



**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: September 2, 2021

To: Humboldt County Planning Commission

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

Subject: **LSK Art, LLC Conditional Use Permit and Special Permit**  
Record Number: PLN-12556-CUP  
Assessor's Parcel Number (APN): 317-182-021 and 317-033-007 (one separate legal parcel)  
Shower's Mountain/Pilot Ridge area

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Please contact Jordan Mayor, Assigned Planner, at 707-683-4711 or by email at [jordan.mayor@icf.com](mailto:jordan.mayor@icf.com), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
September 2, 2021	Conditional Use Permit and Special Permit	Jordan Mayor

**Project Description:** LSK Art, LLC seeks a Conditional Use Permit for an existing 13,686-square-foot (SF) outdoor cannabis cultivation operation. There are two buildings designated for drying, harvest storage, and nutrient storage. All water used for cultivation is sourced from a permitted groundwater well (18/19-0279) and two surface water diversions located in an unnamed Class II watercourse. Existing available water storage is 15,000 gallons in five high-density polyethylene (HDPE) water tanks and the applicant proposes to install 20 5,000-gallon HDPE water tanks for a total of 115,000 gallons of hard tank storage. Estimated annual water usage is 125,932 gallons (8.4 gallons/SF/year). Drying and curing occurs onsite and all processing is currently done outdoors using a trimming machine. Future processing activities will be conducted offsite at a licensed facility. The project will use between three and five employees during operations. Electricity is sourced from generators. A Special Permit is also requested for the ongoing use and maintenance of two points of diversion from a Class II watercourse.

**Project Location:** The project is located in the Shower's Mountain/Pilot Ridge area located southeast of Kneeland and north of Bridgeville, on the north side of Stapp Road, approximately 4 miles east from the intersection of Shower's Pass Road and Stapp Road, on the property known to be in Section 35 of Township 03 North, Range 04 East, Humboldt Base & Meridian (APN: 317-182-021 and 317-033-007).

**Present Plan Land Use Designations:** Timberland (T), Minimum Parcel Size: 40–160 acres, Slope Stability: High instability (3)

**Present Zoning:** Timber Production Zone (TPZ)

**Record Number:** PLN-12556-CUP

**Assessor's Parcel Number:** 317-182-021 and 317-033-007

**Applicant**

LSK Art, LLC  
PO Box 283  
Eureka, CA 95502

**Owner**

LSK Art, LLC  
PO Box 283  
Eureka, CA 95502

**Agents**

Green Road Consulting, Inc.  
1650 Central Ave. Suite C  
McKinleyville, CA 95519

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

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

**Major Issues:** None

**LSK Art, LLC**

Record Number: PLN-12556-CUP

Assessor's Parcel Number: 317-182-021 and 317-033-007

**Recommended Commission Action**

1. Describe the application as a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action:

*Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State CEQA Guidelines, make the required findings for approval of the Conditional Use Permit and adopt the resolution approving the LSK Art, LLC Conditional Use Permit as recommended by staff and subject to the recommended conditions.*

**Executive Summary:** This item is a continuation of the August 5th, 2021 Planning Commission meeting on the LSK Art, LLC's proposal to continue to operate an existing 13,686-square-foot (SF) outdoor cannabis cultivation operation. At the August 5th, 2021 meeting a public commenter, the Planning and Building Director, and the Commission raised concerns regarding the use of six generators for the operation. The Commission Chair requested that the applicant or the agent describe the necessity for the use of six generators. The applicant nor his agent were present to respond. As a result, the project was continued to September 2<sup>nd</sup> so that planning staff could secure more information regarding the generator use.

On August 17<sup>th</sup>, 2021 the applicant's agent submitted an addendum to the operations plan (Attachment 3) stating that only two generator are being utilized on the property, one 25KW generator and one 8KW backup generator, and that the generators are used to support the cannabis operation as well as the applicant's domestic needs. No explanation for the initial reference of six generators in the operations plan was given. The addendum also states that the applicant has a plan to install a solar generator onsite. A condition for renewable energy to be developed by January 1, 2026 is included in the recommended conditions of approval (COA #A.21).

Also, as part of the motion to continue, the Commission requested that the staff recommendation of the additional condition to require the applicant to submit a revised site plan and operations plan to reflect recommendations in the Water Resources Protection Plan (WRPP) regarding additional tank storage to a total of 115,000 gallons in order to accommodate forbearance needs, and the addition of Site B in the WRPP that is to be retired and restored to the site plan, be added to the resolution. The condition has been added as A.19 in recommended conditions of approval.

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

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

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

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

the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least 2 months later to give staff the time to complete further environmental review.



**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 21-  
Record Number PLN-12556-CUP  
Assessor's Parcel Number: 317-182-021 and 317-033-007**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves the LSK Art, LLC, Conditional Use Permit and Special Permit.**

**WHEREAS, LSK Art, LLC**, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 13,686-square-foot (SF) outdoor cannabis cultivation operation with appurtenant drying activities and a Special Permit for the ongoing use and maintenance of two points of diversion from a Class II watercourse;

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

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on September 2, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and a Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                    **Project Description:** The application is a Conditional Use Permit to allow the continued operation of an existing 13,686-SF outdoor cannabis cultivation operation with appurtenant drying activities. Electricity is sourced from two generators. All water used for cultivation is sourced from a permitted groundwater well (18/19-0279) and two surface water diversions located in an unnamed Class II watercourse covered under a Lake or Streambed Alteration Agreement with the California Department of Fish and Wildlife (Attachment 3). A Special Permit is also requested for work in Streamside Management areas for ongoing use and maintenance of the diversions.

**EVIDENCE:**                a) Project File: PLN-12556-CUP

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

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

- c) A Site Management Plan was prepared by Timberland Resource Consultants to show compliance with the State Water Quality Control Board Order No. 2019-0001-DWQ.
- d) A Less-Than-3-Acre Conversion Exemption was submitted to the California Department of Forestry and Fire Protection (Cal Fire) in November 2015. Cal Fire responded on November 10, 2015 that the Less-Than-3-Acre Conversion Exemption was accepted. This timber conversion occurred prior to January 1, 2016.
- e) A Cultural Resources Investigation Report was carried out by Archaeological Research and Supply Company in September 2018 and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
- f) Road Evaluation Reports were prepared for Stapp Road and Showers Pass Road by the applicant in January and July of 2019, which identified that the roads are suitable for safe access to and from the project site but that there were several specific road improvement points that should be made in concert with the formation of a Road Maintenance Association. This has been included as a condition of approval for the project.

#### **FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT**

### **3. FINDING**

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

#### **EVIDENCE**

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

### **4. FINDING**

The proposed development is consistent with the purposes of the existing Timberland Production Zone (TPZ-Zone) in which the site is located.

#### **EVIDENCE**

- a) The TPZ-Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.
- b) All general agricultural uses are principally permitted in the TPZ-Zone.
- c) Humboldt County Code Section 314-55.4.8.2.2 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 13,686 SF of outdoor cultivation on an 85-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

**5. FINDING**

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

**EVIDENCE**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (Humboldt County Code Section 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations. The configuration of APNs 317-182-021 and 317-033-007 combined comprise one legal parcel as shown on Parcel Map recorded in Book 8 of Parcel Maps page 115.
- c) The project will partially obtain water from two diversionary water sources. A Special Permit is required for the ongoing use and maintenance of two points of diversion from a Class II watercourse. An LSAA has been secured from CDFW for the diversions.
- d) Road Evaluation Reports were completed by the applicant in January 2019 and by an engineer with Omsberg & Preston in July 2019. The Evaluations addressed Stapp Road and Showers Pass Road, which are privately maintained roads. All road segments evaluated were found to be functionally appropriate for the expected traffic provided specific improvements are made. The completion of these improvements have been made a condition of approval.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland after January 1, 2016. A Less-Than-3-Acre Conversion Exemption was submitted to Cal Fire in November 2015. Cal Fire responded on November 10, 2015 that the Less-Than-3-Acre Conversion Exemption was accepted on November 9, 2015.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

**6. FINDING**

The cultivation of 13,686 SF of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is located on a road that has been identified by the applicant to safely accommodate the amount of traffic generated by the proposed cannabis cultivation however some road improvement points have been recommended in the July 2019 Road Evaluation Report and are required as a condition of approval.
- 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) Irrigation water will come from a permitted groundwater well that has been permitted by the Environmental Health Department and two points of diversion.
- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

**7. FINDING**

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

**EVIDENCE**

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

**DECISION**

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit and Special Permit for LSK Art, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

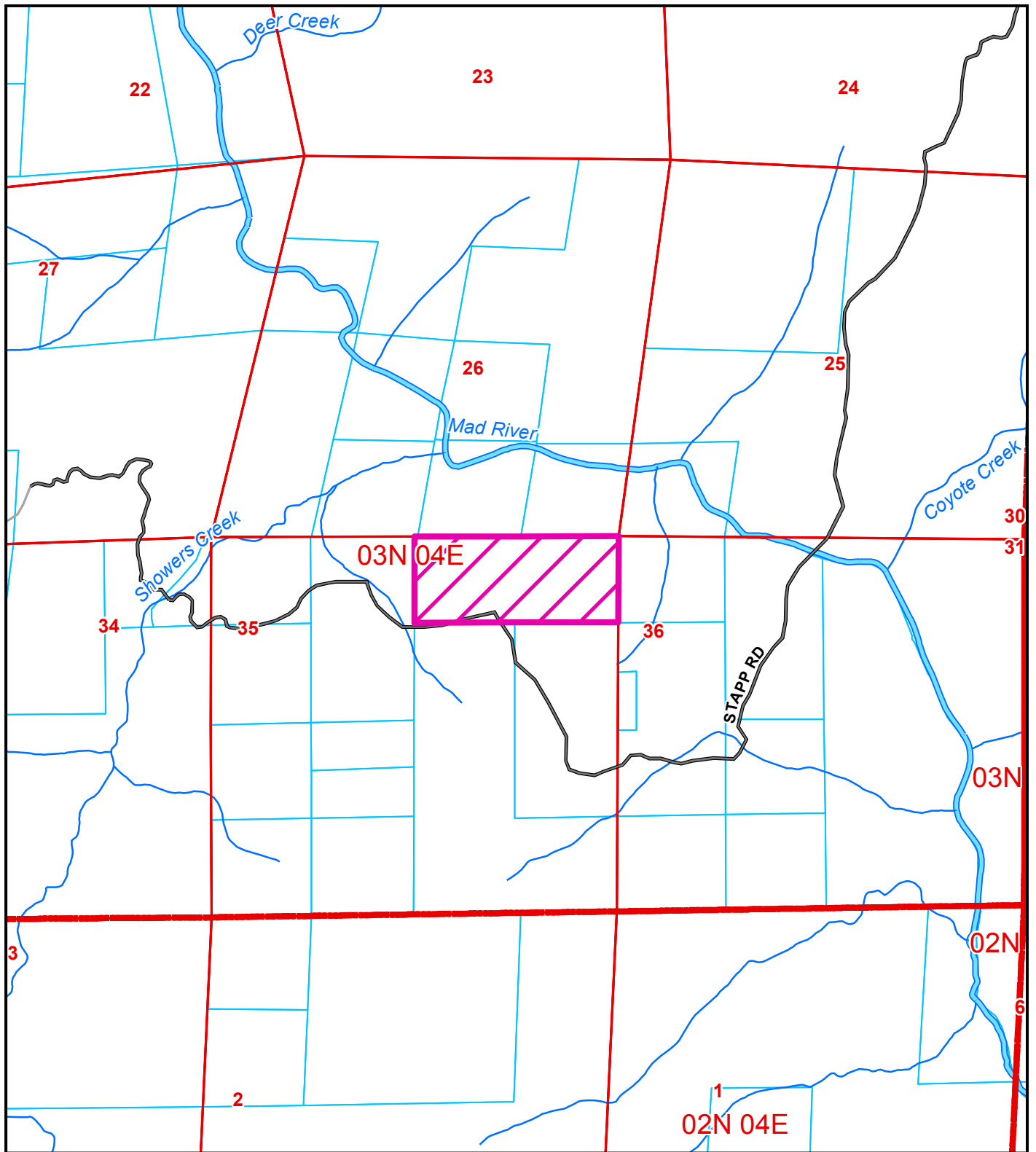
Adopted after review and consideration of all the evidence on September 2, 2021.

