



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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3015 H Street, Eureka CA 95501  
Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: August 5, 2021

To: Humboldt County Planning Commission

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

Subject: **Lance Berry Conditional Use Permit**  
Record Number PLN-12674-CUP  
Assessor's Parcel Number (APN) 208-261-009  
North side of Highway 36, approximately 3500 feet west of the intersection of  
Highway 36/Dinsmore Road, Dinsmore, CA 95552

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Please contact David J. R. Mack, AICP, Planner (Harris & Associates) at 831-320-0413 or by email at david.mack@weareharris.com, if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 5, 2021	Conditional Use Permit – Type 1	David Mack

**Project Description:** Lance Berry seeks a Conditional Use Permit (PLN-12674-CUP) for the continued operation of 23,400 square feet (SF) of cannabis cultivation, comprised of 20,700 SF of outdoor cannabis cultivation and 2,700 SF mixed light cultivation. Cultivation occurs in six (6) different cultivation areas on the subject parcel, with five (5) areas for outdoor cultivation and one (1) area for mixed light.

Irrigation water is sourced from a permitted well (Permit No. 16/17-0576) and a 388,000-gallon rainwater catchment pond. Estimated annual water use is 296,000 gallons (12.64 gal/SF). Water is stored in seven (7) 5,000-gallon tanks, two (2) 2,500-gallon tanks, one (1) 1,150-gallon tank, as well as the 388,000-gallon rain catchment pond. Total water storage is 429,150 gallons.

Drying occurs onsite in a 384-SF agricultural structure, and further processing occurs offsite at a licensed third-party facility. Up to four (4) family members carry out operations, and no additional employees are anticipated onsite. The primary source of electrical power (used for propagation lights and to pump water) is a Honda EU7000 generator.

**Project Location:** The project is located on the north side of Highway 36, approximately 3,500 feet west of the intersection of Highway 36/Dinsmore Road (Section 5 of Township 01N, Range 05E, Humboldt Base & Meridian), in the unincorporated Dinsmore area in central Humboldt County.

**Present Plan Land Use Designations:** Residential Agriculture (RA) Density: 40 acres per unit; Slope Stability: Moderate Instability (2)

**Present Zoning:** Forestry Recreation (FR) with B-5 overlay, 40 acre minimum (FR-B-5-40)

**Record Number:** PLN-12674-CUP

**Assessor's Parcel Number:** 208-261-009

**Applicant**

Steven Lance Berry  
3053 Roan Court  
Fortuna, CA, 95540

**Owner**

Steven Lance Berry  
3053 Roan Ct  
Fortuna CA 95540

**Agents**

Alan Baird  
1257 Main St., P.O. Box 396  
Fortuna, CA, 95540  
Phone: 7077255182  
E-mail: ambaird@suddenlinkmail.com

**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:** No major issues/concerns were identified for this project.

**Lance Berry**  
Record Number: PLN-12674-CUP  
Assessor's Parcel Number: 208-261-009

**Recommended Commission Action**

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

*Adopt the Resolution to:*

1. *Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO), as described by Section §15164 of the State CEQA Guidelines;*
2. *Make the required findings for approval of the Conditional Use Permit; and*
3. *Approve the Lance Berry Conditional Use Permit as recommended by staff subject to the recommended conditions.*

**Executive Summary** Lance Berry seeks a Conditional Use Permit (PLN-12674-CUP) for the continued operation of 23,400 square feet (SF) of cannabis cultivation, comprised of 20,700 square feet (SF) of outdoor cannabis cultivation and 2,700 SF mixed light cultivation for a total cultivation of 23,400 SF. Cultivation occurs in six (6) different cultivation areas on the subject parcel, with five (5) areas for outdoor cultivation and one (1) area for mixed light. The medical cannabis permit application is in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The sites has been issued a Zoning Clearance Certificate for Interim Permit (IP), based upon the Cultivation Area Verification (CAV) developed for the site. The cultivation area for this Conditional Use Permit is based upon the CAV prepared for the IP.

The project area is located on a ridge top between 2,400-2,800 feet in elevation with moderate slope stability. The present land use designation is Residential Agriculture (RA) with a density of 40 acres per unit, as defined in the Humboldt County 2017 General Plan Update. The 75-acre parcel is zoned as Forestry Recreation (FR) with B-5 overlay, which has a 40 acre minimum (FR-B-5-40). The parcel includes one (1) proposed 2,000-SF residence and associated sewer leach fields. Drying occurs onsite in a 384-SF structure, and further processing occurs offsite. Up to four (4) family members carry out operations, and no additional employees are anticipated onsite. The primary source of electrical power (used to operate propagation lights and pump water) is a Honda EU7000 generator. Consistent with past actions of the Planning Commission, the project has been conditioned to either connect to a utility provider or have an alternative power source starting January 1, 2026 (**Condition 10**).

**Water Resources**

Irrigation water is sourced from a permitted well (Permit No. 16/17-0576) and a 388,000-gallon rain catchment pond. Estimated annual water use is 296,000 gallons (12.64 gal/SF). Water is stored in seven (7) 5,000-gallon tanks, two (2) 2,500-gallon tanks, one (1) 1,150-gallon tank, and the 388,000-gallon rain catchment pond. Total water storage is 429,150 gallons.

A Site Management Plan (SMP) was prepared by Timberland Resource Consultants (February, 20, 2020) in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation (WDID No. 1B171574CHUM / WDID-1\_12CC416959).

There are nine (9) stream crossings on the access road to the project area, which is used solely by the applicant. Existing culverts are sized for a 100-year storm event and have been updated or modified pursuant to the recommendations provided in 2017 from the California Department of Fish and Wildlife (CDFW) for the Lake and Streambed Alteration Agreement (LSAA 1600-2017-0053-R1). No additional recommendations/mitigations are outstanding.

Currently, all permanent and seasonal roads on the property have imported and native rock surfacing and do not require any more rock surfacing. Drainage features on roads have been installed and maintained. No alterations to permanent, seasonal, or legacy roads are proposed for the project.

The proposed project is within a Streamside Management Area (SMA) and therefore is required to be consistent with Humboldt County General Plan Policy BR-P6, which requires development within an SMA to comply with Standards BR-S8 (Required Mitigation Measures) and BR-S9 (Erosion Control).

### **Biological Resources**

A Biological Resources Report was prepared by Troy Leopardo of Leopardo Wildlife Associates (July 2019) to assess the potential presence of sensitive biological communities and protected species. Mr. Leopardo conducted a field survey and reviewed the CDFW California Natural Diversity Database (CNDDDB) for species within 1.3 miles of the project. The Biological Assessment Area (BAA) is defined as the area where potential impacts may occur to sensitive or protected species and/or sensitive biological communities. Sensitive species that have the potential to occur within the BAA include: yellow-legged frog (*Rana boylei*), summer-run steelhead trout (*Oncorhynchus mykiss irideus*), western pond turtle (*Emys marmorata*), Wawona riffle beetle (*Atractelmis wawona*), American peregrine falcon (*Falco peregrinus*), Tracy's sanicula (*Sanicula tracyi*), Oregon goldthread (*Coptis lacinate*), and coast fawn lily (*Erythronium revolutum*). During the survey, no potential falcon habitat was found or observed onsite. Furthermore, there is no evidence of Northern Spotted Owl onsite, and the potential for NSO occurrence is rare. The report concluded that project activities would result in minimal impacts to biological species, and therefore no mitigation is recommended.

### **Tribal Cultural Resource Coordination**

A records search for known cultural resources was requested from the Northwest Information Center (NWIC) and revealed that one study was previously conducted in the project area (Leach-Palm et al 2011) and identified one archaeological site (S-38865). The Bear River Band of the Rohnerville Rancheria was contacted and indicated that the archaeological site referenced above appears to be located near a proposed catchment pond (which has since been constructed) and requested completion of a site survey. A Cultural Resources Investigation survey was conducted by Nick Angeloff (Archaeological Research and Supply Company) in August 2020, and is on file with Humboldt County. The survey concluded that no prehistoric or historic resources would be impacted by the proposed project, but recommended implementation of the standard Inadvertent Discovery Protocol in the event that any human remains, or artifacts of cultural significance are encountered during ground disturbing activities (**Condition 14**).

