). The applicant shall conduct all operations consistent with the ALCUP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted. The applicant shall also be advised that County maintained roads may generate dust and other impacts to the farm. The applicant shall locate their farm in areas not subject to these impacts. The applicant shall be responsible for protecting their farms against these impacts. The applicant shall hold the County harmless from these impacts. The applicant is advised that a paved road may not always remain paved and applicants shall locate their farms appropriately. Lastly, the applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.

Timber Conversion

According to the Humboldt County WebGIS, timber conversions occurred on the southeast portion of the property between the months of June of 2020 and July of 2020. The project is conditioned for the applicant to have a Registered Professional Forester evaluate the timber conversions and provide a Restocking Plan. The applicant shall not cultivate or perform cultivation related activities within the areas previously converted from timberlands. All areas within the immediate vicinity of the proposed cultivation activities will be required to be restocked per the recommendations of a professional forester.

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 Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

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

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

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number PLN-2020-16602
Assessor's Parcel Number: 223-061-011**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Humboldt Hempire Farms, LLC, Special Permit.

WHEREAS, Humboldt Hempire Farms, LLC, submitted an application and evidence in support of approving a Special Permit for 43,560 square feet of new mixed light cannabis cultivation operation with appurtenant propagation and drying activities;

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on July 15, 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 Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Special Permit to allow a new 43,560 square foot (SF) mixed light cannabis cultivation operation with appurtenant propagation and drying activities. Power is provided by PG&E. Water for irrigation will be provided by existing permitted rainwater catchment system with 3,360,000 gallons of water storage (PLN-9635-CUP)

EVIDENCE: Project File: PLN-2020-16602

- 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 Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

- 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 EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
 - c) A Botanical and Aquatic Resources Survey was carried out by a Botanical Consultant in March of 2020. The Assessment methods

included a wetland delineation a search from the *California Natural Diversity Database* (CDFW 2020). A habitat assessment was conducted in the project area. The Howell's montia, was the only plant determined to have moderate potential of occurring in the disturbed grassland habitat proposed for the new cultivation area however the project botanist determined that the slopes and drainage of the area makes this species unlikely to occur on the site. The nearest Northern Spotted Owl activity center is approximately 3 miles from the site. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.

- d) A Cultural Resources Investigation Report was carried out by Roscoe & Associates in August 2019. concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.

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 | <ul style="list-style-type: none"> a) General agriculture is a use type permitted in the Residential Agriculture (RA5-20) 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 | <ul style="list-style-type: none"> a) The Agricultural General (AG) 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 314-55.4.6 allows cultivation of up to 43,560 square feet of new outdoor cannabis and up to 43,560 square feet of new mixed-light cannabis on a parcel over 5 acres subject to approval of a Special Permit. The application for 43,560 square feet of mixed light cultivation on a 26-acre parcel is consistent. |
| 5. FINDING | The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance. |
| EVIDENCE | <ul style="list-style-type: none"> a) The CCLUO allows existing cannabis cultivation to be permitted in areas zoned AG (HCC 314-55.4.6.1.1). |

- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was identified as a legal parcel in its current configuration per Certificate of Compliance pursuant to section 66499.35 of the Subdivision map Act due to approval of building permit 18-1033 AOB 3.
- c) The project will obtain water from a non-diversionary water source. The proposed irrigation is an existing permitted rainwater catchment system. While the CCLUO prohibits the use of bladders for irrigation and storage purposes, the existing bladder system is already permitted for commercial irrigation purposes.
- d) A Road Evaluation Report was submitted by the applicant in October 2018 certifying that the road is equivalent to a road Category 4 standard. The Evaluation addressed Sprowel Creek Road, which is a county-maintained road. All road segments evaluated were found to be functionally appropriate for the expected traffic.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) As conditioned, the cultivation of cannabis will not result in the net conversion of timberland.
- 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, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 43,560 square feet of mixed light 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 is developed to the equivalent of a road category 4 standard and will safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 20 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Water for irrigation will be provided by permitted rainwater catchment system with 3,360,000 gallons of water storage (PLN-9635-CUP). The permit allows for water collection, storage, delivery, and sale of non-potable water, primarily for agricultural use. An 83,000-squarefoot tarpaulin will be used to catch rainwater, which will then be pumped into six-teen (16) 210,000-gallon water bladders. There will be a

maximum of three harvest cycles occurring annually. Approximately 600,000 gallons of water will be required annually for cultivation.

- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

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

8. FINDING

The proposed project will not have an impact to sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).

EVIDENCE

- a) The project is located within 2.9 miles west of a known Northern Spotted Owl activity center and an NSO sighting was mapped approximately 1.29 miles southwest from the cultivation site. Marbled murrelet habitat is mapped approximately 2.32 miles north from the project site.
- b) The applicant submitted a Biological Survey prepared by SHN Consulting Engineers & Geologists, Inc., dated May 11, 2018. The Biological Survey concluded, it is unlikely that special status plant and animal species will occur within the project area because the proposed project will occur entirely within non-native grassland historically used for agriculture and regularly mowed and tilled and covered in several large water bladders.
- c) The applicant submitted a 24-hour noise assessment that was conducted from April 22, 2021 to April 23, 2021. According to the assessment, typical noise levels recorded generated an average of 45 dB's across all sites. General noise came from wind and passing cars from a nearby road. The applicant took noise samples from three different locations on the parcel. Staff believes noise from the project will not have direct or indirect impact on any special status species. The applicant shall ensure noise generated from the project does not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site.