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

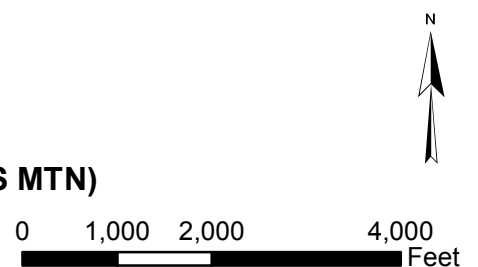
\_\_\_\_\_  
John H. Ford, Director  
Planning and Building Department

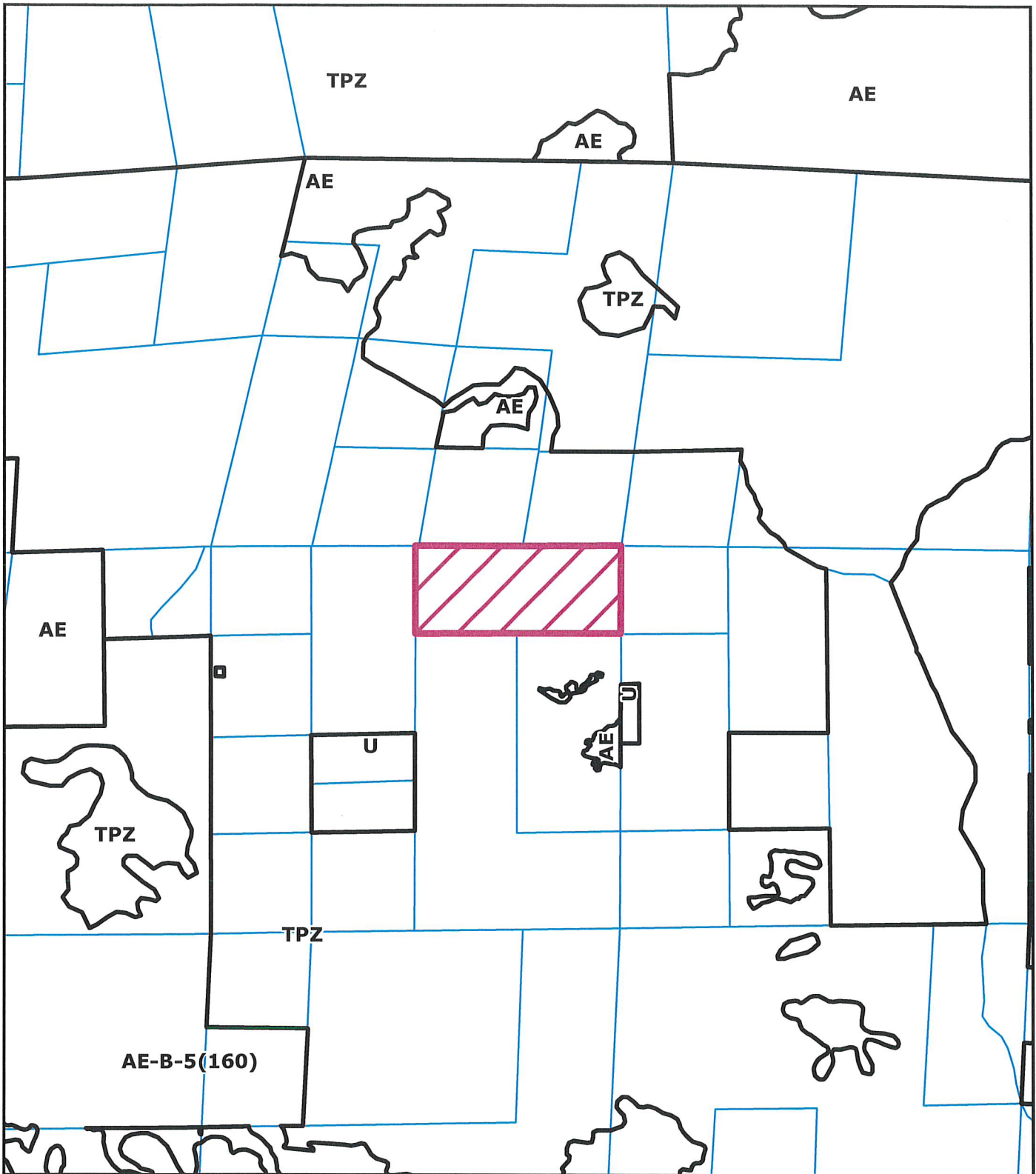


Project Area = 

**TOPO MAP  
PROPOSED LSK-ART LLC  
KNEELAND AREA  
CUP-16-745  
APN: 317-182-021-000  
T03N R04E S35 HB&M (SHOWERS MTN)**

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 LSK-ART LLC  
KNEELAND AREA  
CUP-16-745**

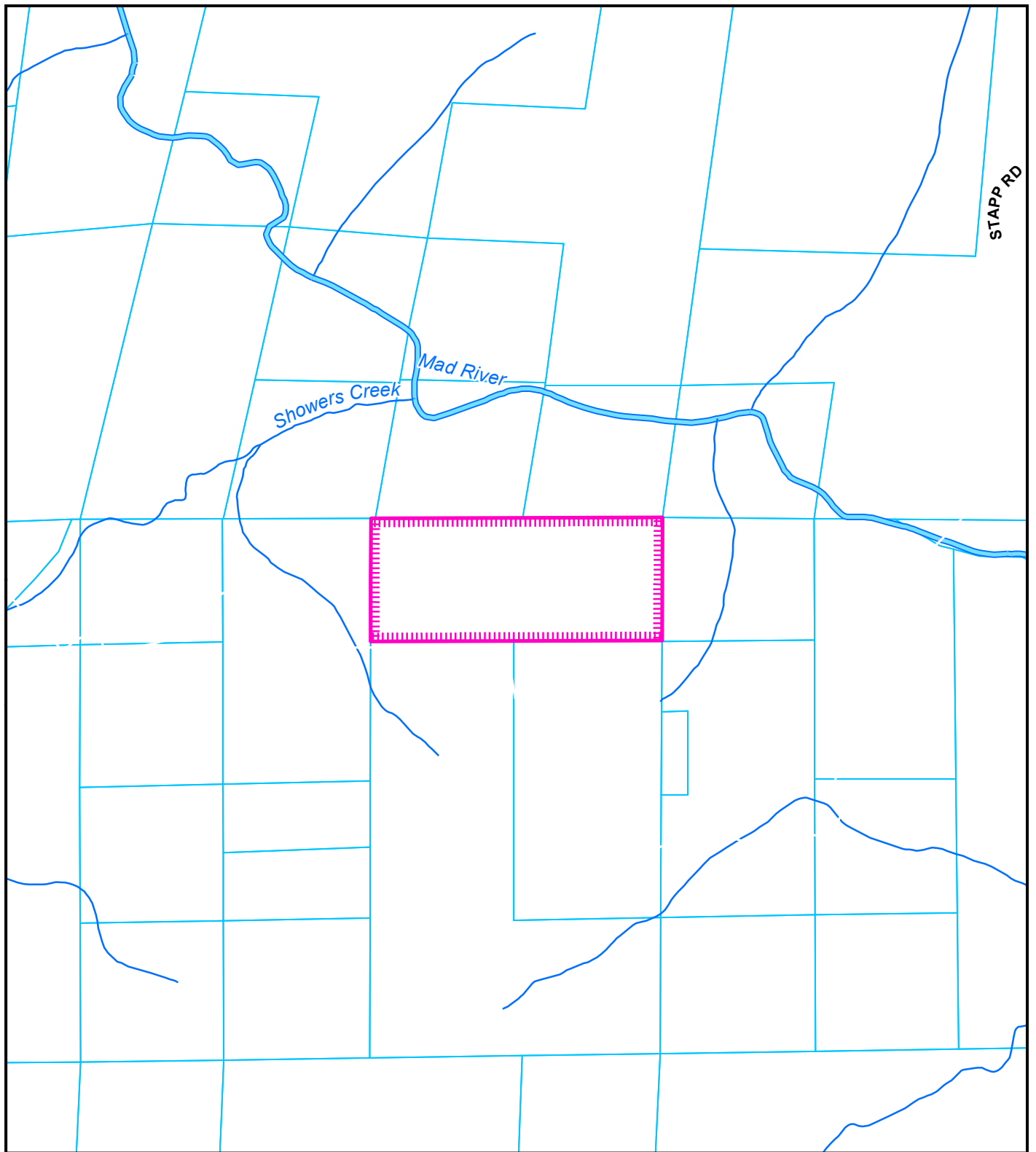
**APN: 317-182-021-000**

**T03N R04E S35 HB&M (SHOWERS MTN)**

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

0 1,000 2,000 4,000 Feet





Project Area = 

**AERIAL MAP  
PROPOSED LSK-ART LLC  
KNEELAND AREA  
CUP-16-745  
APN: 317-182-021-000  
T03N R04E S35 HB&M (SHOWERS MTN)**

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

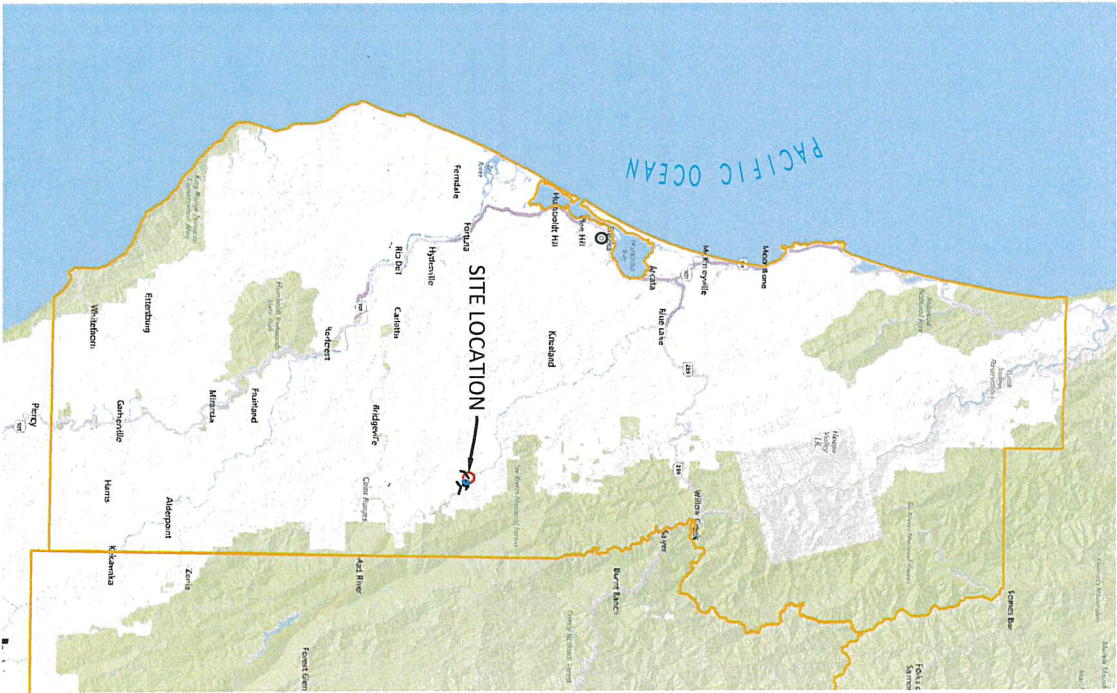


0 1,000 2,000 Feet



VICINITY MAP

1:10,000



PROJECT DIRECTIONS  
FROM: EUREKA, CA  
HEAD SOUTHEAST ON MYRTLE AVE (4.3MI)  
TURN RIGHT ONTO FRESHWATER RD (7.3MI)  
CONTINUE ONTO KNEELAND RD (5.0MI)  
SLIGHT LEFT ONTO MOUNTAIN VIEW RD (11.6MI)  
TURN LEFT ONTO SHOWERS PASS RD (9.5MI)  
SLIGHT LEFT ONTO STAPP RD (1.0MI)  
TURN LEFT TO STAY ON STAPP RD (2.6MI)  
FOLLOW DIRT ROAD UNTIL SITE IS ON RIGHT

TRAVEL TIME  
APPROXIMATELY: 2 HOURS 5 MINUTES (42.1 MI)

SHEET INDEX  
CP-COVER PAGE  
C1-PARCEL OVERVIEW  
C2-INSET A & B

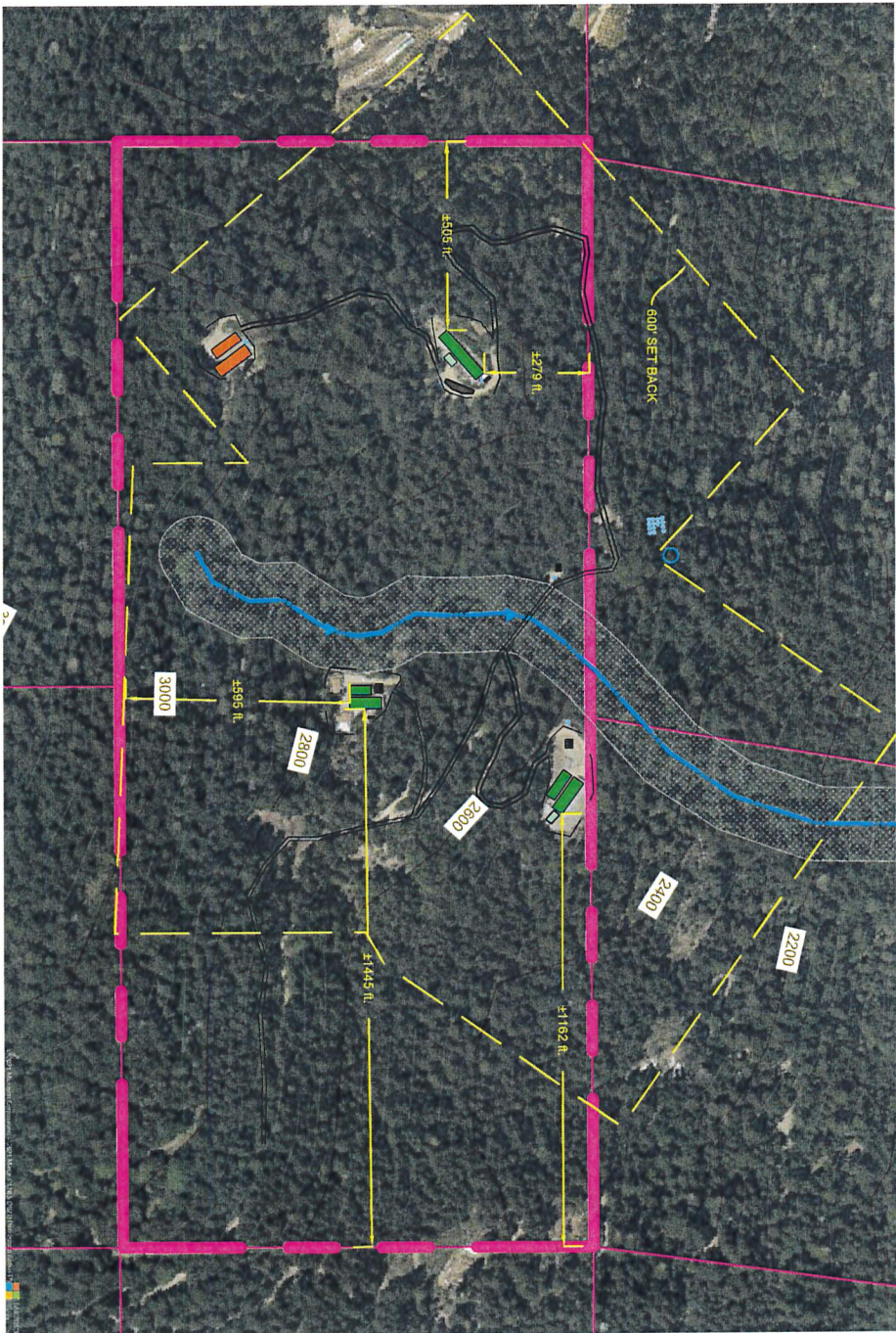
PROJECT INFORMATION  
LAT/LONG: 40.5016, -123.6894  
APN: 317-182-021  
APPLICANT: LSK-ART, LLC  
PARCEL SIZE: 1.00 ACRES  
ZONING: T1  
APPLICATION TYPE:  
COASTAL ZONE: N  
100 YEAR FLOOD: N