### **Access**

The project is located on the north side of Highway 36, approximately 3,500 feet west of the intersection of Highway 36/Dinsmore Road (Section 5 of Township 01N, Range 05E, Humboldt Base & Meridian), in the unincorporated Dinsmore area in central Humboldt County. The applicant evaluated the non-county maintained access road using forms provided by Humboldt County Department of Public Works (DPW). DPW reviewed the applicant's information and stated "no re-refer" was required. DPW also expressed that a grading permit (for road maintenance) could be required, and the applicant should check with Humboldt County Building prior to any work (**Condition 15**).

### **Generator Use**

The primary source of electrical power, which is used to operate propagation lights and to pump irrigation water, is a Honda EU7000 generator. Consistent with past actions of the Planning Commission, the project has been conditioned to either connect to a utility provider or have an alternative power source starting January 1, 2026 (**Condition 10**).

### **California Environmental Quality Act (CEQA)**

Environmental review for this project was conducted in July 2021 by the County. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) adopted for the Commercial Medical Marijuana Land Use Ordinance on January 26, 2016. Accordingly, staff 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 and Building Department 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 Conditional Use Permit (CUP).

**ALTERNATIVES:** The Planning Commission could elect to 1) not approve the project, or 2) 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 MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In which case, the Commission should continue the item to a future date at least two months later to provide staff adequate time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 21-X  
Record Number PLN-12674-CUP  
Assessor's Parcel Number: 208-261-009**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Lance Berry Conditional Use Permit.**

**WHEREAS, Lance Berry,** applied for Conditional Use Permit PLN-12674-CUP for 23,400 square feet (SF) of cannabis cultivation (20,700 SF outdoor and 2,700 SF mixed light) and appurtenant drying and processing activities in a 384-SF agricultural structure;

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

**WHEREAS,** the Humboldt County Planning Commission held a duly-noticed public hearing on **August 5, 2021**, and reviewed, considered, and discussed the application for the requested Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                      **Project Description:** The application is a Conditional Use Permit (PLN-12674-CUP) for 23,400 SF of existing cannabis cultivation (20,700 SF outdoor and 2,700 SF mixed light) and appurtenant drying and processing activities in a 384-SF agricultural structure. The primary source of electrical power is a Honda EU7000 generator. Irrigation water is sourced from a permitted well and a 388,000-gallon rain catchment pond.

**EVIDENCE:**                      a) Project File: PLN-12674-CUP

- 2. FINDING:**                      **CEQA.** The requirements of the California Environmental Quality Act have been met. 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 to the MND prepared for the proposed project in compliance with CEQA.

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

   c) A Biological Resources Report was prepared by Troy Leopardo of Leopardo Wildlife Associates (July 2019) to assess the potential presence of sensitive biological communities and protected species. Mr. Leopardo conducted a field survey and reviewed the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) for species within 1.3 miles of the project. Sensitive and protected species occurring or potentially

occurring within the Biological Assessment Area (BAA), which is defined as the area where potential impacts may occur to sensitive or protected species and/or sensitive biological communities, include: yellow-legged frog (*Rana boylei*), summer-run steelhead trout (*Oncorhynchus mykiss irideus*), western pond turtle (*Emys marmorata*), Wawona riffle beetle (*Atractelmis wawona*), American peregrine falcon (*Falco peregrinus*), Tracy's sanicula (*Sanicula tracyi*), Oregon goldthread (*Coptis lacinate*), and coast fawn lily (*Erythronium revolutum*) all have the potential to occur onsite. During the survey, no potential falcon habitat was found or observed onsite. Furthermore, there is no evidence of Northern Spotted Owl onsite, and the potential for NSO is rare. The report concluded that project activities would result in minimal impacts to biological species, and no mitigation is recommended.

- d) A Site Management Plan (SMP) was prepared by Timberland Resource Consultants (February 20, 2020) in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation (WDID No. 1B171574CHUM / WDID-1\_12CC416959).
- e) A records search for known cultural resources was requested from the Northwest Information Center (NWIC) and revealed that one study was previously conducted in the project area (Leach-Palm et al 2011) and identified one archaeological site (S-38865). The Bear River Band of the Rohnerville Rancheria was contacted and indicated that the archaeological site referenced above appears to be located near a proposed catchment pond (which has since been constructed) and requested completion of a site survey. A Cultural Resources Investigation survey was conducted by Nick Angeloff (Archaeological Research and Supply Company) in August 2020, and is on file with Humboldt County. The survey concluded that no prehistoric or historic resources would be impacted by the proposed project, but recommended implementation of the standard Inadvertent Discovery Protocol in the event that any human remains, or artifacts of cultural significance are encountered during ground disturbing activities (**Condition 14**).

## FINDINGS FOR CONDITIONAL USE PERMIT

### 3. FINDING

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

#### EVIDENCE:

- a) General Agriculture (GA) is a use type permitted in the Residential Agriculture (RA) 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.
- b) The proposed project is within a Streamside Management Area (SMA) and therefore is required to be consistent with Humboldt County General Plan Policy BR-P6, which requires development within an SMA to comply with Standards BR-S8 (Required Mitigation Measures) and BR-S9 (Erosion Control).

The proposed project was designed with the following mitigating features: 1) Cultivation is sited to avoid activity within the stream channel; 2) Most cultivation areas are located off of slopes, and all cultivation areas will not involve vegetation removal or land clearing; and 3) Prior disturbed areas have been addressed with revegetation using native species. Therefore the project is not considered 'High Risk' and is consistent with Policy BR-P6, and Standards BR-S8 and BR-S9.

**4. FINDING**

The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) zoning designation in which the site is located.

**EVIDENCE:**

- a) The FR zone is intended to be applied to forested areas of the County, where timber production and recreation are the desirable predominant uses and agriculture is the secondary use.
- b) Humboldt County Code section 313-106.6 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed light cannabis on a parcel over 1 acre, subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for a total of 23,400 SF of cannabis cultivation (20,700 SF outdoor and 2,700 SF mixed light) on a 75-acre parcel is consistent with the Humboldt County Code and with the Cultivation Area Verification prepared by the County.

**5. FINDING**

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

**EVIDENCE:**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned Residential Agriculture (RA) zone (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created via Record of Survey, Lot 113, Book 026, Page 135 (October 1968).
- c) Irrigation water is sourced from a permitted well (Permit No. 16/17-0576) and a 388,000-gallon rain catchment pond. Estimated water use is 296,000-gallons (12.64/SF).
- d) The slope of the land where cannabis will be cultivated is greater than 15%. Because this is an existing cultivation site, the CMMLUO does not require cultivation to occur on slopes of 15% or less.
- e) The cultivation of cannabis will not result in the net conversion of timberland. The proposed cultivation area(s) are located within a historical cultivation area.
- f) The location of the cultivation areas complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any offsite residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

**6. FINDING**

The cultivation of 23,400 SF of cannabis 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) All access roads on the property shall be maintained in compliance with the State Water Resources Control Board Order WQ 2019-0001-DWQ, which states that all access roads are to be hydrologically disconnected to receiving waters. To ensure that roads meet this condition, the applicant shall implement the erosion control measures outlined in the SMP that address the adverse effects of degraded road quality on adjacent water features.
  - b) The site is in a rural part of the County where the typical parcel size is over 40 acres, and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
  - c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest offsite residence.
  - d) Irrigation water is sourced from a permitted well and a 388,000-gallon rain catchment pond.
  - e) Provisions have been made in the applicant's proposal to protect water quality through yearly site inspection, monitoring, and reporting to the NCRWQCB. The site shall be inspected and monitoring reports prepared for the following activities: 1) before and after any alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site; 2) prior to the start of the water year (October 15) to evaluate site preparedness for storm events and associated storm water runoff; 3) site inspection no later than December 15 of each year; and 4) following any rainfall event with an intensity of 3 inches of precipitation within any 24 hour period. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely 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:** The parcel includes one proposed (future) 2,000-SF residence and associated leach fields. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the residential unit onsite.

## DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permit (PLN-12674-CUP) for Lance Berry 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 **August 5, 2021**.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

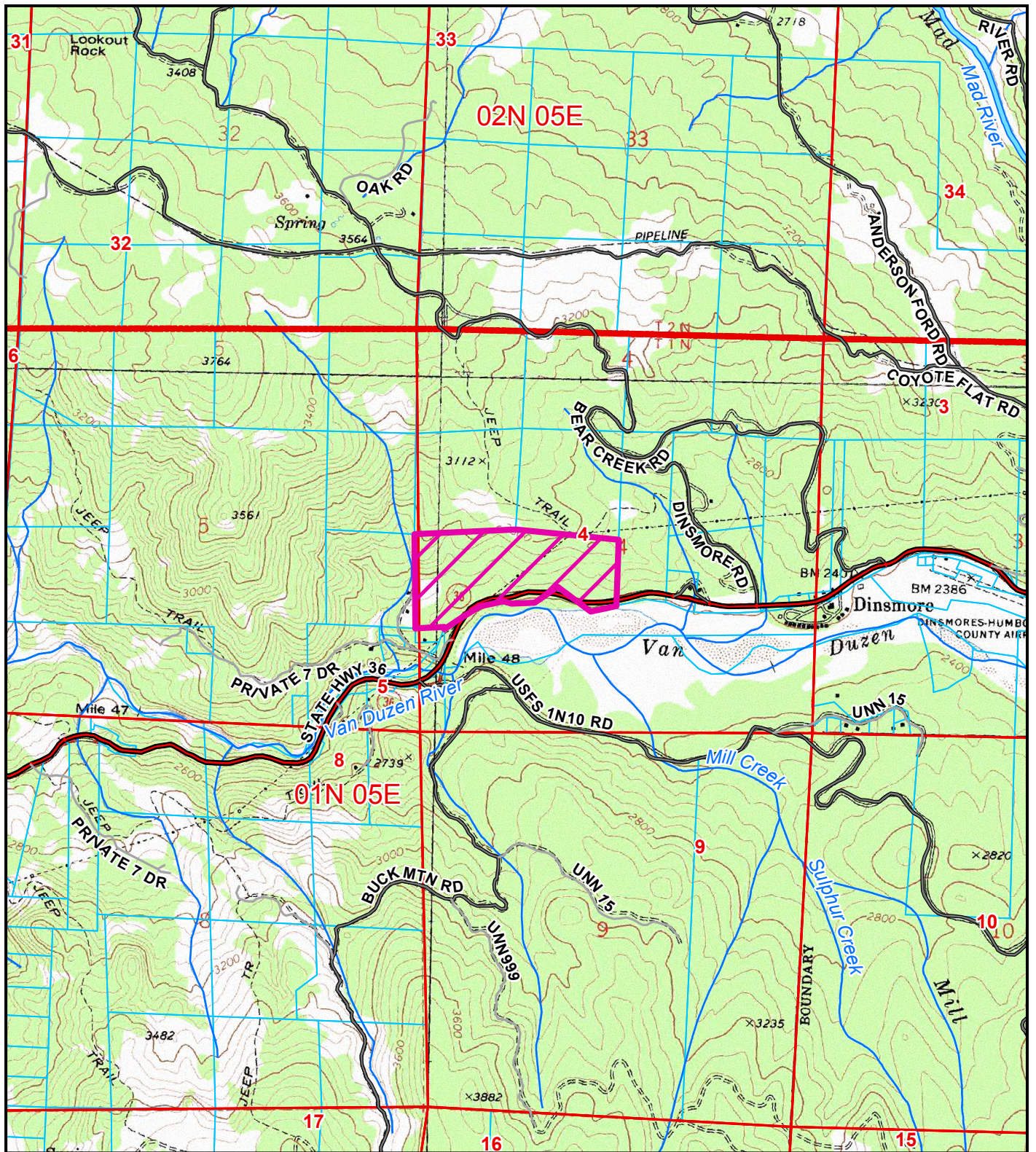
ABSTAIN: COMMISSIONERS:

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

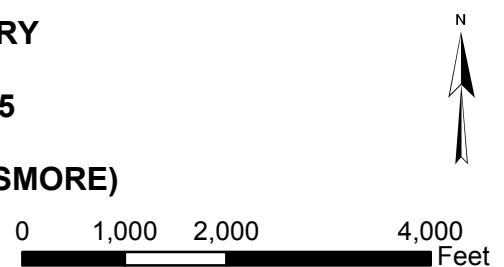




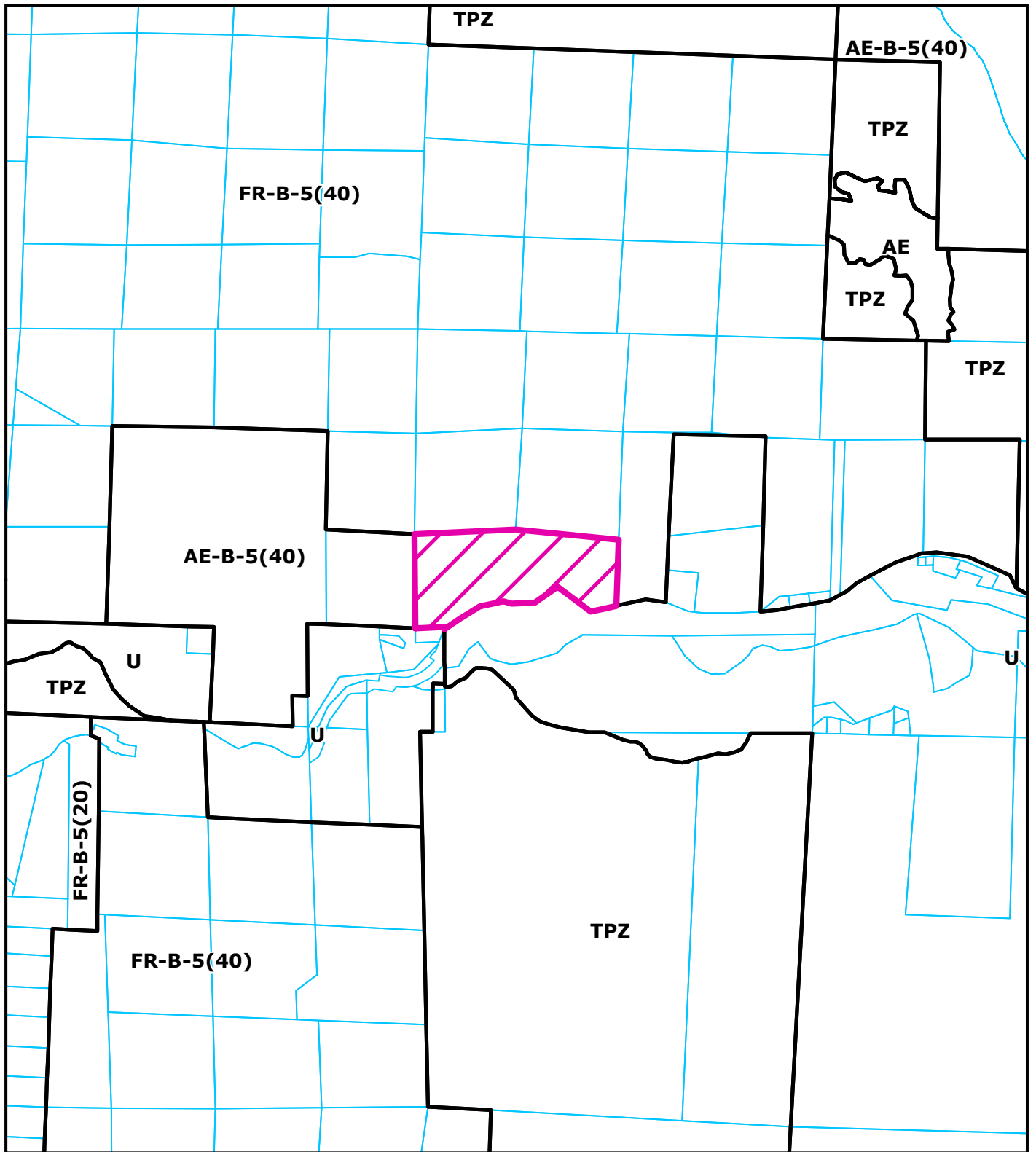
**TOPO MAP**  
**PROPOSED LANCE BERRY**  
**DINSMORE AREA**  
**CUP-16-801; ZCC-16-535**  
**APN: 208-261-009-000**  
**T01N R05E S5; S4 HB&M (DINSMORE)**

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.