DECISION

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

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

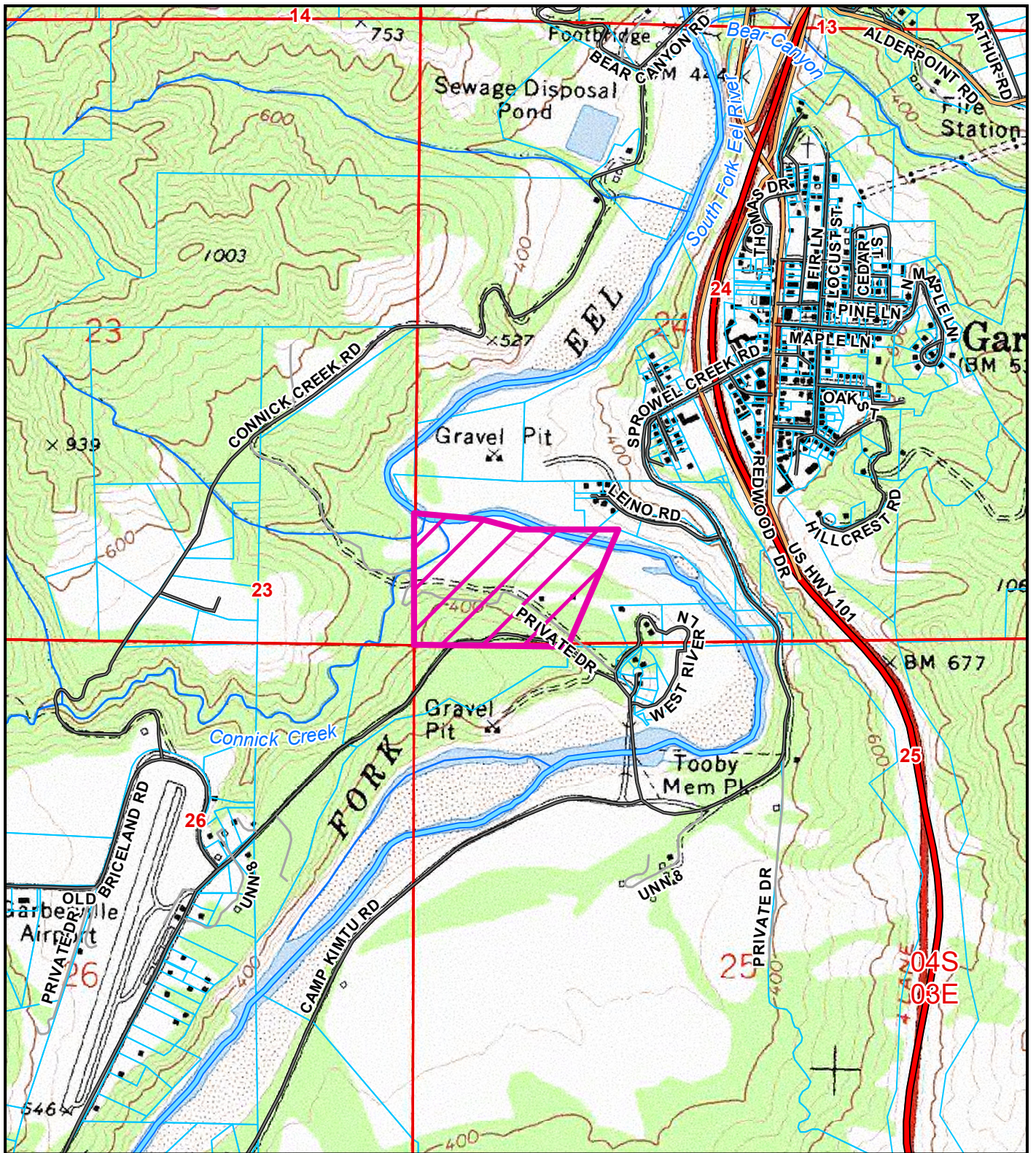
Adopted after review and consideration of all the evidence on July 15, 2021.

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

| | |
|-----------|----------------|
| AYES: | COMMISSIONERS: |
| NOES: | COMMISSIONERS: |
| ABSENT: | COMMISSIONERS: |
| ABSTAIN: | COMMISSIONERS: |
| DECISION: | |

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

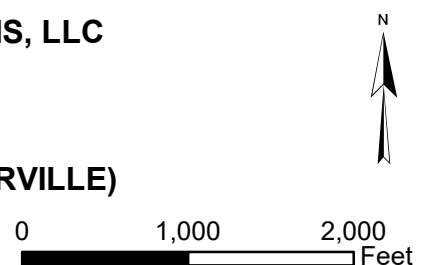
John Ford, Director
Planning and Building Department