AGENT:  
KAYLE SAXON  
GREEN ROAD CONSULTING INC  
1650 CENTRAL AVE, SUITE C  
MCKINLEVILLE, CA 95519  
707-630-5041

LSK-ART, LLC

APN: 317-182-021

AERIAL MAP



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

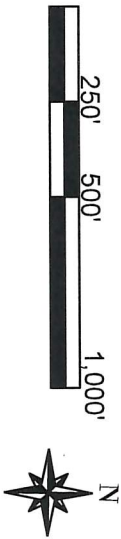
PROJECT INFORMATION

PROPERTY OWNER  
ADDRESS  
SHEET INFO

LSK-ART, LLC  
317-182-021  
COVER PAGE



GREEN  
ROAD  
CONSULTING



REVISIONS		
NO	NOTES	DATE
1	NOTES-INITIALS	06-06-00
2	NOTES-INITIALS	06-06-00
3	NOTES-INITIALS	06-06-00
4	NOTES-INITIALS	06-06-00
5	NOTES-INITIALS	06-06-00
6	NOTES-INITIALS	06-06-00

DATE 7/28/21  
DRAFTER DH  
SCALE AS SHOWN

CP



APN: 317-182-021

## PROJECT INFORMATION

## OUTDOOR CULTIVATION AREA

GH	LENGTH	WIDTH	SQ FT
1	150	30	4,500
2	100	32	3,200
3	80	27	2,160
4	85	30	2,550
5	50	25	1,250

**IMMATURE PLANT AREA**

<u>NURSERY</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>SQ FT</u>
1	32.5	20	650
2	32.5	20	650

## CULTIVATION BUILDINGS AND USE

	USE	SIZE	YEAR
MULTI-USE BUILDING 1	DRYING/HARVEST STORAGE/ CHEMICAL AG STORAGE SHED	50'x20'	2015
MULTI-USE BUILDING 2	DRYING/HARVEST STORAGE/ CHEMICAL AG STORAGE SHED	2,160 FT <sup>2</sup>	2015
ADMIN HOLD BUILDING	ADMIN HOLD AREA	1,840 FT <sup>2</sup>	2015

## DOMESTIC BUILDINGS AND USE

<u>BUILDINGS</u>	<u>USE</u>	<u>SIZE</u>	<u>YEAR</u>
RESIDENCE†	DOMESTIC STORAGE/ SEASONAL LIVING	1,024 FT²	2015

## WATER STORAGE AND USE

<u>TYPE</u>	<u>QUANTITY</u>	<u>GALLONS</u>	<u>TOTAL GALLONS</u>
HDPE TANK	4	2,500	10,000
HDPE TANK	5	5,000	25,000
HDPE TANK (PROPOSED)	10	5,000	50,000
TOTAL AMOUNT OF WATER STORAGE=			85,000 GALLONS

WATER SOURCE

TYPE	LAT/LONG	BENEFICIAL USE
POINT OF DIVERSION 1	40.8027, -123.6902	CANNABIS IRRIGATION
POINT OF DIVERSION 2	40.8014, -123.6914	DOMESTIC IRRIGATION
WELL	40.8036, -123.6914	CANNABIS IRRIGATION

**POWER SOURCE**

25KW GENERATOR, (2)7KW GENERATORS, (2)3KW GENERATORS

## SURROUNDING BUILDINGS

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.

<u>REVISIONS</u>		
NO.	NOTES	DATE

1	NOTES-INITIALS	00-00-00
2	NOTES-INITIALS	00-00-00
3	NOTES-INITIALS	00-00-00
4	NOTES-INITIALS	00-00-00
5	NOTES-INITIALS	00-00-00
6	NOTES-INITIALS	00-00-00

DATE	7/28/21
DRAFTER	DH
SCALE	AS SHOWN

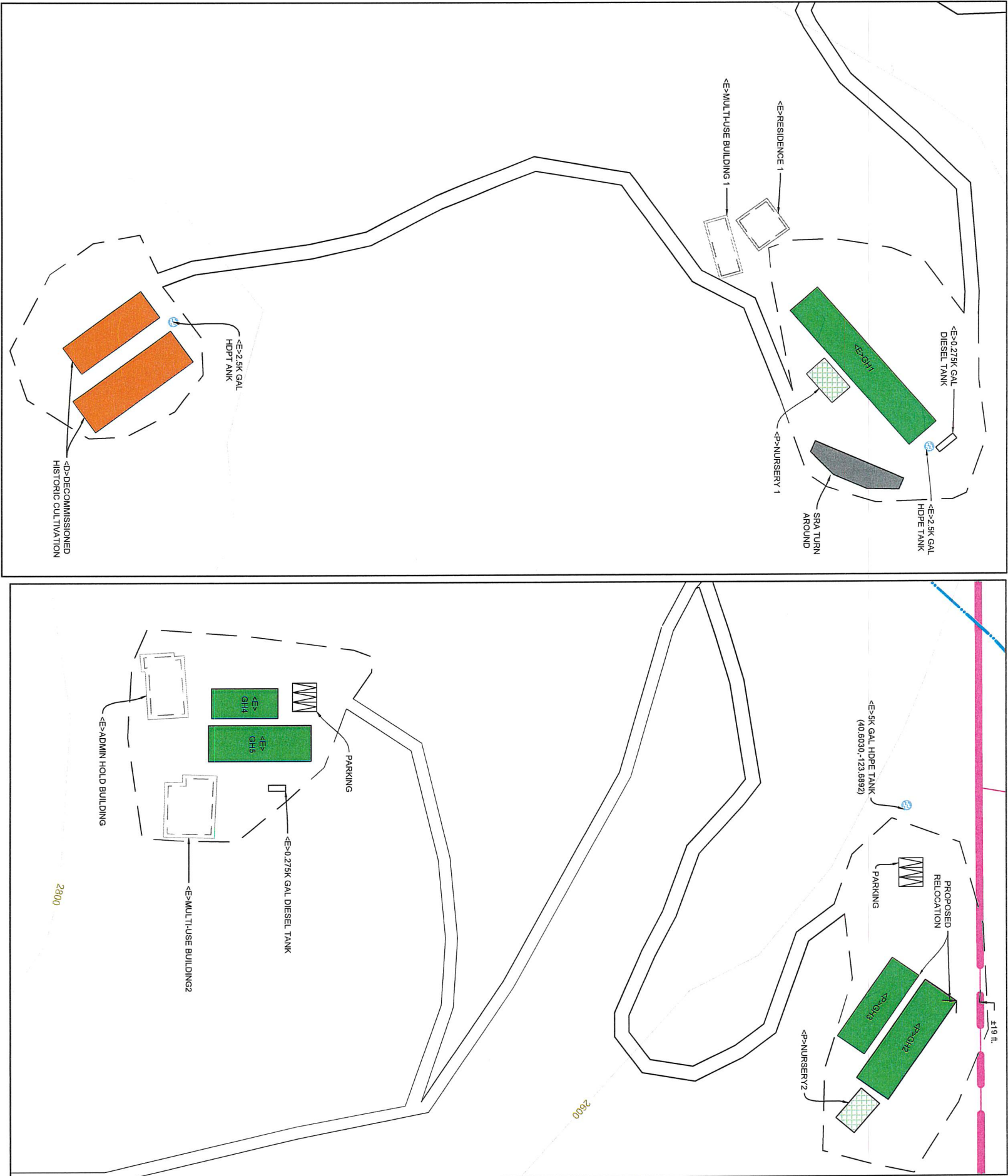
**GREEN  
ROAD  
CONSULTING**

## PROJECT INFORMATION

PROPERTY OWNER	LSK-ART, LLC
ADDRESS	317-182-021
SHEET INFO	PARCEL OVERVIEW

INSET A & B

APN: 317-182-021



SHEET INFORMATION

OUTDOOR CULTIVATION AREA

GH	LENGTH	WIDTH	SQ FT
1	150	30	4,500
2	100	32	3,200
3	80	27	2,160
4	85	30	2,550
5	50	25	1,250

TOTAL OUTDOOR CULTIVATION AREA = 13,660 SQ FT

IMMATURE PLANT AREA

NURSERY	LENGTH	WIDTH	SQ FT
1	32.5	20	650
2	32.5	20	650

TOTAL IMMATURE PLANT AREA = 1,300 SQ FT

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
MULTI-USE BUILDING 1	DRYING/HARVEST STORAGE/ CHEMICAL AG STORAGE SHED	50'x20'	2015
MULTI-USE BUILDING 2	DRYING/HARVEST STORAGE/ CHEMICAL AG STORAGE SHED	2,160 FT²	2015
ADMIN HOLD BUILDING	ADMIN HOLD AREA	1,840 FT²	2015

DOMESTIC BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
RESIDENCE1	DOMESTIC STORAGE/ SEASONAL LIVING	1,024 FT²	2015

WATER STORAGE AND USE

TYPE	QUANTITY	GALLONS	TOTAL GALLONS
HDPE TANK	2	2,500	5,000
HDPE TANK	1	5,000	5,000
		TOTAL AMOUNT OF WATER STORAGE=	10,000 GALLONS

PROJECT INFORMATION

PROPERTY OWNER  
ADDRESS  
SHEET INFO

LSK-ART, LLC  
317-182-021  
INSET A & B

REVISIONS

NO	NOTES	DATE
1	NOTES-INITIALS	00-00-00
2	NOTES-INITIALS	00-00-00
3	NOTES-INITIALS	00-00-00
4	NOTES-INITIALS	00-00-00
5	NOTES-INITIALS	00-00-00
6	NOTES-INITIALS	00-00-00

DATE 7/28/21

DRAFTER DH

SCALE AS SHOWN

SHEET

C2



GREEN  
ROAD  
CONSULTING

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 60 days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State California Environmental Quality Act Guidelines. **The Department will file the NOD and will charge this filing cost to the project.**
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #20. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.



8. Obtain a permit to operate any EPA Tier 4 diesel generator from the North Coast Unified Air Quality Management District, if applicable, and obtain an electric permit from the County's Building Department.
9. The applicant shall submit a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
10. The applicant shall obtain a permit for the proposed Onsite Wastewater Treatment System (OWTS) with the Division of Environmental Health (DEH) by completing the percolation test and septic design or any other reports deemed necessary by DEH. A letter or similar communication from DEH verifying that the OWTS is permitted will satisfy this condition.
11. The applicant shall install water monitoring device on each source—well and surface diversion if/when utilized and storage tanks as applicable—to monitor water used for cannabis irrigation separate from domestic use.
12. The applicant shall implement the recommendations of the Road Evaluation Report with Part B prepared for the two access roads (Shower's Pass and Stapp Road) by Omsberg & Preston. This report focuses on the un-evaluated 4.4-mile portion of Shower's Pass Road (from MP 4.0 to Stapp Road intersection [MP 8.4]), the 3.1-mile stretch of County maintained Stapp Road and the 5-mile private portion of Stapp Road to the project site, for a total road evaluation length of 12.5 miles. This comprehensive Road Evaluation report included recommended road improvements at specific mile points along both Shower's Pass and Stapp Road through the formation of a Road Maintenance Association between their client and the other seven cannabis applications within the County that also access their parcels via Stapp Road. The applicant shall make a demonstrated effort form a Road Maintenance Association with the neighbors within 1-year so that the necessary road improvements can be completed within 2 years. An encroachment permit from the Department of Public Works Land Use Division is required for all work within the County rights-of-way of Shower's Pass Road and Stapp Road. Furnishing Public Works with the necessary post-improvement documentation shall satisfy this condition.
13. The applicant shall adhere to the Site Management Plan (SMP) and implement all corrective actions detailed in the SMP developed for the project including additional rock surfacing of the steep road leading to cultivation area A, replacement of an undersized culvert on one Class II watercourse crossing (included in the final Lake and Streambed Alteration Agreement), and the installation of monitoring devices on all points of diversion and water storage tanks used to irrigate cannabis. The SMP has been prepared pursuant to Tier 2 low-risk enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities. A letter or similar communication from the SWRCB verifying that all their requirements have been met will satisfy this condition.
14. The applicant shall amend the SMP to include an evaluation of the generators and fuel storage tanks and submit a copy to the SWRCB and to Planning and Building.
15. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
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 Humboldt County Code and available at the Planning Division.
18. The applicant shall relocate the greenhouse labeled as GH #2 on the site plan to be a minimum of 30 feet from the norther property line. Within 60 days of the effective date of permit approval the applicant shall submit a revised site plan showing the location of the relocated greenhouse consistent with required setbacks.
19. The applicant shall submit a revised site plan and operations plan to reflect recommendations in WRPP regarding additional tank storage to a total of 115,000 gallons in order to accommodate forbearance needs and the addition of Site B in the WRPP that is to be retired and restored to the site plan.
20. All remediation work recommended in the February 23, 2019 letter from Timberland Resource Consultants shall be completed, including the following:
  - a) Historic Cultivation Area B: All cultivation related materials, supplies and equipment shall be removed from the cultivation area and placed where it cannot be transported by wind or rain to any watercourse. Following complete removal of the cultivation area, any exposed soils are to be immediately treated with erosion control measures set forth in the BMP's attached to this letter. Additionally, the site shall be replanted with conifers per the restocking plan attached to this letter. Within 2 years following restocking the landowner shall have an RPF certify that this cultivation area meets the stocking standards of 14CCR 912.7.
  - b) Historic Cultivation Area E: All cannabis cultivation related infrastructure and material shall be removed from the graded flat. Trash, refuse, and solid waste shall be disposed of at an appropriate waste disposal location. Following complete removal of the cultivation area, any exposed soils are to be immediately treated with erosion control measures set forth in the WRPP's BMP's. The graded flat's cut-slopes and fill-slopes are well vegetated with local grasses, brush, and conifer regeneration, and therefore no excavation and grading back to pre-existing contours is proposed or necessary. Furthermore, the site could definitely be used as a log landing in the future. The imported soil may be tilled into the native soil to an approximate depth of 4-8 inches. The steep access road shall be waterbarred at a spacing consistent with a "high" Erosion Hazard Rating per 14CCR 914.6 of the Forest Practice Rules. The road shall be not decommissioned; it will be needed as a skid road or truck road for future timber operations. In addition, the landowner shall re-plant this site with conifers per the Restocking Plan attached to this letter. Within two years following re-stocking, the landowner shall have an RPF certify that CA E meets the stocking standards of 14CCR 912.7.
21. The applicant shall transition to renewable energy for the majority of the power to supply the cannabis operation by January 1, 2026. Starting on January 1, 2026 generators shall only be used for emergency backup purposes.