Project Area = 

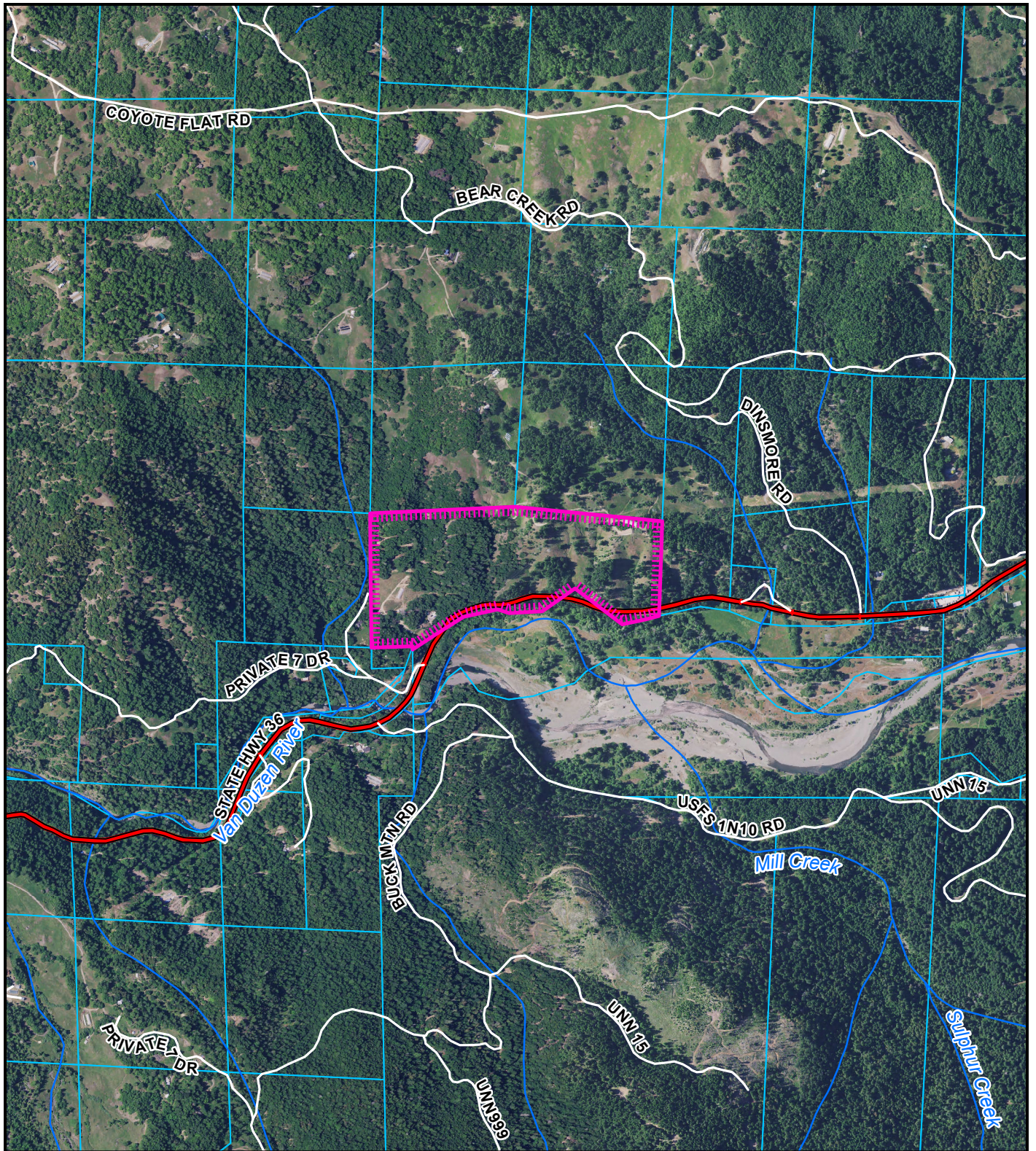
**ZONING MAP**  
**PROPOSED LANCE BERRY**  
**DINSMORE AREA**  
**CUP-16-801; ZCC-16-535**  
**APN: 208-261-009-000**  
**T01N R05E S5; S4 HB&M (DINSMORE)**

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0 1,000 2,000 4,000 Feet



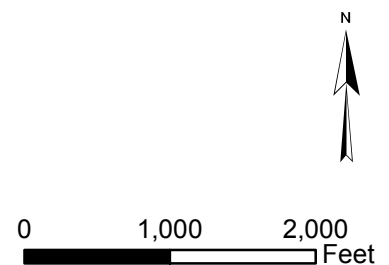




Project Area = 

**AERIAL MAP  
PROPOSED LANCE BERRY  
DINSMORE AREA  
CUP-16-801; ZCC-16-535  
APN: 208-261-009-000  
T01N R05E S5; S4 HB&M (DINSMORE)**

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.





- NOTES:
1. THE WATER SOURCE FOR THIS SITE IS PRIVATE WATER – WATER PLAN BY TIMBERLAND RESOURCE CONSULTANTS.
  2. EXISTING WATER STORAGE ON SITE IS A  $\pm 46,150$ -GALLONS IN WATER TANKS AND  $\pm 398,000$ -GALLON POND –  $\pm 434,150$ -GAL. TOTAL.
  3. SLOPES AT ALL CULTIVATION SITES ARE LESS THAN 5%.
  4. DURING NEW WEATHER CULTIVATION SITES WILL BE MONITORED DAILY. AS NECESSARY, STRAW AND FIBER ROLLS SHALL BE PLACED TO MITIGATE ANY SEASONAL RUN OFF.
  5. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRAIL, CULTURAL RESOURCES, W/IN 500' OR OFF-SITE RESOURCES W/IN 300'.
  6. THERE ARE NO KNOWN PRIME AG SOILS IN THE VICINITY FROM WEB GIS HUMBLD.CO.
  7. NO KNOWN EASEMENTS
  8. IMAGE DATE: 5/29/2016 FROM GOOGLE EARTH
  9. NO HISTORICAL BUILDINGS OR KNOWN ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES.
  10. TERRA SERVER AMOUNT ESTIMATED AT  $\pm 29,446$  SQ-FT 2016-06-29 IMAGE. AMOUNT REQUESTED  $\pm 20,635$  SQ-FT --  $\pm 811$  SQ-FT REMAINING
  11. GRADING AMOUNTS TO BE DETERMINED AT A LATER DATE.  $\pm 916$  CUB YDS

DISCLAIMER: INFORMATION PROVIDED IS FOR HUMBOLDT COUNTY PLANNING PERMITTING PURPOSES ONLY.

THIS SET PLAN REFLECTS MANY MAPPING DETAILS THAT ARE USEFUL TO ASSURE THAT THE STRUCTURES ARE LOCATED APPROPRIATE TO THEM. SOME OF THE DETAILS, SUCH AS THE PROTECTION SHOWN IS INTENDED FOR CONSIDERED OR SUBSTITUTED FOR A CONTROLLED ACTUAL LAND SURVEY.

A BOARD OF ENGINEERING AND SURVEYING INC. ASSURES AND WARRANTS THAT THE INFORMATION IS ACCURATE AND NOT DECEIVED, OTHER THAN WHAT HAS BEEN SPECIFICALLY INTENDED FOR CALIFORNIA PERMITTING ONLY.