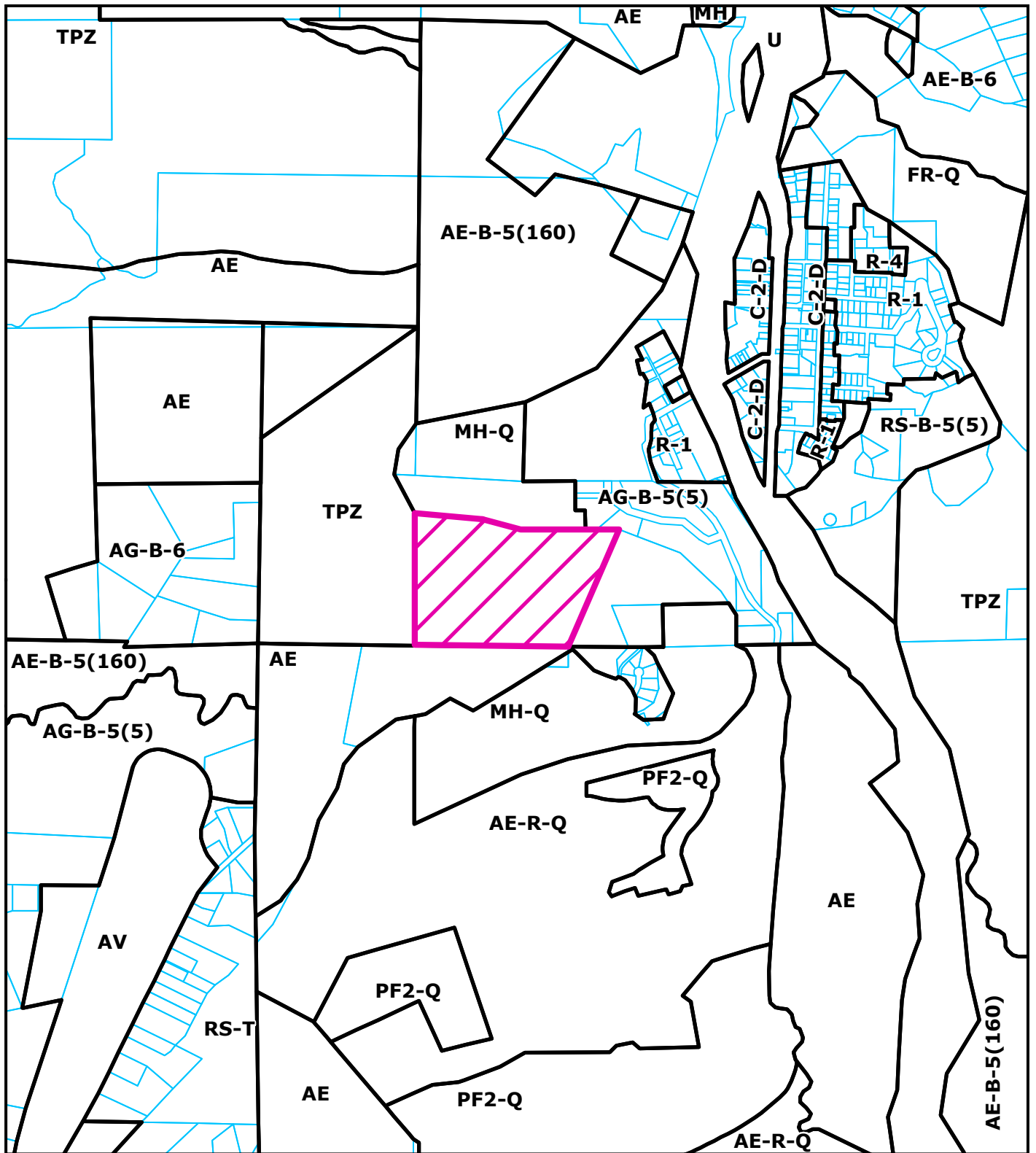


TOPO MAP
PROPOSED HUMBOLDT HEMPIRE FARMS, LLC
GARBERVILLE AREA
PLN-2020-16602
APN: 223-061-011
T04S R03E S23; S24; S25 HB&M (GARBERVILLE)

Project Area = 

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





**ZONING MAP
PROPOSED HUMBOLDT HEMPIRE FARMS, LLC
GARBERVILLE AREA**

PLN-2020-16602

APN: 223-061-011

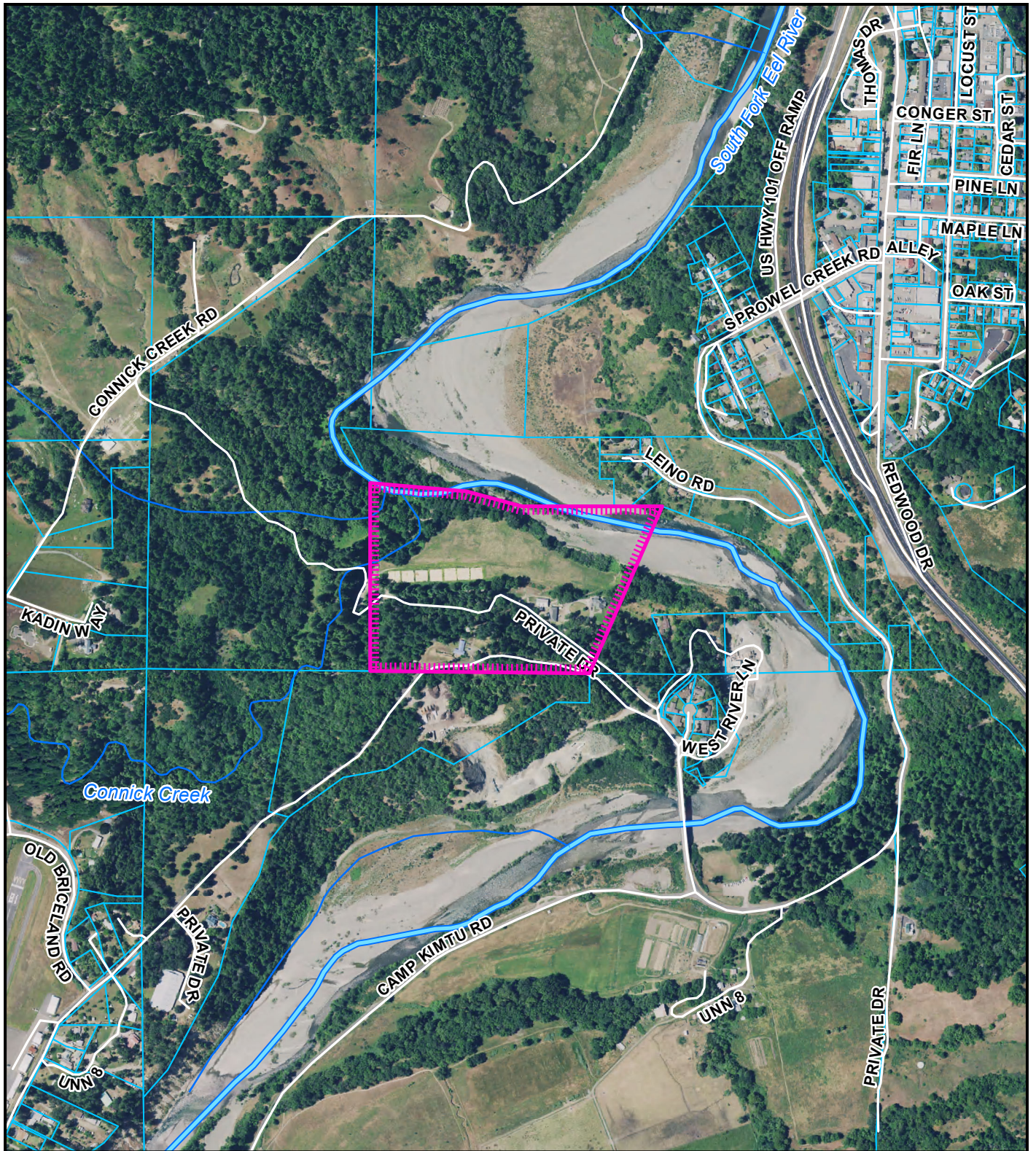
T04S R03E S23; S24; S25 HB&M (GARBERVILLE)