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

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

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

2. All artificial lighting in greenhouses shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low-Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1 and B.2, within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and 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 project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
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 2 years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

12. 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. Compliance with all statutes, regulations, and requirements of the SWRCB 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. 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. Maintain enrollment in Tier 1, 2, or 3, certification with State Water Quality Control Board Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife.
17. 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. Consent to an annual onsite 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. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. 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 Business and Professions Code section 26051.5(a)(8), 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;
    - (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 Cultivation Special Permit issued pursuant to the CMMLUO shall expire 1 year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
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 10 days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus 3 days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

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 2 years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within 1 year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 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 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.

**ATTACHMENT 2**

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

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

**APN 317-182-021 and 317-033-007  
Pilot Ridge Area, County of Humboldt**

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

**July 2021**

## Background

### **Modified Project Description and Project History –**

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less-than-significant-level.

The modified project involves a Conditional Use Permit for an existing 13,686-square-foot (SF) outdoor cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The site is designated Timberland (T) in the Humboldt County 2017 General Plan and zoned Timber Production Zone (TPZ). The 13,686 SF of outdoor cannabis cultivation occurs in five locations on the parcel. Two harvests are anticipated annually for a growing season that extends from March through November. Drying (and bucking) occurs onsite in two existing sheds. All processing is currently done outdoors by collective members using a trimming machine. However, future processing activities will be conducted offsite at a licensed facility and a permanent onsite wastewater treatment system shall be installed as a condition of approval. Between three and five employees may be utilized during peak operations. Electricity is sourced from two generators ranging from 3 to 25 kilowatts in power. Two 275-gallon diesel storage tanks have been installed to replace inappropriate fuel storage facilities. Access to the project site is from a locked gate and there are game cameras placed over the gate, buildings, and cultivation areas. A Cultural Resources Investigation was prepared in September 2018 by Archaeological Research and Supply Company. The report concluded that no pre-existing resources were located on the subject parcel and none will be impacted by this project if the mitigation recommendations are followed, including the Inadvertent Discoveries Protocol. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources. Cal Fire accepted a less-than-3-acre conversion report prepared in 2015. All water used for cultivation is sourced from a permitted groundwater well (18/19-0279) and two surface water diversions from an unnamed Class II tributary of the Mad River for which a Right to Divert and Use Water has been obtained (Certificate H100384). The well is also registered with the California Department of Water Resources (WCR2018-009651). Existing available water storage is 15,000 gallons in 5 water tanks and the applicant plans to install 20 5,000-gallon water tanks for a total storage of 115,000 gallons. Estimated annual water usage is 125,932 gallons (8.4 gallons/SF/year) with peak demand occurring in July and August at approximately 25,000 gallons. A Final Lake and Streambed Alteration Agreement (LSAA 1600-2018-0749-R1) with the California Department of Fish and Wildlife includes, but is not limited to, the: avoidance of Foothill Yellow-Legged Frog or nesting birds through pre-construction surveys by a qualified biologist; to seasonally confine work to the dry period of June 15 through October 15 of each year; to avoid impacts to riparian vegetation; and to incorporate stream protection and water diversion minimization measures, including allowing 90% of the stream flow to pass through the creek at all times of the year through documented monitoring records.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts on biological resources as a result of light and noise.

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

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

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

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CMMLUO 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 Plans prepared by Green Road Consulting dated 1/8/19 and received 1/14/19.
- Cultivation and Operations Plan prepared by Green Road Consulting dated 1/8/19 and received 1/14/19.
- Right to Divert and Use Water, Certificate H100384 with the State Water Resources Control Board (SWRCB), Division of Water Rights.
- Site Management Plan prepared by Timberland Resource Consultants for the SWRCB's Cannabis Cultivation Policy Order WQ 2019-0001-DWQ, dated 8/6/20.
- Less-Than-3-Acre Conversion Exemption dated 11/6/15, received 11/6/15.
- Road Evaluation Report 1 for Stapp Road and Showers Pass Road prepared by applicant, dated 1/8/19, received 1/14/19.
- Road Evaluation Report 2 for Stapp Road and Showers Pass Road prepared by Omsberg & Preston engineers, dated 7/14/19, received 12/31/19; and Attachment B, received 6/10/2021 for APN: 317-033-006.

- Cultural Resources Investigation of the Stoyanov Property prepared by Archaeological Research and Supply Company in September 2018.
- California Department of Fish and Wildlife Final Streambed Alteration Agreement Notification No. 1600-2018-0749-R1 signed 4/29/19.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

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

### ATTACHMENT 3

#### Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within 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 Plans prepared by Green Road Consulting dated 1/8/19 and received 1/14/19 – **Attached** with project maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Green Road Consulting dated 1/8/19 and received 1/14/19 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board (SWRCB), Division of Water Rights, if applicable. (SWRCB Right to Divert and Use Water Certificate H100384 – **Attached**)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for SWRCB General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (RWQCB) demonstrating enrollment in Tier 1, 2 or 3, North Coast RWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ – Attached; Site Management Plan dated 8/6/20 - **Attached**)
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. (Notification No. 1600-2018-0749-R1 executed 4/29/19 – **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Permit Number 18/19-0279 – **Attached**)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a Less-Than-3-Acre Conversion Exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Cal Fire Less-Than-3-Acre Conversion Exemption dated 11/6/15 – **Attached**)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System. (On file)
15. Cultural Resources Investigation of the Stoyanov Property prepared by Archaeological Research and Supply Company in September 2018 (On file and confidential).
16. Road Evaluation Reports for Stapp Road and Showers Pass Road prepared by applicant, dated 1/8/19, received 1/14/19, and Attachment B received 6/10/2021. (**Attached**)
17. Road Evaluation Report for Stapp Road and Showers Pass Road prepared by Omsberg & Preston in July 15, 2019, received 12/31/2019. (**Attached**)





Humboldt County Planning Department  
3015 H Street  
Eureka, CA 95501

***RE: LSK-ART, LLC – Humboldt County APPS 12556– APN: 317-182-021***

July 21, 2021

To Whom It May Concern:

The following information should be added to the Cultivation and Operations Plan for LSK-ART, LLC, APPS #12556, APN: 317-182-021.

**Cultivation Area**

The applicant wishes to adhere to their issued Interim Permit allocation from November 19, 2018. Please see the outline below of the breakdown.

**Outdoor Cultivation Area**

**Greenhouse #1**

Greenhouse #1 is a 150'x30' greenhouse structure totaling 4,500 ft<sup>2</sup> of cultivation area.

**Greenhouse #2**

Greenhouse #2 is a 100'x32' greenhouse structure totaling 3,200 ft<sup>2</sup> of outdoor cultivation.

**Greenhouse #3**

Greenhouse #3 is a 80'x27' greenhouse structure totaling 2,160 ft<sup>2</sup> of outdoor cultivation.

**Greenhouse #4**

Greenhouse #4 is a 85'x30' greenhouse structure totaling 2,550 ft<sup>2</sup> of outdoor cultivation.

**Greenhouse #5**

Greenhouse #5 is a 50'x25' greenhouse structure totaling 1,250 ft<sup>2</sup> of outdoor cultivation.

*\*Total cultivation=13,660ft<sup>2</sup>*

**Immature Plant Area/Onsite Nursery**

### Nursery 1 and 2

Nursery's 1 and 2 are both 32.5'x20' greenhouses totaling 1,300 ft<sup>2</sup>

### Existing Onsite Water Storage

- Four (4) 2,500-gallon HDPE tanks
- Five (5) 5,000-gallon HDPE tanks

### Proposed Water Storage

- Eight (8) 5,000-gallon HDPE tanks

### Water Source

The applicant currently has two water sources for cannabis irrigation. There is a groundwater well held by permit 18/19-0279. There is also a registered surface diversion held by Small Irrigation Use Registration Certificate number H504249.

There is a second surface diversion utilized for domestic use only.



Humboldt County Planning Department  
3015 H Street  
Eureka, CA 95501

**RE: LSK-ART, LLC – Humboldt County APPS 12556– APN: 317-182-021**

January 8<sup>th</sup>, 2019

To Whom It May Concern:

The following information should be added to the Cultivation and Operations Plan for LSK-ART, LLC, APPS #12556, APN: 317-182-021.

**License Type**

The Applicant no longer wishes to pursue a permit for existing mixed light cultivation. The Applicant wishes to pursue a permit for existing outdoor. The Applicant will run light depth in their Greenhouses but will no longer use artificial lights in their greenhouses effective this cultivation season.

**Cultivation Area**

\*Please note, the Applicant anticipates two annual harvests. They will be utilizing the light deprivation techniques.

**Greenhouse #1**

Greenhouse #1 is a 60'x34' greenhouse structure totaling 2,040 ft<sup>2</sup> of outdoor cultivation.

**Greenhouse #2**

Greenhouse #2 is a 87'x34' greenhouse structure totaling 2,958 ft<sup>2</sup> of outdoor cultivation.

**Greenhouse #3**

Greenhouse #3 is a 48'x55' greenhouse structure totaling 2,640 ft<sup>2</sup> of outdoor cultivation.

**Greenhouse #4**

Greenhouse #4 is a 109'x42' greenhouse structure totaling 4,578 ft<sup>2</sup> of outdoor cultivation.

**Greenhouse #5**

Greenhouse #5 is a 42'x35' greenhouse structure totaling 1,470 ft<sup>2</sup> of outdoor cultivation.

*\*Total outdoor cultivation=13,686ft<sup>2</sup>*



**GREEN  
ROAD**  
CONSULTING

## **Site Plan Overview and Cultivation and Operations Plan**

### **Applicant**

LSK-ART, LLC.

1011 Ygnacio Valley Road, Apt T,

Walnut Creek, CA 94598

Parcel: 317 - 182 - 021

### **Agent**

Ariel Kittredge

Green Road Consulting, Inc.

1650 Central Avenue, Suite C

McKinleyville, CA 95519



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## I. Site Plan Overview

### 1.0 Project Information

LSK-Art, LLC. ("Applicant") is submitting this application for a Type 3 Use Permit for 13,368 square feet of existing outdoor commercial cannabis cultivation 5,000 square feet of existing mixed light commercial cannabis cultivation on a 100-acre parcel, located near Kneeland, CA ("Parcel"), Assessor's Parcel Number 317-182-021.

All water used for cultivation is sourced from two (2) point of diversions from springs which are hydrologically connected to a Class II Watercourse. There are four (4) 2,500-gallon and one (1) 5,000-gallon HDPE water tanks that total 15,000 gallons of hard tank water storage. The Applicant is proposing to install twenty (20) 5,000 gallons of HDPE water tanks that total to 100,000 gallons of hard tank storage. The total amount of water storage will increase to 115,000-gallons. The Applicant is estimating to use 125,932-gallons of water annually.

There are five (4) existing structures on the parcel. Two (2) Residences, two (2) Dry Sheds, and one (1) RV. The 52'x30' Residence #1 was built in 2015 and is used as a place of living. The 24'x50' Residence #2 was built in 2016 and is used as a place of living. The 20'x50' Dry Shed #1 was built in 2017 and is used for drying cannabis and storing fertilizers. The 40'x40' Dry Shed #2 was built in 2016 and is used for drying cannabis and storing fertilizers. The 14'x6' RV was brought to the property sometime in the 1980s and is being used as a break room for the Applicant and family members.

The Applicant is expecting two (2) harvests via light deprivation, sometime in July and October. All processing completed outside by collective members using a trimming machine.

Some cultivation related activities reside within a permitted Less Than 3 Acre Conversion. A copy of the conversion permit and additional information is included in the Other Permits, Licenses and Documents section of this application. The cultivation activities that do not reside in a permitted Less Than 3 Acre Conversion, reside on existing graded flats.

This application is submitted through his agent, Ariel Kittredge of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Type 3 Use Permit would achieve the following results for the Applicant:

- a. Permit 13,368 square feet of Outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO;
- b. Permit 5,000 square feet of Mixed Light commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO; and
- c. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").



## **2.0 Project Location**

The Applicant's Parcel is located in the inland zone of Humboldt County near Kneeland, CA. The Parcel is comprised of 100-acres and is identified by Assessor's Parcel Number ("APN") 317-182-021.

### **2.1 Zoning Classification**

The County's Zoning Classification of the Parcel is TPZ with a Current General Plan of T (FRWK). The CMMLUO permits existing Outdoor commercial cannabis cultivation and existing Mixed Light commercial cannabis cultivation on land zoned as TPZ with cultivation sites up to 43,560 square feet.

### **2.2 Site Topography**

A map of the Parcel's topography is included as Attachment "A."

## **3.0 Easements**

The following information is taken from Exhibit "A" of the recorded Grant Deed, a copy of which is included in the Evidence of Ownership and Authorization section of this Application.

"EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

### **TRACT ONE**

The Southwest Quarter of the Southeast Quarter of Section 26 and the North Half of the Northeast Quarter of Section 35, Township 3 North, Range 4 East, Humboldt Meridian.

### **TRACT TWO**

Easements to construct, reconstruct, maintain and use a private road 50 feet in width as set forth in Exchange of Road Easements executed by Sierra Pacific Holding Company, R.H. Emmerson and Son, LLC, Arkley Family Trust and Androm-Ryedal Company Inc., recorded June 16, 1999, as Document No. 1999-17539-7, Humboldt County Official Records.

### **TRACT THREE**

Easement for ingress and egress over the route commonly known as Stapp Road, as set forth in Stipulated Judgment Re: Stapp Road Access, Humboldt County Superior Court Case No. 77289, a certified copy of which was recorded August 20, 1990, as Document No. 1990-19730-2, Humboldt County Official Records.

### **TRACT FOUR**

A non-exclusive easement for ingress and egress for recreational and residential purposes over and across the existing road which begins on the south line of the Northeast Quarter of the Northwest Quarter of Section 34, Township 3 North, Range 4 East, Humboldt Meridian

and runs in a general northerly direction to a point on the east line of the Southeast Quarter of the Southwest Quarter of Section 27, Township 3 North, Range 4 East, Humboldt Meridian.

Being the same as granted in the deed from Glenda D. Stapp, trustee recorded August 28, 2013 as Instrument No. 2013-20135-3, Humboldt County Official Records. Said road strip being more particularly shown on Exhibit B attached to said deed.

#### TRACT FIVE

A non-exclusive easement for ingress and egress for all legal purposes over and across the existing road crossing the southern portion of the East Half of the Northwest Quarter of said Section 35.