LIST OF TASKS LOCATED ON THE PANEL									
#	NAME	SYSTEM	SIZE	UNITS					
1	OVERVIEW	GROUNDING (41.4-42.5C)	2	INCHES					
2	OVERVIEW	GROUNDING (41.4-42.5C)	2	INCHES					
3	OVERVIEW	GROUNDING (41.4-42.5C)	2	INCHES					
4	OVERVIEW	GROUNDING (41.4-42.5C)	2	INCHES					
5	OVERVIEW	GROUNDING (41.4-42.5C)	2	INCHES					
6	OVERVIEW	GROUNDING (41.4-42.5C)	2	INCHES					
7	OVERVIEW	GROUNDING (41.4-42.5C)	2	INCHES					
8	OVERVIEW	GROUNDING (41.4-42.5C)	2	INCHES					
9	OVERVIEW	GROUNDING (41.4-42.5C)	2	INCHES					
10	OVERVIEW	GROUNDING (41.4-42.5C)	2	INCHES					
11	OVERVIEW	GROUNDING (41.4-42.5C)	2	INCHES					
12	OVERVIEW	GROUNDING (41.4-42.5C)	2	INCHES					
13	OVERVIEW	GROUNDING (41.4-42.5C)	2	INCHES					
14	OVERVIEW	GROUNDING (41.4-42.5C)	2	INCHES					
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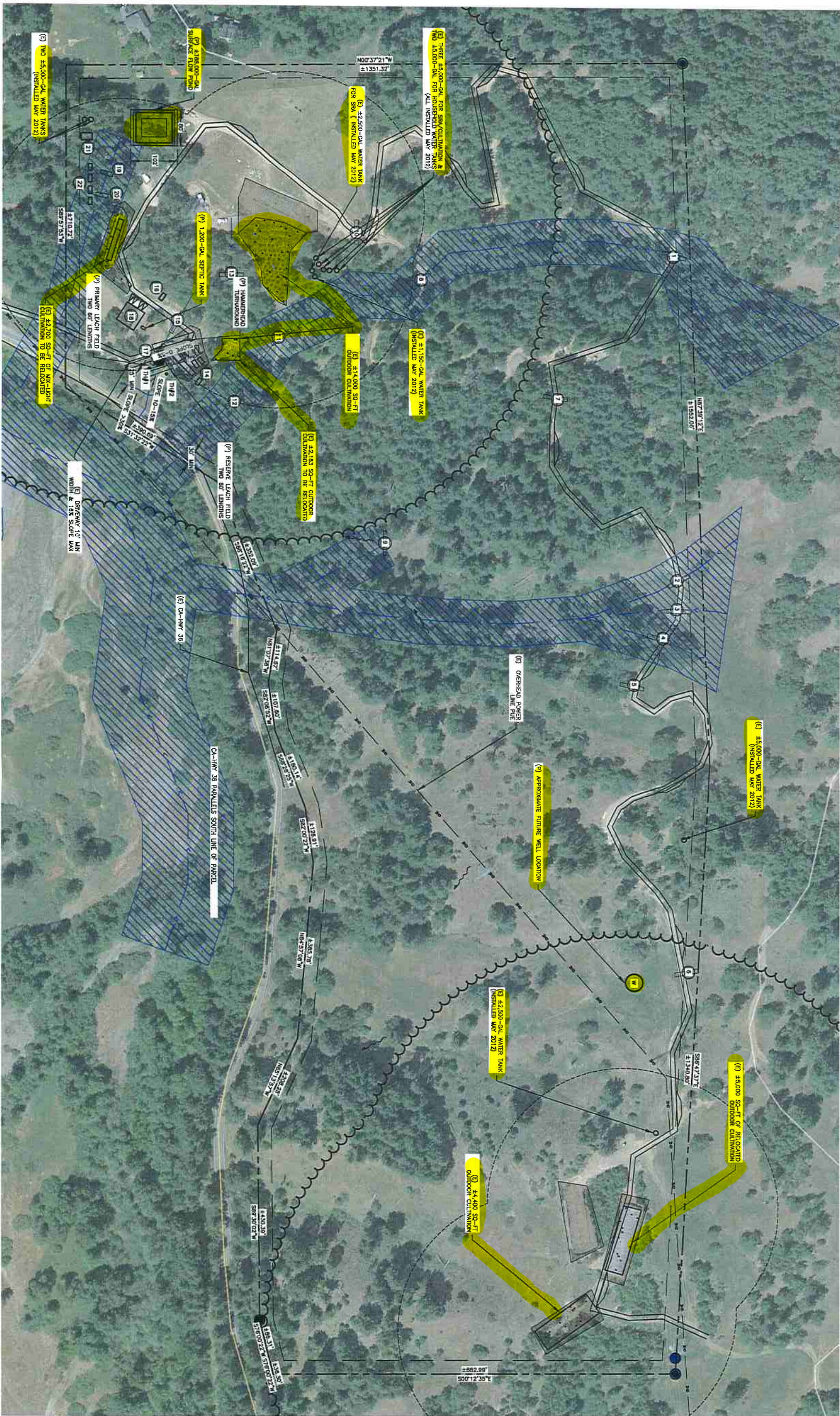
**LEGEND:**

PROPERTY LINES  
30' SETBACK  
800' SETBACK  
EDGE OF GRAVEL ROAD  
EXISTING  
PROPOSED DRAINAGE PATTERN (F)  
GRADED AREAS  
SMA WEBS  
CANKLED WEBS  
SMA THROUGH DECK 400'  
SMA THROUGH DECK 250'

[illegible]

LEAD	ADDRESS: 4405 CA HWY. 36 BROOKDALE, CA 95008
ASSASSIN'S PHONE NUMBER:	209-281-0070
OWNER/PLAINTIFF: RICHARD WALSH	805 N. PINE ST. ORLAND, CA 95052
MURDER: LANCE BERRY 10100 1ST ST. FARMERSVILLE, CA 95821	PHONE: (707) 209-0028
STATUS: 37 PENDING	AREA ANALYSIS:
LOT SIZE: 4603 ACRES	

5			
4			
3			
2	5/30/2019	REVISIONS PER COUNTY	CCC
1	6/29/2017	REVISIONS PER CLIENT	PDS
NO.	DATE	DESCRIPTION	
R E V I S I O N S			BY



SITE OVERVIEW SCALE: 1"=100'

RICHARD WILSON  
AP# 208-261-009  
HUMBOLDT COUNTY, CA

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CMMLUO SITE PLAN

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*SITE PLAN*

SCALE	1"=100'
DRAWN BY	PDS
CHKD	AMB
DATE	12/16/2016

RECEIVED  
JUN 19 2015



*A.M. Baird*  
Engineering & Surveying  
1257 Main St., P.O.Box 396, Fortuna, CA 95540  
(707)725-5182







## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

**APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS, WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.**

#### **A. General Conditions:**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #19. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure building permits for all structures related to the cannabis cultivation and other commercial cannabis activity including, but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. Processing activities must be supported by an approved onsite wastewater treatment system. Seasonal/outdoor cultivation sites may be supported by portable toilets. Applicant must obtain a



permit for, and install, an approved onsite wastewater treatment system to support the processing location from the Humboldt County Department of Health and Human Services (DEH) and either install approved septic systems or provide portable toilets to cultivation areas.