Project Area = 

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0 1,000 2,000
Feet





AERIAL MAP
PROPOSED HUMBOLDT HEMPIRE FARMS, LLC
GARBERVILLE AREA
PLN-2020-16602
APN: 223-061-011
T04S R03E S23; S24; S25 HB&M (GARBERVILLE)

Project Area = 

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0 1,000 2,000 Feet



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROJECT MAY BEGIN OPERATING

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. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, the greenhouses, one (1) commercial processing building, and all other structures with a nexus to cannabis. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
6. The applicant shall either provide an updated Site Plan which can designate a total of five (5) parking spaces on-site (three (3) parking spaces for employees and one (1) additional space for a potential visitor) or provide the department with a carpooling plan to show that fewer parking spaces are adequate for the project needs, within 30 days of the approved permit. The applicant shall submit an engineered Site Map that complies with Chapter 5 (General Building Heights and Areas), Chapter 508.3 (Nonseparated occupancies), and Chapter 6 (Types of Construction) of the California Building Code. The revised site plan should also show all structures setback 30' from all property lines. The applicant shall remove the proposed processing facility located within the area previously converted from timberlands on the southeast portion of the parcel.
7. This permit does not allow the use of noise generating equipment (i.e. dehumidifiers) until

ambient noise levels for at least three property lines are measured for a twenty-four hour period. The applicant shall provide ambient noise measurements to the department before commencing cultivation activities associated with this permit. Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site.

8. The Applicant shall provide the final Site Management Plan (SMP) report to the department when available. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to Tier 1 Low Risk enrollment under the State Water Resource Control Board (SWRCB) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
9. The applicant shall have a Registered Professional Forester (RPF) evaluate the timber conversions and provide a Restocking Plan to the Planning Department and CalFire for review and approval. All areas immediately adjacent to the proposed cultivation activities shall be restocked per the recommendations of the RPF.
10. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

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

1. Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site.
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. 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.
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 and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
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 shall 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 CCLUO 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 North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. 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).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. 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.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. 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

25. 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."
26. 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).
27. 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.
28. 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.
29. 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
30. 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.
31. 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.

32. 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.
33. 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.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - 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.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the

Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. 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.
5. 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 Environmental Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card". This information shall also be provided to all employees as part of the employee orientation.

ATTACHMENT 2

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

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

APN 223-061-011; on the north side of Sprowel Creek Road, approximately 1,300 feet northwest from the intersection of Sprowel Creek Road and West River Lane, on the property known as 1575 Sprowel Creek Road.

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

July 2021

Background

Modified Project Description and Project History - The original project reviewed under the Environmental Impact Report (EIR) for the Commercial Cannabis Land Use Ordinance (CCLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The EIR states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit (PLN-2020-16602) for 43,560 square feet of new mixed light cannabis cultivation. Cultivation will take place in twenty-one (21) 20'x100' square foot greenhouses and one (1) 1,560 square foot greenhouse. The applicant will be planting cannabis plants directly into the prime agricultural soil. Ancillary propagation will occur in a 4,356 square foot greenhouse. Artificial lighting used for mixed light cultivation, ancillary propagation nursery, and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO. Processing such as drying and curing will occur on the second floor of a 5,060-square-foot shop. Drying and curing will also occur in a 2,530 square foot portion on the first floor of the existing 5,060-square-foot shop. Further processing such as trimming will take place offsite at a licensed processing facility. The applicant anticipates on hiring a maximum of three employees during peak of operations. Power for the project will be provided by PG&E. The applicant will offset renewable energy by purchasing carbon credits or other renewable energy sources.

Water for irrigation will be provided by permitted rainwater catchment system with 3,360,000 gallons of water storage (PLN-9635-CUP). The permit allows for water collection, storage, delivery, and sale of non-potable water, primarily for agricultural use. An 83,000-squarefoot tarpaulin will be used to catch rainwater, which will then be pumped into six-teen (16) 210,000-gallon water bladders. There will be a maximum of three harvest cycles occurring annually. Approximately 600,000 gallons of water will be required annually for cultivation.

The project is located in the Bear River and Sinkyone Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center, Bear River and Intertribal Sinkyone Wilderness Council. The applicant submitted a Cultural Resources investigation prepared by William Rich and Associates dated June 2015. The investigation concluded no cultural resources were identified in the project area during the field investigation. The project has an ongoing condition to include inadvertent archaeological discovery language.

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

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

whole record, one or more of the following:

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize the project in compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

Technical documents utilized in conducting this review included, but are not limited to the following:

- Cultivation and Operations Plan prepared by Clearwater Ag Services dated August 18, 2020.
- Site Plan prepared by the agent dated November 3, 2020.
- Biological Survey prepared by SHN Consulting Engineers & Geologist, Inc. dated May 11, 2018.