APN: 317-033-007 & 317-182-021"

#### **4.0 Natural Waterways**

There are three (3) Class III Drainages, two (2) Class II Watercourses that cross the Parcel.

The Applicant has a Water Resource Protection Plan ("WRPP") completed by Timberland Resource Consultants for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II discharger.

#### **5.0 Location and Area of Existing Cultivation**

The 13,368 square feet of Outdoor cannabis cultivation occurs in five (5) locations on the parcel and the 5,000 square feet of Mixed Light cultivation will occur in two (2) locations on the parcel.

##### **Existing Outdoor Cultivation**

##### **Greenhouses #2**

Greenhouses #2 is located in the southwestern section of the parcel on a permitted Less Than 3 Acre Conversion flat. Greenhouse #1 is 2,240 square feet and Greenhouse #2 is 2,640 square feet of outdoor cannabis cultivation.

##### **Greenhouse #3**

Greenhouse #3 is located in the northwestern section of the parcel on a permitted Less Than 3 Acre Conversion flat. It consists of approximately 4,578 square feet of outdoor cannabis cultivation.

##### **Greenhouse #4**

Greenhouse #4 is located in the northeastern section of the parcel on a permitted Less Than 3 Acre Conversion flat. It consists of approximately 4,680 square feet of outdoor cannabis cultivation.

##### **Greenhouse #5**

Greenhouse #5 is located in the southeastern section of the parcel on an existing graded flat. Greenhouse #5 consists of approximately 1,470 square feet of outdoor cannabis cultivation.



**Existing Mixed Light Cultivation**

**Greenhouse #1**

Greenhouse #1 is located in the northwestern section of the parcel next to Greenhouse #2 on a permitted Less Than 3 Acre Conversion flat. It is 2,042 square feet of mixed light cultivation.

**Greenhouse #7**

Greenhouse #7 is located in the northeastern section of the parcel next to Greenhouse #6 on an existing graded flat. It is 2,958 square feet of mixed light cultivation.

**6.0 Setbacks of Cultivation Area**

**Existing Outdoor Cultivation**

**Greenhouses #2**

Greenhouses #2 is setback from the southern parcel line by approximately 229 feet and the western parcel line by approximately 533 feet.

**Greenhouse #3**

Greenhouse #3 is setback from the northern parcel line by more than 93 feet and the westerns parcel line by approximately 533 feet.

**Greenhouse #4**

Greenhouse #4 is setback from the northern parcel line by approximately 93 feet and the eastern parcel line by approximately 1,175 feet.

**Greenhouses #5**

Greenhouses #5 is setback from the eastern parcel line by approximately 1,175 feet and the southern parcel line by approximately 551 feet.

**Existing Mixed Light Cultivation**

**Greenhouse #1**

Greenhouse #4 is setback from the northern parcel line by more than 93 feet and the western parcel line by approximately 533 feet.

**Greenhouse #7**

Greenhouse #7 is setback from the northern parcel line by more than 93 feet and the eastern parcel line by approximately 1,175 feet.

**7.0 Access Roads**

The Parcel is located off Stapp Road which is maintained by Cal-Trans.

One stream crossing on a Class II Watercourse is located on the property. During multiple inspection of the roads, cultivation areas, and watercourses, seven sites were identified where road surface runoff was not being adequately dispersed and erosion of the road surface was occurring. Of these seven sites, four have existing surface drainage structures in need of maintenance. The remaining three shall have new drainage structures installed.

## **8.0 Graded Flats**

Some cultivation related activities reside within a permitted Less Than 3 Acre Conversion. A copy of the conversion permit and additional information is included in the Other Permits, Licenses and Documents section of this application.

The cultivation activities that do not reside in a permitted Less Than 3 Acre Conversion, reside on existing graded flats.

## **9.0 Existing and Proposed Buildings**

### **Domestic Buildings**

#### **Residence #1**

Residence #1 is an existing 30'x52' structure that is used as a place of living. It was constructed in 2015 and will require permitting with the Humboldt County Building Department.

#### **Residence #2**

Residence #2 is an existing 24'x50' structure that is used as a place of living. It was constructed in 2016 and will require permitting with the Humboldt County Building Department.

### **Cultivation Buildings**

#### **Dry Shed #1**

Dry Shed #1 is an existing 30'x50' structure that is used for the drying/curing of harvested cannabis and for storing fertilizers. It was constructed in 2017 and will require permitting with the Humboldt County Building Department.

#### **Dry Shed #2**

The Dry Shed #2 is an existing 40'x40' structure that is used for drying harvested cannabis and for storing fertilizers. It was constructed in 2016 and will require permitting with the Humboldt County Building Department.

#### **RV**

The RV is an existing 14'x6' structure that is being used as a break room for the Applicant and for collective members. It was brought to the property sometime in the 1980s and may require permitting with the Humboldt County Building Department.

## **10.0 Water Source, Storage, Irrigation Plan and Projected Water Usage**

### **10.1 Water Source**

All water used for cultivation is sourced from two (2) point of diversions sourced from springs which are hydrologically connected to a Class II Watercourse.

### **10.2 Water Storage**

There are four (4) 2,500-gallon and one (1) 5,000-gallon HDPE water tanks that total 15,000 gallons of hard tank water storage. The Applicant is proposing to install twenty (20) 5,000 gallons of HDPE water tanks that total to 100,000 gallons of hard tank storage.

The total water storage will increase to 115,000-gallons once the proposed tanks are installed.

### **10.3 Irrigation Plan**

All irrigation of cannabis is completed by a timed, metered, drip irrigation system preventing any over watering or runoff.

### **10.4 Projected Water Use**

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

All water used for cultivation is sourced from the permitted, confined aquifer well. The Applicant estimates their annual water use to be 125,932-gallons.

## **11.0 Site Drainage, Runoff, Erosion Control Measures and Watershed Protection**

There are three (3) Class III Drainages, two (2) Class II Watercourses that cross the Parcel.

### **11.1 Site Drainage, Runoff, Erosion Control Measures**

Greenhouses #5 - #6 are located in a clearing, on a graded flat with slopes of less than 5% and adjoining natural hillslopes of approximately 34%. Surrounding the cultivation area are densely vegetated forest of conifer and tanoak with the nearest riparian area approximately 150' away. The cultivation area is well drained with no associated erosion.

Greenhouse #4 is located in a clearing, on a graded flat with a slope of less than 5% and adjoining natural hillslopes of approximately 36%. Surrounding the cultivation area are densely vegetated forest of conifer and tanoak with the nearest riparian area approximately 290' away. The cultivation area is well drained with no associated erosion.

Greenhouse #3 is located in a clearing, on a graded flat with slopes of less than 5% and adjoining natural hillslopes of approximately 29%. Surrounding the cultivation

area are densely vegetated forest of conifer and tanoak with the nearest riparian area approximately 680' away. The cultivation area is well drained with no associated erosion.

Greenhouses #1 - #2 are located in a clearing, on a graded flat with slopes of less than 5% and adjoining natural hillslopes of approximately 34%. Surrounding the cultivation area are densely vegetated forest of conifer and tanoak with the nearest riparian area approximately 550' away. The cultivation area is well drained with no associated erosion.

One stream crossing is located on a Class II Watercourse on the property. It is possible that a buried culvert exists in the fill, however, one could not be located. A new crossing shall be installed with a culvert that is designed to pass flows and debris associated with a 100- year storm event.

During multiple visits to the property, no irrigation runoff, or evidence of such runoff, was observed at any of the four cultivation sites.

#### **11.2 Watershed Protection**

Multiple assessments of the property concluded that four of the five cultivation areas and associated facilities are not located or occurring within 100' of any Class I or II Watercourse or within 50' of any Class III Watercourse or wetland. Buffers maintain natural slopes with native vegetation, and buffers are of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances.

#### **12.0 Distances from Significant Landmarks**

There are no schools, school bus stops, state parks, places of worship or Tribal Cultural Resources within 600 feet of the cultivation site.

## **II. Cultivation and Operations Plan**

### **1.0 Materials Storage**

#### **1.1 Fertilizers and Soil Amendments**

All fertilizers and amendments are located in the Dry Sheds #1 and #2 on the Parcel. Fertilizers, potting soils, compost, and other soils and soil amendments are stored in structures on the property in a manner in which they will not enter or be transported into surface waters and so that nutrients or other pollutants will not be leached into groundwater. Fertilizers and soil amendments are applied and used per the manufacturers guidelines. Cultivation areas are currently maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

#### **1.2 Pesticides and Herbicides**

The use of pesticide products is consistent with product labeling and all products on the property are currently used, and stored in closed structures to ensure that

they do not enter or are released into surface or ground waters. Storage structures are located on a separate property.

### **1.3 Petroleum Products and Other Chemicals**

The Applicant has a 45 KW, 25 KW, two (2) 7 KW, and two (2) 3 KW generators.

Currently, there are five permanent fuel storage sites located on the property. There is a 500-gallon fuel tank is located on the outboard edge of the road. This tank lacks adequate cover and has no secondary containment vessel. There are 275-gallon water totes with large holes are being used as fuel storage vessels. These totes are plumbed to a large generator. There is no cover or secondary containment associated with this site. The plumbing to the generator consists of garden hose valves and garden hoses as fuel line. The water totes and plumbing material are not intended or safe for use with petroleum fuel products. There are two horizontal 55-gallon drums on an elevated metal stand are used for fuel storage. These drums supply fuel to a large generator and the associated plumbing also consists of garden hoses valves and garden hoses. There is no cover or secondary containment associated with this site. At another located, six 250-gallon and one 200-gallon fuel tanks are placed in a landing. All have inadequate secondary containment that consist of lumber framed impoundments lined with black plastic sheeting. These containment vessels were filled with rainwater, not large enough to contain the volume of fuel stored in the associated tanks, and not constructed of material suited for use with petroleum products.

The Applicant has removed the 275-gallon water totes and 55-gallon drums off of the parcel in June 2017 and has a 275-gallon diesel tank has been installed as replacement.

During assessment of Greenhouses #5 - #6, and Greenhouse #3 and the associated facilities and equipment, substantial spills of petroleum products, in the form of drain oil and diesel fuel from generators, was noted on the ground. It is unclear as to whether these releases are from leaking, spillage, or improper maintenance practices. These spills were assessed thoroughly and completely. At both sites, there was no signs or indications that either spill is, or has, delivered to any watercourse. These discharges of petroleum products are to be corrected immediately. All areas of contamination of soil and/or organic debris are to be excavated either by hand, or using heavy equipment if feasible, and transferred to a hazardous materials disposal site. Following the excavation and removal of all contaminated soils and organic materials, all exposed soil surfaces at these sites shall be treated with erosion control measures in accordance with the Best Management Practices.

All existing fuel storage or stored petroleum products, as well as any/all future storage and stored petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers shall be of suitable material and construction to be compatible with the substance(s) stored



and conditions of storage such as pressure and temperature. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container, constructed of appropriate materials, and sufficient cover shall be provided to prevent any/all precipitation from entering said secondary containment vessel. Discharge(s) shall ensure that diked areas are sufficiently impervious to contain discharged chemicals. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite if the volume of a fuel container is greater than 1,300 gallons. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

#### **1.4 Cultivation Related Waste**

During our assessments of the property, multiples sites for disposal and storage of cultivation related wastes were noted. The associated fill slopes along the margins of Greenhouse #5 - #6 have been used inappropriately to dispose of organic and inorganic cultivation related wastes. All cultivation related wastes are to be removed and either disposed of at a local landfill transfer station or stored in an appropriate location where the materials cannot be transferred to a watercourse by wind or rain.

One located has spent growth medium has been discarded over the edge of the bank adjacent to Greenhouse #3. While there is no threat of this soil being transported to a watercourse, the soil is to be stabilized by seeding and mulching.

At two locations, cultivation related waste in the forms of stems have been discarded. These stem disposal sites do not threaten water quality and cannot be transported to a watercourse.

There is no soil pile on-site. The Applicant brings in soil to fill the beds and pots. The soil is reamended for each cultivation cycle. Once the dirt is no longer viable for cultivation, it is removed and disposed of at Wes Green in Arcata.

#### **1.5 Refuse and Human Waste**

The inappropriate disposal of garbage and refuse is prevalent near cultivation areas. All inappropriately disposed of garbage and refuse is to be collected and taken to a local landfill transfer station, as is all future generated garbage and refuse.

Human waste is currently disposed of at various outdoor locations including two permanent locations. These two facilities consist of constructed, elevated platforms that extend out over steep fill slopes and have holes cut out of the platforms through which human waste is discarded. The discharger is to remove and discontinue use of the facilities. Permanent, permitted/approved septic system(s) are to be installed to manage human waste. Alternatively, if service is available in this location, the discharger may install an adequate number of portable toilets that shall be regularly serviced by a professional. It is the discharger's responsibility to ensure compliance

of such action with the Humboldt County Department of Environmental Health and Human Services.

## **2.0 Cultivation Activities**

Cultivation activities typically begin sometime during March when cannabis plants are brought to the Parcel for planting.

The Applicant has twenty-eight (28) 1,000-Watt lighting installed in Greenhouse #4 and #7. The Applicant will have blackout tarps over the greenhouses during sunset hours in order to abide by the International Dark Sky Associations Standards.

The applicant will be pulling tarps over the greenhouses in order to have two (2) harvests of cannabis via light deprivation, sometime in July and October. Tarps will be pulled by hand and will not have any negative effects to the surrounding area or the cannabis.