9. The applicant shall install a water monitoring device on each surface diversion to monitor water diverted to storage and a separate meter shall be installed for all irrigation water used. The water use shall be recorded monthly for both diversion and water use and shall be submitted as part of the annual inspection.
10. The use of generators as a primary power source for cannabis related activities shall cease by December 31, 2025. The applicant shall either connect to a utility or have an alternative source of power starting January 1, 2026.
11. The applicant shall obtain a permit to operate the EU7000 Honda generators from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department.
12. The applicant shall continue to comply and maintain the improvements done to complete all mitigation measures set forth in the Lake and Streambed Alternation Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW).
13. The applicant shall construct noise containment structures for all generators and fans. Noise shall not exceed 50 decibels as measured from 100 feet or the edge of NSO habitat, whichever is closer. Onsite lighting shall comply with International Dark Sky Association standards and Fixture Seal of Approval Program. Within thirty (30) days of project approval, the applicant shall submit a light attenuation monitoring and management plan to Humboldt County and CDFW.
14. The applicant shall implement the Inadvertent Discovery Protocol. In the event of the accidental discovery of historical artifacts or human remains, all work shall halt within 100 feet of the find and a qualified professional archaeologist and tribal representatives shall be contacted immediately to evaluate the find and clear the site for all further activities. In addition, no ground disturbance shall occur within the archaeological site boundaries identified in the referral from Northwest Information Center (NWIC).
15. All recommendations in the road evaluation report for non-county maintained roads shall be constructed/implemented to the satisfaction of the Humboldt County Planning and 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 for any permit requirements.
16. 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.
17. 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.
18. The applicant shall schedule and obtain an onsite Building Division review to ensure that permits for all structures, greenhouses, water tanks or other cannabis and/or residential structures have been obtained. This inspection shall be scheduled within thirty (30) days of permit approval and conducted within three (3) months permit approval. Any structures identified to require permits shall be permitted through the Humboldt County Building Department within two (2) years of the inspection date.

19. Within 60 days of permit approval, the applicant shall obtain a situs address from Humboldt County. An Address request can be submitted to Humboldt County Public Works for processing. Proof of an assigned address can be shown to the Director of Humboldt County Planning and Building.

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

1. The combined noise from background, generator, greenhouse fan, or other operational activities and equipment must not result in the harassment of Northern Spotted Owl (NSO) 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 NSO 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 light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot, with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (i.e., through the use of 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 (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include, but are not limited to: Light shall 1) be shielded and downward facing, 2) 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 be placed where needed.
3. 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.
4. The use of synthetic netting for purposes of erosion control is prohibited. To minimize the risk of wildlife entrapment, the applicant 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.
5. All refuse shall be contained in wildlife proof storage containers at all times, and disposed at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. 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.
9. All components of the 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. Any changes shall require modification of this permit except where consistent with

Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. When offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
11. 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.
12. The permittee shall have 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.
13. The permittee shall be in 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.
14. The permittee shall ensure 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).
15. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. The permittee shall 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).
17. The permittee shall 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.
18. The permittee shall 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).
19. The permittee shall pay all applicable fees for application review to ensure 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. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled and used in accordance with applicable regulations.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. The permittee shall 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

24. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. 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).
26. 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.
27. 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. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. 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. Onsite housing, if any
29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Activity Permit 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.
30. 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 re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection 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.
31. 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.
32. 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.
33. 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.

34. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #B.11 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

**ATTACHMENT 2**

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

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

**APN 208-261-009**

**North side of Highway 36, approximately 3500 feet west of the intersection of Highway 36/Dinsmore  
Road (Section 5 of Township 01N, Range 05E, Humboldt Base & Meridian, Dinsmore, CA 95552  
County of Humboldt**

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

**July 2021**

## **BACKGROUND**

### **Purpose of Addendum**

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.

### **Project History**

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. The CMMLUO was considered a "project" under CEQA and thus required analysis for potential environmental impacts. Therefore, the CMMLUO regulations were developed and adopted in concert with the environmental analysis and MND that was adopted for the ordinance in 2016.

The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations and unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the MND. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." As applications are filed for new or differing cultivation activities, the "modification" to the CMMLUO is evaluated for consistency and compliance with the CMMLUO MND.



## Modified Project Description

The modified project involves a Conditional Use Permit (PLN-12674-CUP) for 20,700 square feet (SF) of outdoor cannabis cultivation and 2,700 SF mixed light cultivation for a total cultivation of 23,400 SF. Cultivation currently occurs in six (6) different cultivation areas on the subject parcel, with five (5) areas being outdoor cultivation and one (1) area for mixed light. The medical cannabis permit application is in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site has been issued a Zoning Clearance Certificate for Interim Permit (IP), based upon the Cultivation Area Verification (CAV) developed for the site. The cultivation area for this Conditional Use Permit is based upon the CAV prepared for the IP.

The project area is located on a ridge top between 2,400-2,800 feet in elevation with moderate slope stability. The present land use designation is Residential Agriculture (RA) with a density of 40 acres per unit, as defined in the Humboldt County 2017 General Plan Update. The 75-acre parcel is zoned as Forestry Recreation (FR) with B-5 overlay, which has a 40 acre minimum (FR-B-5-40). The parcel includes one (1) proposed 2,000-SF residence and associated sewer leach fields. Drying occurs onsite in a 384-SF structure, and further processing occurs offsite. Up to four (4) family members carry out operations, and no additional employees are anticipated onsite. The primary source of electrical power (used to operate propagation lights and pump water) is a Honda EU7000 generator. Consistent with past actions of the Planning Commission, the project has been conditioned to either connect to a utility provider or have an alternative power source starting January 1, 2026 (**Condition 10**).

Irrigation water is sourced from a permitted well (Permit No. 16/17-0576) and a 388,000-gallon rainwater catchment pond. Estimated annual water use is 296,000 gallons (12.64 gal/SF). Water is stored in seven (7) 5,000-gallon tanks, two (2) 2,500-gallon tanks, one (1) 1,150-gallon tank, and the 388,000-gallon rainwater catchment pond. Total water storage is 429,150 gallons.

A Site Management Plan (SMP) was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation (WDID No. 1B171574CHUM / WDID-1\_12CC416959).

There are nine (9) stream crossings on the access road to the project area, which is used solely by the applicant. Existing culverts are sized for a 100-year storm event and have been updated or modified pursuant to the recommendations provided in 2017 from the California Department of Fish and Wildlife (CDFW) for the Lake and Streambed Alteration Agreement (LSAA 1600-2017-0053-R1). No additional recommendations or mitigations are outstanding.

Currently, all permanent and seasonal roads on the property have imported and native rock surfacing and do not require any more rock surfacing. Drainage features on roads have been installed and maintained. No improvements to permanent, seasonal, or legacy roads are proposed for the project.

A Biological Resources Report was prepared by Troy Leopardo of Leopardo Wildlife Associates (July 2019) to assess the potential presence of sensitive biological communities and protected species. Mr. Leopardo conducted a field survey and reviewed the CDFW California Natural Diversity Database (CNDDDB) for species within 1.3 miles of the project. The Biological Assessment Area (BAA) is defined as the area where potential impacts may occur to sensitive or protected species and/or sensitive biological communities. Sensitive species that have the potential to occur within the BAA include: yellow-legged frog (*Rana boylei*), summer-run steelhead trout (*Oncorhynchus mykiss irideus*), western pond turtle (*Emys marmorata*), Wawona riffle beetle (*Atractelmis wawona*), American peregrine falcon (*Falco peregrinus*), Tracy's sanicula (*Sanicula tracyi*), Oregon goldthread (*Coptis lacinate*), and coast fawn lily (*Erythronium revolutum*). During the survey, no potential falcon habitat was found or observed onsite. Furthermore, there is no evidence of Northern Spotted Owl onsite, and the potential for NSO occurrence is rare. The report concluded that project activities would result in minimal impacts to biological species,

and therefore no mitigation is recommended.

A records search for known cultural resources was requested from the Northwest Information Center (NWIC) and revealed that one study was previously conducted in the project area (Leach-Palm et al 2011) and identified one archaeological site (S-38865). The Bear River Band of the Rohnerville Rancheria was contacted and indicated that the archaeological site referenced above appears to be located near a proposed catchment pond (which has since been constructed) and requested completion of a site survey. A Cultural Resources Investigation survey was conducted by Nick Angeloff (Archaeological Research and Supply Company) in August 2020, and is on file with Humboldt County. The survey concluded that no prehistoric or historic resources would be impacted by the proposed project, but recommended implementation of the standard Inadvertent Discovery Protocol in the event that any human remains, or artifacts of cultural significance are encountered during ground disturbing activities (**Condition 14**).

The project is located on the north side of Highway 36, approximately 3,500 feet west of the intersection of Highway 36/Dinsmore Road (Section 5 of Township 01N, Range 05E, Humboldt Base & Meridian), in the unincorporated Dinsmore area in central Humboldt County. The applicant evaluated the non-county maintained access road using forms provided by Humboldt County Department of Public Works (DPW). DPW reviewed the applicant's information and stated "no re-refer" was required. DPW also expressed that a grading permit (for road maintenance) could be required, and the applicant should check with Humboldt County Building prior to any work (**Condition 15**).