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 EIR was adopted. Based upon this review, the following findings are supported:

FINDINGS

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

CONCLUSION

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

ATTACHMENT 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. (Plot Plans prepared by the agent dated November 2020 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by the agent dated August 18, 2020- **Attached**)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
6. 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. 2019-0001, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan (SMP) prepared by the agent-Conditioned).
7. 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)
8. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
9. 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)

10. 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)
11. 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)
12. 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)
13. 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)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
15. Road Evaluation Form prepared by the applicant dated October 30, 2018. (On file)
16. Biological Reconnaissance Assessment prepared by SHN Consulting Engineers & Geologist, Inc., dated May 11, 2019. (On file)
17. 24-Hour Noise Assessment prepared by Clearwater Ag Services dated April 22, 2021. **(Attached)**
18. Map showing the location of the Flood Plain and riparian setback **(Attached)**.

Cultivation and Operations Plan

APN 223-061-011



APN 223-061-011

1575 Sprowel Creek Road, Garberville, CA 95542



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Owner: Jesse Jefferies
Applicant: Humboldt Hempire Farms, LLC
Agent: Clearwater Ag Services
APN: 223-061-011

Project Description

Humboldt Hempire Farms, LLC is filing an application with the Humboldt County Planning and Building Department for a Special Permit for Mixed Light Commercial Cannabis Cultivation under the CCLUO Ordinance No. 2599.

This application under Section 55.4.8.1 is for 43,560 square feet of Proposed Mixed Light Cultivation. The address for this parcel is 1575 Sprowel Creek Road, Garberville, CA 95542. The APN 223-061-011 with a total acreage of 26.00 acres (34.49 GIS acres).

The cultivation will take place on the existing flat area of prime ag soil near the existing residence.

Property Description

1575 Sprowel Creek Road is located off a paved road that is maintained by the County and is approximately 1.7 miles west of Garberville. The zoning for this property is AG-B-5. The parcel consists of approximately 20 acres of Prime Ag soil which is mostly flat. Approximately 6 acres are wooded with a slope of 15% +/-.

The parcel is served by an 800' paved private driveway off of Sprowel Creek Road. This parcel has a long history of agricultural uses. It was once a dairy farm serving Southern Humboldt County with dairy products.

The property lies along the South Fork of the Eel River. A large natural vegetated buffer along the SMA borders a large field of approximately 8 acres. To the northwest of the improved part of the parcel is the Connick Creek drainage. This also gives a great buffer for sound and security.

The area of the Mixed Light Cultivation will be above the 1964 flood level of the South Fork Eel River.

PERFORMANCE STANDARDS

PERFORMANCE STANDARDS FOR ALL COMMERCIAL CANNABIS ACTIVITIES

Applicant will maintain compliance with all applicable state laws and County ordinances.

Applicant will maintain valid licenses appropriate to the cannabis activity.

Applicant will participate in "Track and Trace."

Applicant will maintain a current and valid business license.

Applicant consents to an annual on-site compliance inspection by Humboldt County officials, limited to business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays) with at least 24 hours prior notice.

Applicant will pay all applicable application and annual inspection fees.

Applicant will comply with any special conditions applicable to the permit or the Premises.

PERFORMANCE STANDARD-ROAD SYSTEMS

A road assessment is attached which shows a paved, County maintained road (Sprowel Creek Road) with a centerline stripe. A private paved dead-end driveway of approximately 20 ft wide will access the cultivation buildings as well as the residence and other outbuildings. There are no culverts or water courses on this driveway. A large paved parking area serves the residence and existing buildings. As shown on the site plan, there is sufficient parking for at least 6 vehicles as well as a designated handicapped parking area.

BIOLOGICAL RESOURCE PROTECTIONS

This project will require no new grading and the use of prime ag soils within enclosed greenhouses will provide protections of Biological Resources. Proper setbacks from SMA and other possible areas of sensitive biological resources are used for protection of plant, fish and wildlife. See enclosed Biological Assessment.

HAZARDOUS MATERIALS SITE ASSESSMENTS AND CONTINGENCY PLANS

This project will not use hazardous materials at any reportable quantities.

STORM WATER MANAGEMENT

Erosion control is achieved by minimizing soil exposure during the rainy season. This parcel has established landscaping and natural vegetation which helps to retain moisture and stabilizes slopes and hillsides.

Site inspections during storms will monitor and mitigate possible erosion issues by using wattles, spreading straw, jute cloth, and/or seeding with native grasses. As discussed in the Site Management Plan, Best Management Practices will be used to stop the transport of sediment runoff.

The driveway and parking area of this project are paved, which will reduce storm water sediment from leaving the project site.

MANAGEMENT OF CANNABIS CULTIVATION WASTE

Cannabis waste will be composted on site in a contained area, shown on the site plan. Cannabis waste products will be composted with other compostable waste products. This compost will then be used on landscaping on the property.

PROTECTION OF HISTORICAL RESOURCES

This project will be utilizing proposed self-contained greenhouses. No historical resources will be altered or destroyed for this project.

PERFORMANCE STANDARD FOR LIGHT POLLUTION CONTROL

This Proposed Mixed Light Cultivation project will be fully enclosed in metal framed greenhouses. No light will escape the greenhouses during operation. Security lighting is in compliance and will be maintained in a way to meet all applicable code and ordinances. See Attachment.

ENERGY USE

This mixed light cultivation project will use grid power provided by PG&E.

Carbon credits will be purchased by applicant for an offset of 100% renewable energy.