## **3.0 Processing Practices**

Plants will be harvested one at a time using hand shears and taken into Dry Shed #1 and #2 where it will be dried and cured. All processing will be performed outside by collective members using a trimming machine.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

## **4.0 Security Measures**

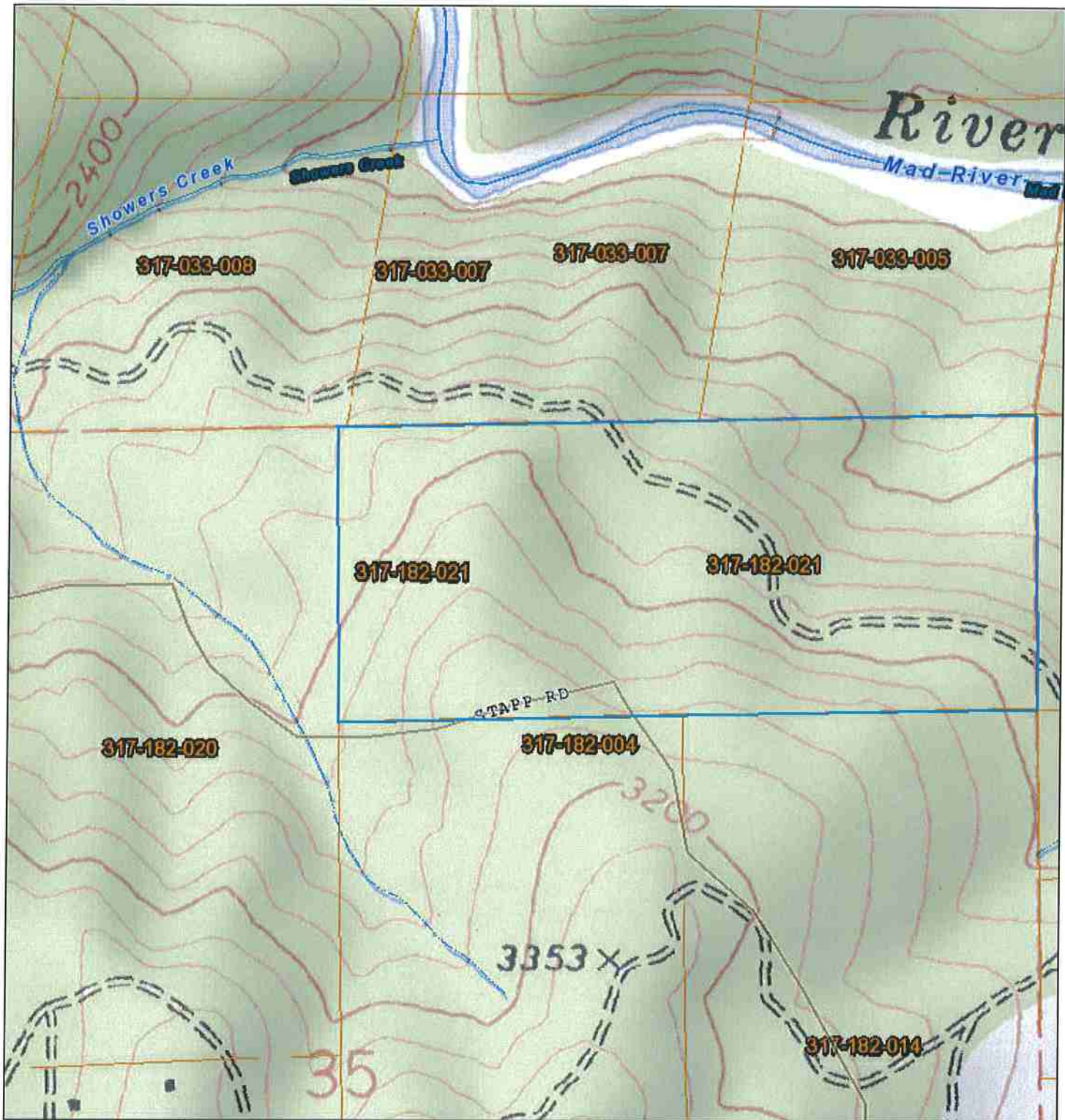
The access to the parcel is gated and locked. There are game cameras placed over the gate, buildings and cultivation areas.



GREEN  
ROAD  
CONSULTING

# Attachment “A”





## ArcGIS Web Map

Humboldt County Planning and Building Department

- |                           |                           |                    |               |
|---------------------------|---------------------------|--------------------|---------------|
| <b>Highways and Roads</b> | — Private or Unclassified | — Intermittent     | Green: Band_2 |
| Principal Arterials       | — Major River or Stream   | — Subsurface       | Blue: Band_3  |
| Minor Arterials           | <b>Blue Line Streams</b>  | — City Boundary    |               |
| Major Collectors          | — Perennial 1-3           | — Counties         |               |
| Minor Collectors          | — Perennial >4            | — Parcels (Owners) |               |
| Local Roads               |                           | Red: Band_1        |               |

0 350 700 1,400 Feet  
0 0.05 0.1 0.2 Miles  
RF = 1:9,028 1 in = 752 ft



Printed: August 3, 2017

Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Source: NRCS, Humboldt County GIS, Healthy Rural Roads, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS



**GREEN  
ROAD**  
CONSULTING

# Attachment “B”

## Cultivation and Water Usage

Month	Stage of Cultivation		Cultivation Space per Stage (Square Footage)*	Water Usage (gallons/month)
<b>EXAMPLE</b>	Vegging Harvesting	Flowering	1,200 sq. ft. – Vegging 1,500 sq. ft. – Flowering	5,000 gal/month
January				
February				
March	X		9,480 square feet – vegging	5,877 gallons
April	X		18,960 square feet – vegging	17,064 gallons
May		X	3,792 square feet – flowering	3,526 gallons
June		X	7,584 square feet – flowering	9,100 gallons
July		X	11,376 square feet – flowering	17,632 gallons
August		X	15,168 square feet – flowering	32,914 gallons
September		X	18,960 square feet – flowering	39,816 gallons
October			X 9,480 square feet – harvesting	
November			X 18,960 square feet – harvesting	
December				

\*with a plant density of 0.85



GREEN  
ROAD  
CONSULTING

# Attachment “C”



Generator and Artificial Light Use

Month	Estimated Hours of Generator use (By Time of Day, ex. 12:00 pm – 3:00 pm)	Estimated Hours of Artificial Light Use (By Time of Day, ex. 12:00 pm – 3:00 pm)
January		
February		
March	6pm – midnight	6pm – midnight
April	6pm – midnight	6pm – midnight
May		
June		
July		
August		
September		
October		
November		
December		



Humboldt County Planning Department  
3015 H Street  
Eureka, CA 95501

***RE: LSK-ART, LLC – Humboldt County APPS 12556– APN: 317-182-021***

July 21, 2021

To Whom It May Concern:

The following information should be added to the Cultivation and Operations Plan for LSK-ART, LLC, APPS #12556, APN: 317-182-021.

**Cultivation Area**

The applicant wishes to adhere to their issued Interim Permit allocation from November 19, 2018. Please see the outline below of the breakdown.

**Outdoor Cultivation**

**Greenhouse #1**

Greenhouse #1 is a 150'x30' greenhouse structure totaling 4,500 ft<sup>2</sup> of cultivation area.

**Outdoor Cultivation Area**

**Greenhouse #2**

Greenhouse #2 is a 100'x32' greenhouse structure totaling 3,200 ft<sup>2</sup> of outdoor cultivation.

**Greenhouse #3**

Greenhouse #3 is a 80'x27' greenhouse structure totaling 2,160 ft<sup>2</sup> of outdoor cultivation.

**Greenhouse #4**

Greenhouse #4 is a 85'x30' greenhouse structure totaling 2,550 ft<sup>2</sup> of outdoor cultivation.

**Greenhouse #5**

Greenhouse #5 is a 50'x25' greenhouse structure totaling 1,250 ft<sup>2</sup> of outdoor cultivation.

*\*Total cultivation=13,660ft<sup>2</sup>*



### Immature Plant Area/Onsite Nursery

#### Nursery 1 and 2

Nursery's 1 and 2 are both 32.5'x20' greenhouses totaling 1,300 ft<sup>2</sup>

#### Existing Onsite Water Storage

- Four (4) 2,500-gallon HDPE tanks
- Five (5) 5,000-gallon HDPE tanks

#### Proposed Water Storage

- Twelve (12) 5,000-gallon HDPE tanks

#### Water Source

The applicant currently has two water sources for cannabis irrigation. There is a groundwater well held by permit 18/19-0279. There is also a registered surface diversion held by Small Irrigation Use Registration Certificate number H504249.

There is a second surface diversion utilized for domestic use only.

#### Generators

There are two generators onsite. One 25KW generator and one 8KW backup generator.

The Generators are used to support the cannabis operation as well as the applicant domestic needs.

#### **kilowatt hours**

The applicant has plan to install a solar generator 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
Building Inspection Division	✓	Conditional Approval	<b>Attached</b>
Division Environmental Health	✓	Conditional Approval	<b>Attached</b>
Public Works, Land Use Division	✓	Further Study	<b>Attached</b>
Cal Fire	✓	No comments	<b>Attached</b>
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file and confidential
Humboldt County Sheriff	✓	Approved	On file
California Department of Fish & Wildlife		No response	
Humboldt Bay Municipal Water District		No response	
Bridgeville School District		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	

▼ Pre-Site Inspection

Status:

[History](#)

## PRE-SITE

### Project Started

☐ Yes ☐ No

### AOB Inspection

☐ Yes ☐ No

### Soil Required Due to

### Project is in flood zone A

☐ Yes ☐ No

### 2nd Flood Certificate Required

☐ Yes ☐ No

### SRA requirements apply

☐ Yes ☐ No

### SRA water storage requirements apply

☐ Yes ☐ No

### Grading permit required

☐ Yes ☐ No

### Erosion and sediment control measures required

### Lot created prior to 1992

☐ Yes ☐ No

### Incomplete Submittal Construction Plan

☐ Yes ☐ No

 [Standard Comment](#)

### Plans Stamped by Licensed Prof Required

☐ Yes ☐ No

### Soil Report Required

☐ Yes ☐ No

### FIRM panel number

(Text)

### Flood elevation certificate required

☐ Yes ☐ No

### Project appears to be within wet area

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

☐ Yes ☐ No

### Driveway slope appears to be

### Submit engineered foundation for

### Applicant must locate property lines

☐ Yes ☐ No

### Plot plan incomplete, must be revised

☐ Yes ☒ No

### Other concerns exist

☐ Yes ☐ No

Planning Referral

5/9/19

AM

- plot plan appears accurate
- Recommend approval after based on the condition that all grading, building, plumbing electrical and mechanical permits and/or Agricultural Exemption are obtained

Pre site

5/9/19

AM

- locate property lines for set back as shown on plot plan
  - submit soils report
  - obtain grading permit
- obtain permits for all non permitted stricter on parcel

**check spelling**

Attachment(s) : 

**PLN-12556-CUP**

STATUS

> In Referrals
 

03/19/2019 by C...

LOCATION

> Showers pass cr...
 

Pilot Ridge, CA

CONTACT

> Green Road Co...
 

15 total Task

6 completed
 4 active

A notice was added to this record on 2019-03-25.

Condition: Severity: Notice

Total conditions: 1 (Notice: 1)

View notice

Cancel

Help

Task

Environmental Health

Assigned to

Environmental Health

Action by

Department Environmental Health

Start Time

Billable

No

Time Tracking

Start Date

Display E-mail Address in ACA

No

Due Date

04/14/2019

Assigned to

LandUse1 DEH

Action By

Ben Dolr

End Time

Overtime

No

Est. Completion Date

Assigned Date

03/20/2019

Status

Approved with Conditions

Status Date

04/04/2019

Hours Spent

0.0

Comments

Onsite processing must be supported by a permanent means of sewage disposal. Operator shall install a permitted onsite wastewater treatment system, associated with a permitted structure, to support the needs of the project.

In Possession Time (hrs)

Comment Display in ACA

☒ All ACA Users

Record Creator

☒

Licensed Professional

☒

Contact

☒

Owner

☒

Workflow Calendar

- Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (5)

Payment

Workflow History (18)

Comments (2)

Documents (23)

Conditions of Approval (M)



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

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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

AVIATION 839-5401

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

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

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

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

LAND USE 445-7205

---


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**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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TO: Issac Hansen, Supervising Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 03/22/2019

RE:

<b>Applicant Name</b>	LSK-ART LLC
<b>APN</b>	317-182-021
<b>APPS#</b>	PLN-12556-CUP

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

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

**Note:** Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted road evaluation reports, stamped received by the Humboldt County Cannabis Services on January 14, 2019, with Part A –Box 2 checked. The reports incorrectly state that the roads are privately maintained. Both roads are County maintained and are currently on the list of County maintained roads that do not meet (or are not equivalent to) a road Category 4 standard.

---

// END //



Exhibit "B"

Additional Information is Requested

(All checked boxes apply)

APPS # 12556

Please re-refer the project to the Department when all of the requested information has been provided.

☒ COUNTY ROADS- MISSING/INCOMPLETE ROAD EVALUATION REPORT(S)

Road Evaluation Report(s) for the following County maintained road(s) were not adequate:

Road Name	Part B Road Evaluation Report Required?
Showers Pass Road (6G010) Post mile 4.0 to 17.0	<input checked="" type="checkbox"/> YES
Stapp Road (7H010) Post mile 0.00 to 3.25[end of County maintained road]	<input checked="" type="checkbox"/> YES
	<input type="checkbox"/> YES
	<input type="checkbox"/> YES
	<input type="checkbox"/> YES

The Department cannot recommend approval of the project until the Road Evaluation Report(s) adequately address the County road(s).

☒ COUNTY ROADS- INADEQUATE ROAD EVALUATION REPORTS:

The Department cannot support the proposed recommendations within the Road Evaluation Reports for the following County maintained roads:

Submitted road evaluation reports, received by Cannabis services on 01/14/2019, for Showers Pass Road and Stapp Road did not include any road recommendations.

The Department cannot recommend approval of the project until the Road Evaluation Reports adequately addresses the County road. The applicant's civil engineer is advised to contact the Department for details.

☐ COUNTY ROADS- ON-SITE PARKING & INTERNAL TRAFFIC CIRCULATION PLAN:

The Department has reviewed the proposed on-site parking area(s) and internal traffic circulation plan(s) pursuant to County Code Section 313-109.1.3.2.5 (Coastal) and 314-109.1.2.2.5 (inland). The Department cannot support the proposed parking area and traffic circulation plan. The applicant must submit a realistic parking plan to the Department for review.

// END //

Exhibit "D"

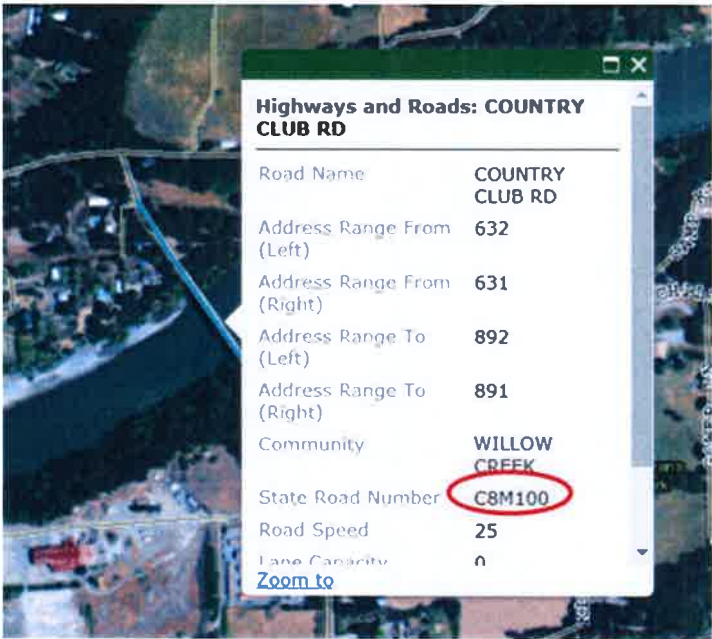
Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project. The particular roads that require a Road Evaluation Report is to be determined by following the guidance shown below.