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

### **Summary of Significant Project Effects and Required Mitigation**

No changes are proposed for the mitigation measures identified in the original MND. The proposal to authorize the continued operation of an existing cannabis cultivation site, consisting of 20,700 square feet (SF) of outdoor cannabis cultivation and 2,700 SF mixed light cultivation for a total cultivation of 23,400 SF, 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 A.M Baird, dated 06/19/2019.
- Cultivation and Operations Plan prepared by Applicant, received 06/19/2019.
- Site Management Plan (SMP) prepared by Timberland Resource Consultants, date 02/20/2020.
- CDFW Lake and Streambed Alteration Agreement (Notification No. 1600-2017-006-R1), dated 08/11/2017.
- Northwest Information Center (NWIC) records search performed by Bryan Much, dated 03/17/2020.
- Biological Resources Report prepared by Leopardo Wildlife Associates, July 2019.
- Cultural Resources Investigation, prepared by Archaeological Research and Supply Company (Nick Angeloff), August 2000.

### **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.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Lance Berry would be the same or similar. There would be no new significant environmental impacts or a substantial increase in the severity of previously identified significant impact, than the initial CMMLUO 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, Lance Berry. 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 Application Report of 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. **(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. (Site Plan prepared by A.M Baird, dated 6/19/2019– **Attached**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; 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 Applicant, received 06/19/2019– **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. **(On file)**
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan, item 4 above - **Attached**)
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. **(On file)**
8. If any onsite or offsite component of the cultivation facility (including access roads, water supply, grading or terracing) impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife on June 22, 2020 (Lake and Streambed Alteration Agreement (Notification No. 1600-2017-006-R1), dated 08/11/2017). **(On file)**
9. If the source of water is a well, a copy of the County well permit, if available. (Well Permit No. 16/17-0576).
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner

has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. **(Not applicable)**

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. **(On file)**
12. Acknowledgment 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. Acknowledgment 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)**

Apps# 12674

**CMMLUO SITE/OPERATIONS OVERVIEW**

**(CUP 16-801 & ZCC 16-535/ APN: 208-261-009)**



**Project Description:** The applicant is seeking approval to allow continued outdoor cultivation up to 20,700 ft<sup>2</sup> and mixed light cultivation up to 2,700 ft<sup>2</sup> (per CAV findings), ancillary activities and development of appurtenant support infrastructure/facilities on the subject parcel.

Water will be sourced from a permitted well; current diversion measures shall be in accordance with terms and conditions set forth by CDFW agreement and applicable water rights.

The operation is carried out by the applicant and four (4) family members.

Generators are used to power low watt fluorescent bulbs in the propagation greenhouse during early spring and to pump water as needed. Generator usage occurs no closer than 200 feet to any property line. The Honda EU7000 portable generator is the largest generator used. It is rated at 58 dB under load which would result in a noise level at the nearest property line of 32.4 dB

[https://www.engineeringtoolbox.com/inverse-square-law-d\\_890.html](https://www.engineeringtoolbox.com/inverse-square-law-d_890.html)

The applicant acknowledges that the commercial cannabis activity approval being sought under the aforementioned conditional use permit, pursuant to CMMLUO, is subject to compliance with all other applicable Humboldt County zoning and land use regulations, as well as other applicable provisions of the Humboldt County Code and applicable state laws. Determination of compliance will require multi-agency review of proposed activity/development described in the aforementioned special permit and, may also require site inspections by personnel from various governmental agencies.

If development and/or activities on the subject parcel are determined, for some reason, to be out of compliance with any applicable State or County code, regulation or policy, a compliance agreement can be formulated between the applicant and relevant agency or agencies, which includes a compliance timeline whereby operations may continue under a "Provisional Clearance or Permit" and corrective action is initiated to achieve compliance under agreed upon terms.

**Parcel Information:** The subject parcel (208-261-009) is approximately 63 acres and is zoned FR-B-5(40) with AL40 framework designation; it borders State Hwy 36 and is approximately one mile west of Dinsmore, CA

**Topography/Landscape:** The parcel is situated on a SW facing hillside with mixed forests and grasslands.

**Surface Water Features:** The Van Duzen River runs adjacent to the southern parcel line with two tributaries passing through the subject parcel (see site plan). A 388,000 gallon rain catchment pond is proposed.

**Roads/Stream Crossings/Easements:** State Hwy 36 borders the southern property line of the subject parcel. A rocky road network accesses different areas within the parcel and continues onto neighboring adjoining parcels. Interior road conditions including stream crossings are assessed in the development of a site -specific Water Resources Protection Plan (WRPP) by Timberland Resource Consultants. Where necessary, the WRPP prescribes corrective measures to upgrade specific road condition deficiencies identified and sets a time frame in which to complete work. Work prescribed within a WRPP does not preclude the need to comply with other state and county road requirements applicable to the aforementioned permit application. Also, ongoing seasonal monitoring of roads and stream crossing and the effectiveness of corrective measures implemented will take place as required under RWQCB order No. R1-2015-0023.

**Utilities:** Electrical power is supplied from solar panels and generators. A water well permit is pending issuance through the Humboldt County Division of Environmental Health. A copy of a septic system design is included. The system will be installed upon permit approval.

**Water Supply:** Agricultural water shall be supplied from a permitted well. Surface diversion shall be conducted under terms/conditions of CDFW LSAA

Documentation which demonstrates and defines the legal authorization, terms and conditions for the ongoing use of the existing water source(s) and/or development of other potential water sources (applicable to activity/development proposed under the aforementioned permit application) shall be provided as it becomes available.

**Water Storage:**

<b>No. of Tanks</b>	<b>Tank Capacity (gallons)</b>	<b>Tank Use</b>
3	5,000	SRA/Ag
2	5,000	Ag
2	5,000	Domestic
1	2,500	SRA
1	2,500	Ag
1	1,150	Ag

Water storage may be adjusted to meet overall water management strategies.

**Cultivation Area(s):** Proposed cultivation areas are shown on a recently revised site plan (05/30/2019) prepared by A.M. Baird Engineering. Cultivation areas correspond to the County CAV findings referenced in the December 12, 2018 deficiency letter sent to the applicant. Relocation of cultivation areas are addressed in a report prepared by Timberland Resource Consultants (06/04/2019) included with this submission.

Proposed cultivation areas and surrounding ground surfaces will be evaluated in the development of a site-specific Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants. If deemed necessary, the WRPP will prescribe corrective measures to address conditions which may adversely impact water resources and it will establish a timeline in which to achieve compliance with RWQCB Order No. R1-2015-0023. Corrective measures prescribed in the WRPP do not preclude the need for Cultivation Areas or other manmade features to be brought into compliance with all applicable state and local grading, excavation and erosion/sediment control requirements.

**Peak Water Demand:** The peak monthly water demand anticipated to maintain cultivation during the warmest summer months is 50,00 gallons/month.

The “Monthly Water Use” table below shows water use at different growth stages during the grow season. Water usage will be monitored and recorded by use of in-line totalizing flow meters in accordance with applicable regulations.

	<i>Plant Stage</i>	<i>Gallons</i>
<b>March</b>	seedling	
<b>April</b>	veg	25,000
<b>May</b>	veg	30,000
<b>June</b>	veg	49,000
<b>July</b>	Veg/flower	50,000
<b>August</b>	veg	50,000
<b>September</b>	Veg/flower	49,000
<b>October</b>	flower	43,000

**Irrigation Method(s):** Irrigation is accomplished by use of conventional garden hoses. Mulch is carefully placed as a top dressing to optimize soil water retention.

**Irrigation Runoff/Erosion control:** The use of carefully applied hand watering precludes the occurrence of unattended water discharge. In the unlikely event that residual discharge did occur it would contact permeable soil on nearly level ground in and around cultivation areas and be rapidly absorbed.