NOISE FROM CULTIVATION SITE

This cultivation project will create minimal noise. The use of ventilation fans in the greenhouses, if needed, will be silent with a maximum decibel level below 50 db at 50 feet from noise source. Compliance of proper setbacks from property lines as well as neighboring residence are appropriate.

The proposed mixed light cultivation project is 319 feet to the nearest property line and 610 feet to the nearest residence. The site plan will show decibel levels at specific sites on the parcel. Noise levels will be muffled by baffled enclosures on the outlets of the vents. Also, the ventilation of the greenhouses will exhaust from the rear of the greenhouses, thereby reducing noise towards neighboring properties. Natural vegetation such as trees as well as natural topography reduce noise levels from cultivation buildings to 0 decibels at property lines.

CANNABIS IRRIGATION WATER USE AND STORAGE

Cultivation irrigation water source is 100% rain water catchment. This parcel has a CUP for a rain water catchment system and storage for 3,360,000 gallons of water. See attachment.

SOIL MANAGEMENT

Soil used in cannabis cultivation will be confined to wood framed garden beds inside the greenhouses. Use of prime ag soil will help with water retention. A high-quality commercial garden soil will supplement the prime ag soils. The soil will be reused by for at least 4 growing cycles by amending with natural amendments when needed.

CULTIVATION PLAN

This Mixed Light Cannabis Cultivation project will try to get up to 3 growing cycles per year. Cultivation will take place in Proposed Metal Frame Greenhouses with a total cultivation area of

43,560 sq. ft. There will be 21 greenhouses of 20'x100 for 42,000 sq ft and several smaller greenhouses for the 1,560 sq ft. The floors of greenhouses will be natural soil.

Cultivation will be in wood framed garden beds. This will eliminate any possibility of runoff of water or nutrients. The beds will be filled with approximately six inches of soil which will be mixed with the prime ag soil. The soil will be amended as needed for reuse.

Clones for plant starts will be purchased from a licensed nursery with each cultivation cycle to be approximately 3 months.

Supplemental lighting will be up to 25 watts per sq ft in the greenhouses. No light will be visible from outside of the greenhouses.

Passive air flow will provide ventilation in the green houses. If needed ventilation fans will be used. The fans will be quiet and no noise will exceed 50 db at 50' of the noise sources. The ventilation will exhaust to the rear of the greenhouses away from any nearby residence.

Negligible amounts of odor will be emitted and, if needed, charcoal filters will be installed to help eliminate odors.

Cannabis cultivation irrigation water will come from a permitted commercial water storage project of over 3 million gallons of rain water catchment. (Permit # CUP 156-004 with Humboldt County)

Water usage will be approx. 500 gallons per day. The beds will be watered by hand to assure proper irrigation needs.

Pesticides and nutrients will be stored in a secure shed shown on the site plan. No rodenticides or pesticides or any registered or illegal ag chemicals will be on this site.

Electricity is provided by PG&E. Applicant will offset renewable energy by purchasing carbon credits or other renewable energy sources. Peak power usage would be up to 25 watts per square foot and only for up to several hours per day during spring and fall months.

Drying will occur in an existing outbuilding of 46'x110' with 5060 sq ft of space. Processing will occur at a licensed off-site processing facility.

Applicant reserves the right to process onsite once a proposed permitted processing building can be constructed.

SECURITY PLAN

This site has several security features. A locked gate is in place at the entry of the property. A six-foot wire deer fencing follows the property line. The property is bound by the South Fork of the Eel River on the northeast side. Oak woodlands and conifer forest give the property abundant privacy.

Security cameras are in place at strategic areas of the property.

Security lighting is also in place for night time.