The Department has developed a Road Evaluation Report form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a Road Evaluation Report form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate Road Evaluation Report form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The Road Evaluation Report form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in RED.

A County maintained road will have a 5 or 6 character identifier. The general format is ABCDDD where:

- A is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C is a grid identifier letter for the Y-axis for the grid.
- DDD is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

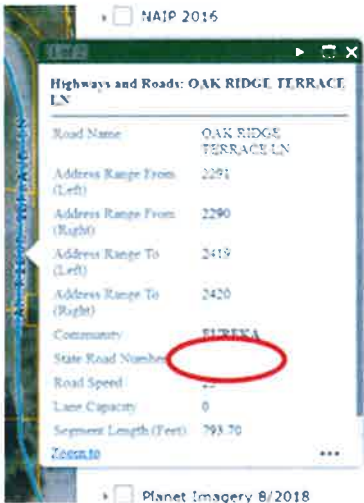
ABCDDD	
A 3 M 0 2 0	Murray Road
F 6 B 1 6 5	Alderpoint Road
6 C 0 4 0	Thomas Road

Exhibit "D"

Road Evaluation Reports

If the State Road Number field in the GIS has a value that is consistent with the above, then the road is most likely County maintained.

If the State Road Number field in the GIS is blank or has a number that is not consistent with the above, then the road is most likely not County maintained.



Above: screenshot from the WebGIS showing no value in the State Road Number field (circled in RED). This road is most likely a non-county maintained road.

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the green heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the red heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

**Note: As stated above, County maintained roads with a painted centerline strip are roads considered meeting or exceeding Road Category 4 standards, and are not necessarily listed below.**

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Barrys Road	5J020	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Butler Valley Road	F5J031	All
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Dean Creek Road	6B198	State Hwy 101 to P.M. 0.48 [End of County maintained]

Exhibit "D"

Road Evaluation Reports

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg- Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then continues as USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Johnson Road	4G060	State Hwy 36 to P.M. 1.69 [End County maintained]
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Lighthouse Road	1D010	Mattole Road to State Park boundary
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.5
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained] continues as a non-County maintained road
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Price Creek Road	3G075	Blue Slide Creek Rd to PM 2.0
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Showers Pass Road	6G010	PM 0.0 to PM 4.0 and PM 17.0 to PM 19.1
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11 (At Old Briceland Road)
Sprowel Creek Road	6B095	Old Briceland Rd to PM 7.22 [End of County maintained]
Tim Mullen Road	5J010	PM 0.0 to PM 2.07 [End of County maintained]
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
Wallan Road	6B166	Alderpoint Rd to PM 1.29 [End of County maintained]
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Cemetary Road	8D020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Harris Road	8B020	All
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.5 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All



Exhibit "D"

Road Evaluation Reports

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Price Creek Road	3G075	P.M. 2.0 to P.M. 3.45
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Showers Pass Road	6G0100	P.M. 4.0 to P.M. 17.0
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

**Forester Comments:**

Date:

Name:

**Battalion Chief Comments:**

**Summary:**



**ATTACHMENT 5**

**AUGUST 5, 2021 PC STAFF REPORT**



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

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

Hearing Date: August 5, 2021

To: Humboldt County Planning Commission

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

Subject: **LSK Art, LLC Conditional Use Permit and Special Permit**  
Record Number: PLN-12556-CUP  
Assessor's Parcel Number (APN): 317-182-021 and 317-033-007 (one separate legal parcel)  
Shower's Mountain/Pilot Ridge area

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Please contact Jordan Mayor, Assigned Planner, at 707-683-4711 or by email at [jordan.mayor@icf.com](mailto:jordan.mayor@icf.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 and Special Permit	Jordan Mayor

**Project Description:** LSK Art, LLC seeks a Conditional Use Permit for an existing 13,686-square-foot (SF) outdoor cannabis cultivation operation. There are two buildings designated for drying, harvest storage, and nutrient storage. All water used for cultivation is sourced from a permitted groundwater well (18/19-0279) and two surface water diversions located in an unnamed Class II watercourse. Existing available water storage is 15,000 gallons in five high-density polyethylene (HDPE) water tanks and the applicant proposes to install 20 5,000-gallon HDPE water tanks for a total of 115,000 gallons of hard tank storage. Estimated annual water usage is 125,932 gallons (8.4 gallons/SF/year). Drying and curing occurs onsite and all processing is currently done outdoors using a trimming machine. Future processing activities will be conducted offsite at a licensed facility. The project will use between three and five employees during operations. Electricity is sourced from generator power. A Special Permit is also requested for the ongoing use and maintenance of two points of diversion from a Class II watercourse.

**Project Location:** The project is located in the Shower's Mountain/Pilot Ridge area located southeast of Kneeland and north of Bridgeville, on the north side of Stapp Road, approximately 4 miles east from the intersection of Shower's Pass Road and Stapp Road, on the property known to be in Section 35 of Township 03 North, Range 04 East, Humboldt Base & Meridian (APN: 317-182-021 and 317-033-007).

**Present Plan Land Use Designations:** Timberland (T), Minimum Parcel Size: 40–160 acres, Slope Stability: High instability (3)

**Present Zoning:** Timber Production Zone (TPZ)

**Record Number:** PLN-12556-CUP

**Assessor's Parcel Number:** 317-182-021 and 317-033-007

**Applicant**

LSK Art, LLC  
PO Box 283  
Eureka, CA 95502

**Owner**

LSK Art, LLC  
PO Box 283  
Eureka, CA 95502

**Agents**

Green Road Consulting, Inc.  
1650 Central Ave. Suite C  
McKinleyville, CA 95519

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

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

**Major Issues:** None

**LSK Art, LLC**  
Record Number: PLN-12556-CUP  
Assessor's Parcel Number: 317-182-021 and 317-033-007

**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:

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

**Executive Summary:** LSK Art, LLC seeks a Conditional Use Permit to allow the continued operation of an existing 13,686-square-foot (SF) outdoor cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The site is designated Timberland (T) in the Humboldt County 2017 General Plan and zoned Timber Production Zone (TPZ). The 13,686 SF of outdoor cannabis cultivation occurs in five locations on the parcel. Two harvests are anticipated annually for a growing season that extends from March through November. Immature plants are sourced from a licensed off-site nursery. A Special Permit is also requested for the ongoing use and maintenance of two points of diversion from a Class II watercourse. Drying (and bucking) occurs onsite in two existing sheds. All processing is currently done outdoors by collective members using a trimming machine. However, future processing activities will be conducted offsite at a licensed facility and a permanent onsite wastewater treatment system shall be installed to service the cultivation site as a condition of approval. Between three and five employees may be utilized during peak operations. Electricity is sourced from six diesel generators ranging from 3 to 45 kilowatts in power. Two 275-gallon diesel storage tanks have been installed to replace inappropriate fuel storage facilities. Access to the project site is from a locked gate and there are game cameras placed over the gate, buildings, and cultivation areas. The applicant has a provisional cannabis cultivation license (CCL18-0003449) with the California Department of Food & Agriculture for mixed-light cannabis but, per the applicant's agent, no artificial lights are planned for the 2021 cultivation period.

**Relocation**

Two historic cultivation areas have been relocated away from watercourses and steep slope areas to a more environmentally superior location along the northern property boundary. As part of the relocation the applicant will be completing the work recommended in the February 23, 2019 letter from Timberland Resource Consultants (COA #19). The site plan shows that a portion of one of the relocated greenhouses is within 30 feet of the northern property line, which is the required Fire Safe setback. A condition of approval requires this greenhouse to be moved outside of the setback and the site plan to be revised accordingly (COA #18).

**Timber Conversion**

A Less-Than-3-Acre Conversion Exemption was submitted to the California Department of Forestry and Fire Protection (Cal Fire) in November 2015 (Attachment 3). Cal Fire responded on November 10, 2015 that the Less-Than-3-Acre Conversion Exemption was accepted. The cultivation activities that do not reside in a permitted and pre-2016 Less-Than-3-Acre Conversion reside on existing graded flats.

**Water Resources**

All water used for cultivation is sourced from a permitted groundwater well (18/19-0279) and two surface water diversions from an unnamed Class II tributary of the Mad River for which a Right to Divert and Use Water has been obtained (Certificate H100384). Existing available water storage is 15,000 gallons in 5

water tanks and the applicant plans to install 20 5,000-gallon water tanks for a total storage of 115,000 gallons. Estimated annual water usage is 125,932 gallons (8.4 gallons/SF/year) with peak demand occurring in July and August at approximately 25,000 gallons.

Although Humboldt County's WebGIS shows no mapped streams, a Class II watercourse exists on the property and is shown on the site plan with the associated 100-foot Streamside Management Area (SMA) buffer. All cultivation areas are outside of the 100-foot SMA buffer (minimum distance reported in the Cultivation Operations Plan as 551 feet).

A Site Management Plan (SMP) has been prepared by Timberland Resource Consultants for the parcel in accordance with the State Water Resources Control Board Cannabis Cultivation Policy and the project is enrolled under the Tier 2, Low Risk designation (Attachment 3). The recommended corrective actions within the SMP are made conditions of approval, including additional rock surfacing of the steep road leading to cultivation area A, replacement of an undersized culvert on one Class II watercourse crossing (included in the final LSAA), and the installation of monitoring devices on all points of diversion and water storage tanks used to irrigate cannabis. The SMP incorrectly described the site as utilizing grid power and no generator or fuel storage tanks were evaluated by the authors. Amending the SMP is a condition of approval.

### **Biological Resources**

There are no mapped sensitive species onsite, although there are several Northern Spotted Owl (NSO) activity centers located within a 1.3-mile buffer from the site. A biological resources study was not prepared for the project; however, the project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices, the SMP required by the State Water Resources Control Board, and the LSAA with CDFW. Per the applicant, the generators are utilized for power and are conditioned so that noise at the project boundary is not above 50 decibels (dB) per the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) which requires noise levels be at or below 50 dB at 100 feet or edge of habitat, whichever is closer. As a result, the project is conditioned to ensure the combination of background, generator, and greenhouse fan or other operational equipment created noise meets the noise level threshold. Approval of the project will result in an improvement upon the existing environmental baseline.

Additionally, based on comments received from CDFW in April 2019, the project is conditioned to meet the reporting requirements of the issued Final LSAA#1600-2018-0749-R1 including but not limited to the: avoidance of Foothill Yellow-Legged Frog or nesting birds through pre-construction surveys by a qualified biologist; to seasonally confine work to the dry period of June 15 through October 15 of each year; to avoid impacts to riparian vegetation; and to incorporate stream protection and water diversion minimization measures, including allowing 90% of the stream flow to pass through the creek at all times of the year through documented monitoring records. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect NSO or other sensitive species.

### **Tribal Cultural Resources Coordination**

A Cultural Resources Investigation was prepared in September 2018 by Nick Angeloff, M.A., and Saige Heuer, BA, of Archaeological Research and Supply Company, Rio Dell, CA. Per the report, outreach letters were sent to the Bear River Band of Rohnerville Rancheria and Sinkyone Intertribal Wilderness Council Tribes and no relevant or important response to the outreach letters was received. The report concluded that no pre-existing resources were located on the subject parcel and none will be affected by this project if the mitigation recommendations are followed, including the Inadvertent Discoveries Protocol. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.

## **Access**

Access to the site is from Stapp Road, which is located off Showers Pass Road near Shower Creek and the Mad River. Shower's Pass Road (County road #6GOW) is a publicly maintained dirt/gravel road that has been evaluated by Humboldt County Public Works and meets the requirements for Road Category 4 Standards for Cannabis Projects from the Kneeland Road turnoff to Shower's Pass mile post (MP) 4.0. Stapp Road (County road #7H010) is a county-maintained road from the intersection of Shower's Pass road to the private gate 3.1 miles past the intersection. The remainder of Stapp road is a gated, private access dirt/gravel road that provides access to many parcels in the areas surrounding the Mad River north of Bridgeville. Road evaluation reports with photo documentation were prepared for the 3.2 miles of Stapp Road and 9.1 miles of Showers Pass Road from County maintained Kneeland Road by the applicant (Attachment 3). Public Works reviewed the Road Evaluation Reports and requested to be re-referred of the project on the grounds that no recommendations were provided in the Road Evaluation Report and the evaluations were missing Part B. The applicants provided another Road Evaluation Report with Part B prepared for the same two access roads by a Professional Engineer at Omsberg & Preston for a parcel further down Stapp Road and to the northeast of this project on parcel APN 317-033-006. This report focuses on the un-evaluated 4.4-mile portion of Shower's Pass Road (from MP 4.0 to Stapp Road intersection [MP 8.4]), the 3.1-mile stretch of County maintained Stapp Road and the 5-mile private portion of Stapp Road to the project site, for a total road evaluation length of 12.5 miles. This more comprehensive Road Evaluation report included recommended road improvements at specific mile points along both Shower's Pass and Stapp Road through the formation of a Road Maintenance Association between their client and other cannabis applications that also access their parcels via Stapp Road. The requirement to form a Road Maintenance Association, if one does not already exist, is included as a recommended condition of approval (COA #12).

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

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

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

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least 2 months later to give staff the time to complete further environmental review.