**Movement or runoff** of any irrigation solution away from the point of ground contact is very unlikely. The ground surface in and around cultivation areas is proactively managed year-round to prevent any unwanted migration of entrained constituents such as fine sediment, fertilizer or other organic particles

**Watershed Protection:** Watershed Protection is accomplished through implementation of BMP’s and corrective measures prescribed in a site-specific Water Resources Protection Plan developed by Timberland Resource Consultants, RWQCB approved Third Party Program Administrator.

Cultivation areas meet applicable setback requirements and are surrounded by buffers of native vegetation.

Corrective measures to prevent sediment transport from roads shall be implemented as prescribed.



Once enrolled under R1-2015-0023, participants are required to engage in ongoing monitoring, reporting and maintenance including periodic site inspections and reviews of operational practices to ensure regulatory requirements related to the following items are being met.

<i>Site maintenance, erosion control, and drainage features</i>	<i>Stream crossing maintenance</i>
<i>Riparian and wetland protection and management</i>	<i>Spoils management</i>
<i>Water storage and use</i>	<i>Irrigation runoff</i>
<i>Fertilizers and soil amendments</i>	<i>Pesticides and herbicides</i>
<i>Petroleum products and other chemicals</i>	<i>Cultivation-related wastes</i>
<i>Refuse and human waste</i>	

Additionally, participants ensure that management measures and controls are effectively protecting water resources, and that any newly developing problems representing a water quality concern are identified and corrected quickly

***Fertilizers, Pesticides, and other Regulated products:***

***List and describe machinery and equipment used for cultivation and associated activities.***

Dehumidifiers, solar fans

***Describe equipment service and maintenance; including where it is done (oil change, cleaning, etc.)***

No agricultural generator use.

***List and describe petroleum products and automotive fluids used onsite.***

Conventional 5 gallon fuel canisters in metal storage container; not to exceed 15 gallons

***List and describe compressed gases, cleaners, solvents and sanitizers; indicate amounts normally stored and how/where they are stored.***

The proposed residence on the parcel will be supplied domestic propane.

***Fertilizers, Pesticides, other Regulated products:***

The fertilizers/amendments listed below are used at the start of the grow season; only quantities needed are purchased and brought to the site. Annual reporting of fertilizer/amendment use is required under RWQCB Order No. R1-2015-0023 and the data is provided on page 4, Appendix C (RWQCB Order No. R1-2015-0023).

Mixing of the products listed below takes place only within a small area near cultivation sites and the products are kept protected from accidental spillage or disturbance from wildlife while mixing takes place. If any **leftover product** remains it will be kept in original packaging and be stored on pallets inside of the Ag building.

Product	Quantity
Composted Pig Manure	200 lbs.
Composted Chicken Manure	200 lbs.
Bone Meal	200 lbs.
Blood Meal	200 lbs.
Mushroom Compost	200 lbs.

Neem oil is applied periodically to growing plants. Product is stored in the Ag building on shelf when not in use.

The applicant acknowledges that the storage and/or use of certain materials in specified volumes and/or weights will be subject to regulation through Humboldt County Division of Environmental Health CUPA and may require: submittal of inventories for those materials, documentation of emergency and training procedures, maintenance of hazardous waste disposal records, obtaining an EPA generator ID number and be subject to site inspections.

**Cultivation related wastes** are sorted such that compostable materials are recycled/composted onsite within a small area equipped with perimeter and top containment to prevent unwanted movement of materials due to weather conditions or animals/pests. Other materials, unsuitable for composting, are stored in conventional trash containers with tight fitting lids and hauled to an approved transfer station as needed. If it becomes necessary, exhausted soil will be removed from cultivation beds and carefully mixed and spread over native soils on level ground at select locations to initiate microbial reconditioning and prevent unwanted constituent migration. Spent growth medium containing inorganic substances such as perlite, will be stored in weatherproof containers and hauled to an approved waste facility as needed.

**Human Waste:** Portable toilets equipped with handwashing facilities will be utilized while a permitted Septic system installation is being completed.

**Cultivation Operations/Practices:** The operation will yield two harvests during the season through use of Black-Out tarps. Low watt fluorescent bulbs are used in the propagation greenhouse (2,700 ft<sup>2</sup> mixed light allocation) during early spring. The applicant and four (4) family members will carry out operations.

		<b>Ave. Hr. Generator</b>	<b>Ave. Hr. Light Use</b>
<i>January</i>	<i>Monitor and maintain site/infrastructure</i>		
<i>February</i>	<i>Ongoing site and infrastructure maintenance</i>		
<i>March</i>	<i>Prepare beds for propagation and groom cultivation areas</i>		
<i>April</i>	<i>Initiate plant propagation and complete greenhouse setup</i>	3	3
<i>May</i>	<i>prepare garden plots, set plants, ongoing site maintenance</i>	1	1
<i>June</i>	<i>Initiate outdoor garden, ongoing garden care and site maintenance, pull black-out tarps</i>		
<i>July</i>	<i>Ongoing garden care, 1<sup>st</sup> round harvest, set 2<sup>nd</sup> round plants into plots, occasional fan usage</i>	3	
<i>August</i>	<i>Ongoing garden care, occasional fan usage</i>	4	
<i>September</i>	<i>Ongoing garden care, occasional fan usage, pull Black-Out tarps</i>	3	
<i>October</i>	<i>Ongoing garden care- initiate 2<sup>nd</sup> round harvest, set to dry, process trim</i>		
<i>November</i>	<i>Start site preparations for winter.</i>		

**Processing:** Plants are harvested at peak ripeness and immediately transferred to Cargo Trailers where they are hung to dry. Natural air flow may be supplemented with household fans and dehumidifiers to aid the drying process. Processing/trimming shall be completed by the applicant and four family members. There is a septic system design pending permit issuance which will serve a two-bedroom residence and the restroom therein (or auxiliary restroom) will be readily accessible. Portable toilets equipped with handwashing facilities will be used pending completion of restroom/septic system.

All equipment, surfaces and tools used in the harvesting/drying/trimming of cultivated product are used exclusively for that purpose. Equipment, surfaces and tools are visually inspected, washed and sanitized throughout the day. A Gentle detergent (such as *Simple Green or equivalent*) is used for cleaning followed by rinsing with potable water. Isopropyl Alcohol is applied as a sanitizer.

Individuals engaged in processing/trimming are cognizant of potential mold and mildew problems associated with cultivation/processing. Handwashing with potable water and soap occurs as well as use of new latex gloves, face masks and hair nets when engaged in activities. Any suspect plant matter which appears compromised for any reason is carefully removed and disposed of avoiding cross contaminant contact with other product, equipment or utensils. A separately designated green-waste stream is implemented to recycle plant waste.

Individuals involved with processing/trimming are well versed in the use/cleaning of equipment utilized throughout the operation. Cleaning materials are stored on shelves away from working surfaces. A fire extinguisher is readily available. The working space is kept clean and orderly and used exclusively for processing/trimming.

Ample potable water for handwashing and restroom facilities are in close proximity to processing activities. The restroom shall be equipped with first aid kits and eye-wash kits for emergency use. Wastewater from the restroom shall be plumbed to an appropriately sized septic system approved through the Division of Environmental Health.

Individuals engaged in processing will be trained in the use of First Aid supplies which will be readily visible/accessible. Fire extinguishers will also be kept readily available and periodic training on proper use will take place.

Individuals engaged in processing shall be trained in the proper handling/use of all cleaning agents and other hazardous materials (if ever used). If any regulated substances are used the MSDS for the substances shall be posted and readily visible.

**Security:** Access to the subject parcel is restricted by placement of locked metal gates at entrance roads. The owner/applicant or other residents are usually onsite.

## 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
Humboldt County Division of Environmental Health	✓	Conditional approval	On file
Humboldt County Department of Public Works	✓	Conditional approval	On file
Northwest Information Center (NWIC)	✓	Comments	On file and confidential
Bear River Tribal Band of the Rohnerville Rancheria	✓	Comments	On file and confidential

**ATTACHMENT 5**  
**PUBLIC COMMENTS**