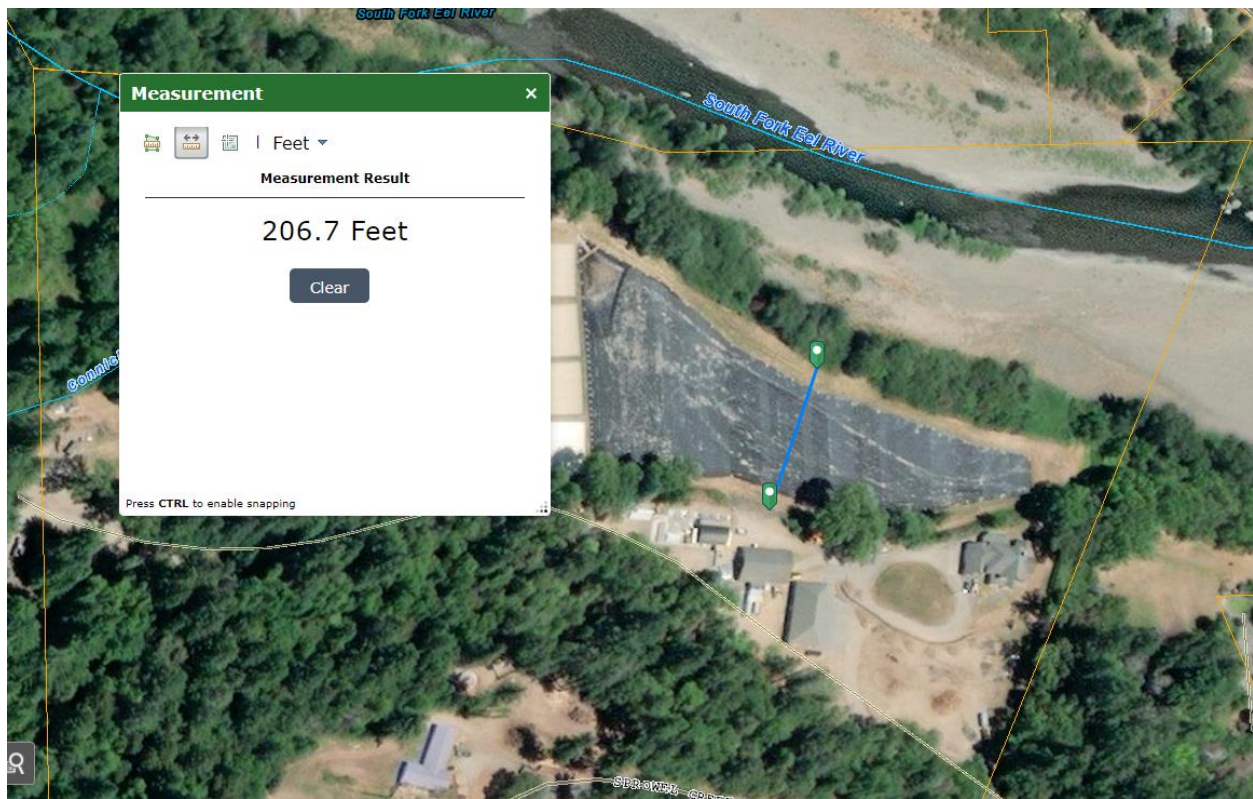
EMPLOYEES

There will be no employees needed for this cultivation project.

Table 1: Humboldt Hempire Farms, LLC.

| Month | Non-Commercial Propagation Activities | Cultivation Schedule | Processing Activities | Water Usage from Storage |
|------------------|--|--------------------------------|--------------------------------|---------------------------------|
| January | N/A | N/A | N/A | 0 gallons |
| February | N/A | N/A | N/A | 0 gallons |
| March | Obtain plants | Plant and cultivate | N/A | 6,000 gallons |
| April | N/A | Cultivate | N/A | 12,000 gallons |
| May | N/A | Cultivation. | N/A | 12,000 gallons |
| June | Obtain plants | Harvest/ Replant Cultivation. | Drying | 15,000 gallons |
| July | N/A | Cultivation. | N/A | 25,000 gallons |
| August | Obtain plants | Harvest. Replant. Cultivation. | Drying | 25,000 gallons |
| September | N/A | Cultivation. | N/A | 15,000 gallons |
| October | N/A | Cultivation. | N/A | 12,000 gallons |
| November | N/A | Harvest | Drying | 6,000 gallons |
| December | N/A | N/A | N/A | 0 gallons |
| | | | Total Water Use (up to) | 128,000 gallons |





ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

| Referral Agency | Response | Recommendation | Location |
|---|----------|---|--------------------------|
| Building Inspection Division | | No response | |
| Division Environmental Health | ✓ | Conditional Approval | On file |
| Public Works, Land Use Division | ✓ | Conditional Approval | On file |
| California Department of Fish & Wildlife | ✓ | Comment | Attached |
| California Department of Forestry and Fire Protection | ✓ | It appears from the airphoto that trees were removed in 2020. A CALFIRE harvest document should have been obtained prior to removing the trees. More information is required for a proper evaluation. A Registered Professional Forester may be required to advise the landowner of necessary permits from CALFIRE. | On file |
| Northwest Information Center | ✓ | Further Study | On file and confidential |
| Sheriff | ✓ | Rejected | On file |
| Bear River Band Rancheria | | No response | |
| Intertribal Sinkyone Wilderness Council | | No response | |
| Regional Water Quality Control Board | | No response | |
| North Coast Unified Air Quality Management District | | No response | |
| North Coast Regional Water Quality Control Board | | No response | |
| AG Commissioner | | No response | |
| Southern Humboldt Joint Unified School District | | No response | |
| CA State Parks | | No response | |
| County Counsel | | No response | |



October 25, 2018

Certified Mail:

7017 1450 0001 7871 6236

Jesse Jeffries
1575 Sprowel Creek Road
Garberville, CA 95542

Subject: Notice of Violation of Fish and Game Code Section 1602 in Conjunction with Cannabis Cultivation

Dear Mr. Jeffries:

On September 11, 2018, Department of Fish and Wildlife (Department) staff visited your property, Assessor Parcel Number (APN) 223-061-011 (Property) located on the South Fork Eel River, tributary to the Eel River, and the Pacific Ocean. During the visit, staff observed an activity that is in violation of Fish and Game Code Section 1602. Staff observed active cannabis cultivation in conjunction with this activity.

Fish and Game Code (FGC) section 1602 requires a person to submit a written notification to the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. Hence, any person who engages in an activity subject to FGC section 1602 without first notifying the Department violates section 1602.

In the Department's view, notification under FGC section 1602 was required for one activity that affected the South Fork Eel River. The location and description of this activity is provided below (Table 1).

Table 1. Summary and description of Fish and Game Code (FGC) violation documented during CDFW staff visit on September 11, 2018.

| Violation # | FGC Violation Type | Latitude* | Longitude* | Violation Description |
|-------------|--------------------|-----------|------------|--|
| 1 | 1602 | 40.0952 | -123.8025 | Unpermitted diversion of water for cannabis cultivation and water sales resulting in; (1) substantial obstruction and diversion of natural flow of a stream. |

Conserving California's Wildlife Since 1870

The Department executed a Lake or Streambed Alteration Agreement (No. 1600-2015-0102-R1) for the Property on August 25, 2015, but the Agreement only included diversion of water for domestic use.

A person who violates FGC Section 1602 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, the Department may impose civil penalties administratively against any person found by the Department to have violated this FGC Section in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

The Department may request a maximum civil penalty of \$8,000 for each violation of FGC section 1602. Each day the violation occurs or continues to occur constitutes a separate violation. (Fish & G. Code, § 12025, subds. (b)(1)(A), (2); (e).) Also, the District Attorney or the Attorney General may enforce a violation of FGC section 1602. Specifically, under FGC Section 1615, a person who violates FGC section 1602 is subject to a maximum civil penalty of \$25,000 for each violation. The District Attorney or the Attorney General may also enforce a violation of FGC Section 1602 criminally. Under FGC section 12000, each violation is a misdemeanor.

Be advised that absent provisions intended to protect patients and qualified caregivers, commercial cannabis cultivation without a state license is illegal. (Bus. & Prof. Code, § 26032.) The California Department of Food and Agriculture (CDFA) is the state licensing authority for commercial cannabis cultivation. CDFA and the Department are members of a multi-agency task force created to protect the state's resources from the adverse impact of cannabis cultivation. (Fish & G. Code, § 12029.) **Pursuant to state law, failure to address these violations may affect your ability to obtain a commercial cannabis cultivation license or license renewal from CDFA. (Bus. & Prof. Code, §§ 26057, 26060.1.)**

As a first step to address this matter, the Department requests you contact Fish and Game Warden Josh Zulliger at josh.zulliger@wildlife.ca.gov and Senior Environmental Scientist Supervisor Scott Bauer at scott.bauer@wildlife.ca.gov within 14 days of the date of this letter. CDFW personnel may propose certain actions to protect fish and wildlife resources that have been or could be affected by the activities described above, and may ask you to submit a written notification and fee for the activities. While the Department, District Attorney, or Attorney General may still decide to initiate an enforcement action against you if they determine this activity is in violation of FGC Section 1602, we encourage you to respond to this notice so that we may better assess the activity and limit any damage to resources.

Jesse Jeffries
October 25, 2018
Page 3 of 3

The Department appreciates your cooperation.

Sincerely, 

Warden Brendan Lynch
Watershed Enforcement Team

cc: Brendan Lynch, Josh Zulliger, Scott Bauer, Laurie Harnsberger, and Curt Babcock
Department of Fish and Wildlife
brendan.lynch@wildlife.ca.gov, josh.zulliger@wildlife.ca.gov,
scott.bauer@wildlife.ca.gov, laurie.harnsberger@wildlife.ca.gov,
curt.babcock@wildlife.ca.gov

Diana Henrioulle, Kason Grady, and Adona White
North Coast Regional Water Quality Control Board
diana.henrioulle@waterboards.ca.gov, kason.grady@waterboards.ca.gov,
adona.white@waterboards.ca.gov

Steven Santos and Robert Russell
Humboldt County Planning and Building Department
ssantos@co.humboldt.ca.us, russell@co.humboldt.ca.us

Adrian Kamada
Humboldt County District Attorney's Office
akamada@co.humboldt.ca.us

Sargent Kerry Ireland
Humboldt County Sheriff's Office
kireland@co.humboldt.ca.us

Giannini, Trip

From: Alberts, Chris
Sent: Tuesday, May 18, 2021 3:30 PM
To: Orahoske, Andrew@Wildlife; Bauer, Scott@Wildlife
Cc: Manthorne, David@Wildlife; O'connell, Gregory@Wildlife; Bocast, Kalyn@Wildlife
Subject: RE: Application No. 16602 Referral Response (APN 223-061-011)

Hey Andrew,

I reviewed the site map and took a look at the Flood Zones and SMA areas on the parcel. I found that the applicant is not proposing any cultivation or cultivation related activities within the SMA's or Flood Zone. However, there are existing permitted water bladders located within the SMA. A Aquatic Resource Delineation has not been submitted to the County at this time. I will be conducting a Site Visit to the property on Thursday (May 20th) to get a better understanding of the project site. What triggers the Aquatic Resource Delineation? Is it the proximity to the South Fork Eel River?

Best,
Christopher Alberts

From: Orahoske, Andrew@Wildlife <Andrew.Orahoske@Wildlife.ca.gov>
Sent: Tuesday, May 18, 2021 10:24 AM
To: Alberts, Chris <calberts@co.humboldt.ca.us>; Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>
Cc: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>; O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Subject: RE: Application No. 16602 Referral Response (APN 223-061-011)

Hello Chris, it appears that most of the site is within the Streamside Management Area and mapped FEMA floodplain. The attached reports do not address those issues at all. Has there been an aquatic resource delineation conducted for this site?

Andrew J. Orahoske
Environmental Scientist
California Department of Fish and Wildlife
Northern Region, Habitat Conservation Program
619 Second Street
Eureka, CA 95501

From: Alberts, Chris <calberts@co.humboldt.ca.us>
Sent: Tuesday, May 18, 2021 8:43 AM
To: Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>; Orahoske, Andrew@Wildlife <Andrew.Orahoske@Wildlife.ca.gov>
Cc: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>; O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Subject: Application No. 16602 Referral Response (APN 223-061-011)

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good Morning,

I anticipate on bringing the subject project forward for approval on June 17, 2021 at the Zoning Administrator Hearing. Please see project description below:

"A Special Permit for 43,560 square feet of new outdoor cannabis cultivation. The applicant anticipates 3 harvest cycles annually. Cultivation will occur in twelve (12) 1,600 square foot greenhouses, four (4) 2,000-square-foot greenhouses, two (2) 1,950 square foot greenhouses, and two (2) 2,600-square-foot greenhouses. Water for irrigation will be provided by rainwater catchment. There is an approved land use permit on the subject parcel that allows for a business engaged in the collection, storage, delivery, and sale of non-potable water to residents in the Southern Humboldt area for primarily agricultural use (e.g., irrigation). The applicant will utilize water from this onsite business to support the cultivation. The applicant anticipates approximately 128,000 gallons of water will be required annually for irrigation. There is 3,360,000 gallons of water storage onsite. Processing such as drying and curing will occur in a 5,060-square-foot structure. Further processing will occur offsite at a licensed processing facility. The applicant is anticipating a maximum of four employees working onsite. Power of the project will be provided by PG&E."

I have also attached the Site Plan, Operations Plan, and Biological Study prepared for the subject project. Please let me know if you have any questions or comments.

Best,



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



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