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

**Resolution Number 21-  
Record Number PLN-12556-CUP  
Assessor's Parcel Number: 317-182-021 and 317-033-007**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves the LSK Art, LLC, Conditional Use Permit and Special Permit.**

**WHEREAS, LSK Art, LLC**, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 13,686-square-foot (SF) outdoor cannabis cultivation operation with appurtenant drying activities and a Special Permit for the ongoing use and maintenance of two points of diversion from a Class II watercourse;

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by Section 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 a Conditional Use Permit and a Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                    **Project Description:** The application is a Conditional Use Permit to allow the continued operation of an existing 13,686-SF outdoor cannabis cultivation operation with appurtenant drying activities. Electricity is sourced from six generators. All water used for cultivation is sourced from a permitted groundwater well (18/19-0279) and two surface water diversions located in an unnamed Class II watercourse covered under a Lake or Streambed Alteration Agreement with the California Department of Fish and Wildlife (Attachment 3). A Special Permit is also requested for work in Streamside Management areas for ongoing use and maintenance of the diversions.

**EVIDENCE:**    a) Project File: PLN-12556-CUP

- 2. FINDING:**                    **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the MND prepared for the CMMLUO adopted by the Humboldt County

Board of Supervisors on January 26, 2016.

- EVIDENCE:**
- a) Addendum prepared for the proposed project.
  - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines
  - c) A Site Management Plan was prepared by Timberland Resource Consultants to show compliance with the State Water Quality Control Board Order No. 2019-0001-DWQ.
  - d) A Less-Than-3-Acre Conversion Exemption was submitted to the California Department of Forestry and Fire Protection (Cal Fire) in November 2015. Cal Fire responded on November 10, 2015 that the Less-Than-3-Acre Conversion Exemption was accepted. This timber conversion occurred prior to January 1, 2016.
  - e) A Cultural Resources Investigation Report was carried out by Archaeological Research and Supply Company in September 2018 and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
  - f) Road Evaluation Reports were prepared for Stapp Road and Showers Pass Road by the applicant in January and July of 2019, which identified that the roads are suitable for safe access to and from the project site but that there were several specific road improvement points that should be made in concert with the formation of a Road Maintenance Association. This has been included as a condition of approval for the project.

#### **FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT**

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

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

- 4. FINDING**                      The proposed development is consistent with the purposes of the existing Timberland Production Zone (TPZ-Zone) in which the site is located.

- EVIDENCE**
- a) The TPZ-Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.
  - b) All general agricultural uses are principally permitted in the TPZ-Zone.
  - c) Humboldt County Code Section 314-55.4.8.2.2 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 13,686 SF of outdoor cultivation on an 85-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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

- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (Humboldt County Code Section 314-55.4.8.2.2).
  - b) The parcel was created in compliance with all applicable state and local subdivision regulations. The configuration of APNs 317-182-021 and 317-033-007 combined comprise one legal parcel as shown on Parcel Map recorded in Book 8 of Parcel Maps page 115.
  - c) The project will partially obtain water from two diversionary water sources. A Special Permit is required for the ongoing use and maintenance of two points of diversion from a Class II watercourse. An LSAA has been secured from CDFW for the diversions.
  - d) Road Evaluation Reports were completed by the applicant in January 2019 and by an engineer with Omsberg & Preston in July 2019. The Evaluations addressed Stapp Road and Showers Pass Road, which are privately maintained roads. All road segments evaluated were found to be functionally appropriate for the expected traffic provided specific improvements are made. The completion of these improvements have been made a condition of approval.
  - e) The slope of the land where cannabis will be cultivated is less than 15%.
  - f) The cultivation of cannabis will not result in the net conversion of timberland after January 1, 2016. A Less-Than-3-Acre Conversion Exemption was submitted to Cal Fire in November 2015. Cal Fire responded on November 10, 2015 that the Less-Than-3-Acre Conversion Exemption was accepted on November 9, 2015.
  - g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

**6. FINDING** The cultivation of 13,686 SF of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The site is located on a road that has been identified by the applicant to safely accommodate the amount of traffic generated by the proposed cannabis

cultivation however some road improvement points have been recommended in the July 2019 Road Evaluation Report and are required as a condition of approval.

- 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) Irrigation water will come from a permitted groundwater well that has been permitted by the Environmental Health Department and two points of diversion.
- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

## **7. FINDING**

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

### **EVIDENCE**

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

## **DECISION**

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit and Special Permit for LSK Art, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on 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 H. 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.

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John H. Ford, Director  
Planning and Building Department

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 60 days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State California Environmental Quality Act Guidelines. **The Department will file the NOD and will charge this filing cost to the project.**
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #17. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.



8. Obtain a permit to operate any EPA Tier 4 diesel generator from the North Coast Unified Air Quality Management District, if applicable, and obtain an electric permit from the County's Building Department.
9. The applicant shall submit a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
10. The applicant shall obtain a permit for the proposed Onsite Wastewater Treatment System (OWTS) with the Division of Environmental Health (DEH) by completing the percolation test and septic design or any other reports deemed necessary by DEH. A letter or similar communication from DEH verifying that the OWTS is permitted will satisfy this condition.
11. The applicant shall install water monitoring device on each source—well and surface diversion if/when utilized and storage tanks as applicable—to monitor water used for cannabis irrigation separate from domestic use.
12. The applicant shall implement the recommendations of the Road Evaluation Report with Part B prepared for the two access roads (Shower's Pass and Stapp Road) by Omsberg & Preston. This report focuses on the un-evaluated 4.4-mile portion of Shower's Pass Road (from MP 4.0 to Stapp Road intersection [MP 8.4]), the 3.1-mile stretch of County maintained Stapp Road and the 5-mile private portion of Stapp Road to the project site, for a total road evaluation length of 12.5 miles. This comprehensive Road Evaluation report included recommended road improvements at specific mile points along both Shower's Pass and Stapp Road through the formation of a Road Maintenance Association between their client and the other seven cannabis applications within the County that also access their parcels via Stapp Road. The applicant shall make a demonstrated effort form a Road Maintenance Association with the neighbors within 1-year so that the necessary road improvements can be completed within 2 years. An encroachment permit from the Department of Public Works Land Use Division is required for all work within the County rights-of-way of Shower's Pass Road and Stapp Road. Furnishing Public Works with the necessary post-improvement documentation shall satisfy this condition.
13. The applicant shall adhere to the Site Management Plan (SMP) and implement all corrective actions detailed in the SMP developed for the project including additional rock surfacing of the steep road leading to cultivation area A, replacement of an undersized culvert on one Class II watercourse crossing (included in the final Lake and Streambed Alteration Agreement), and the installation of monitoring devices on all points of diversion and water storage tanks used to irrigate cannabis. The SMP has been prepared pursuant to Tier 2 low-risk enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities. A letter or similar communication from the SWRCB verifying that all their requirements have been met will satisfy this condition.
14. The applicant shall amend the SMP to include an evaluation of the generators and fuel storage tanks and submit a copy to the SWRCB and to Planning and Building.
15. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
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 Humboldt County Code and available at the Planning Division.
18. The applicant shall relocate the greenhouse labeled as GH #2 on the site plan to be a minimum of 30 feet from the norther property line. Within 60 days of the effective date of permit approval the applicant shall submit a revised site plan showing the location of the relocated greenhouse consistent with required setbacks.
19. All remediation work recommended in the February 23, 2019 letter from Timberland Resource Consultants shall be completed, including the following:
  - a) Historic Cultivation Area B: All cultivation related materials, supplies and equipment shall be removed from the cultivation area and placed where it cannot be transported by wind or rain to any watercourse. Following complete removal of the cultivation area, any exposed soils are to be immediately treated with erosion control measures set forth in the BMP's attached to this letter. Additionally, the site shall be replanted with conifers per the restocking plan attached to this letter. Within 2 years following restocking the landowner shall have an RPF certify that this cultivation area meets the stocking standards of 14CCR 912.7.
  - b) Historic Cultivation Area E: All cannabis cultivation related infrastructure and material shall be removed from the graded flat. Trash, refuse, and solid waste shall be disposed of at an appropriate waste disposal location. Following complete removal of the cultivation area, any exposed soils are to be immediately treated with erosion control measures set forth in the WRPP's BMP's. The graded flat's cut-slopes and fill-slopes are well vegetated with local grasses, brush, and conifer regeneration, and therefore no excavation and grading back to pre-existing contours is proposed or necessary. Furthermore, the site could definitely be used as a log landing in the future. The imported soil may be tilled into the native soil to an approximate depth of 4-8 inches. The steep access road shall be waterbarred at a spacing consistent with a "high" Erosion Hazard Rating per 14CCR 914.6 of the Forest Practice Rules. The road shall be not decommissioned; it will be needed as a skid road or truck road for future timber operations. In addition, the landowner shall re-plant this site with conifers per the Restocking Plan attached to this letter. Within two years following re-stocking, the landowner shall have an RPF certify that CA E meets the stocking standards of 14CCR 912.7.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels (dB). Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting in greenhouses shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting->

basics/. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low-Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1 and B.2, within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and 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 project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
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 2 years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. 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. Compliance with all statutes, regulations, and requirements of the SWRCB 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. 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. Maintain enrollment in Tier 1, 2, or 3, certification with State Water Quality Control Board Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife.
17. 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. Consent to an annual onsite 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. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. 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 Business and Professions Code section 26051.5(a)(8), 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;
    - (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 Cultivation Special Permit issued pursuant to the CMMLUO shall expire 1 year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
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 10 days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus 3 days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance

shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

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 2 years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within 1 year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 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 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.

**ATTACHMENT 2**

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

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

**APN 317-182-021 and 317-033-007  
Pilot Ridge Area, County of Humboldt**

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

**July 2021**

## Background

### **Modified Project Description and Project History –**

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less-than-significant-level.

The modified project involves a Conditional Use Permit for an existing 13,686-square-foot (SF) outdoor cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The site is designated Timberland (T) in the Humboldt County 2017 General Plan and zoned Timber Production Zone (TPZ). The 13,686 SF of outdoor cannabis cultivation occurs in five locations on the parcel. Two harvests are anticipated annually for a growing season that extends from March through November. Drying (and bucking) occurs onsite in two existing sheds. All processing is currently done outdoors by collective members using a trimming machine. However, future processing activities will be conducted offsite at a licensed facility and a permanent onsite wastewater treatment system shall be installed as a condition of approval. Between three and five employees may be utilized during peak operations. Electricity is sourced from six diesel generators ranging from 3 to 45 kilowatts in power. Two 275-gallon diesel storage tanks have been installed to replace inappropriate fuel storage facilities. Access to the project site is from a locked gate and there are game cameras placed over the gate, buildings, and cultivation areas. A Cultural Resources Investigation was prepared in September 2018 by Archaeological Research and Supply Company. The report concluded that no pre-existing resources were located on the subject parcel and none will be impacted by this project if the mitigation recommendations are followed, including the Inadvertent Discoveries Protocol. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources. Cal Fire accepted a less-than-3-acre conversion report prepared in 2015. All water used for cultivation is sourced from a permitted groundwater well (18/19-0279) and two surface water diversions from an unnamed Class II tributary of the Mad River for which a Right to Divert and Use Water has been obtained (Certificate H100384). The well is also registered with the California Department of Water Resources (WCR2018-009651). Existing available water storage is 15,000 gallons in 5 water tanks and the applicant plans to install 20 5,000-gallon water tanks for a total storage of 115,000 gallons. Estimated annual water usage is 125,932 gallons (8.4 gallons/SF/year) with peak demand occurring in July and August at approximately 25,000 gallons. A Final Lake and Streambed Alteration Agreement (LSAA 1600-2018-0749-R1) with the California Department of Fish and Wildlife includes, but is not limited to, the: avoidance of Foothill Yellow-Legged Frog or nesting birds through pre-construction surveys by a qualified biologist; to seasonally confine work to the dry period of June 15 through October 15 of each year; to avoid impacts to riparian vegetation; and to incorporate stream protection and water diversion minimization measures, including allowing 90% of the stream flow to pass through the creek at all times of the year through documented monitoring records.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts on biological resources as a result of light and noise.

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

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

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

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CMMLUO 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 Plans prepared by Green Road Consulting dated 1/8/19 and received 1/14/19.
- Cultivation and Operations Plan prepared by Green Road Consulting dated 1/8/19 and received 1/14/19.
- Right to Divert and Use Water, Certificate H100384 with the State Water Resources Control Board (SWRCB), Division of Water Rights.
- Site Management Plan prepared by Timberland Resource Consultants for the SWRCB's Cannabis Cultivation Policy Order WQ 2019-0001-DWQ, dated 8/6/20.
- Less-Than-3-Acre Conversion Exemption dated 11/6/15, received 11/6/15.
- Road Evaluation Report 1 for Stapp Road and Showers Pass Road prepared by applicant, dated 1/8/19, received 1/14/19.
- Road Evaluation Report 2 for Stapp Road and Showers Pass Road prepared by Omsberg & Preston engineers, dated 7/14/19, received 12/31/19; and Attachment B, received 6/10/2021 for APN: 317-033-006.

- Cultural Resources Investigation of the Stoyanov Property prepared by Archaeological Research and Supply Company in September 2018.
- California Department of Fish and Wildlife Final Streambed Alteration Agreement Notification No. 1600-2018-0749-R1 signed 4/29/19.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

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

### **ATTACHMENT 3**

#### **Applicant's Evidence in Support of the Required Findings**

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within 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 Plans prepared by Green Road Consulting dated 1/8/19 and received 1/14/19 – Attached with project maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Green Road Consulting dated 1/8/19 and received 1/14/19 – Attachment 3A)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board (SWRCB), Division of Water Rights, if applicable. (SWRCB Right to Divert and Use Water Certificate H100384 – Attachment 3B)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for SWRCB General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (RWQCB) demonstrating enrollment in Tier 1, 2 or 3, North Coast RWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ – Attached; Site Management Plan dated 8/6/20 - Attachment 3C)
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. (Notification No. 1600-2018-0749-R1 executed 4/29/19 – Attachment 3D)
9. If the source of water is a well, a copy of the County well permit, if available. (Permit Number 18/19-0279 – Attached)



10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a Less-Than-3-Acre Conversion Exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Cal Fire Less-Than-3-Acre Conversion Exemption dated 11/6/15 – Attachment 3E)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System. (On file)
15. Cultural Resources Investigation of the Stoyanov Property prepared by Archaeological Research and Supply Company in September 2018 (On file and confidential).
16. Road Evaluation Reports for Stapp Road and Showers Pass Road prepared by applicant, dated 1/8/19, received 1/14/19, and Attachment B received 6/10/2021. (Attached)
17. Road Evaluation Report for Stapp Road and Showers Pass Road prepared by Omsberg & Preston in July 15, 2019, received 12/31/2019. (Attached)

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Further Study	Attached
Cal Fire	✓	No comments	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file and confidential
Humboldt County Sheriff	✓	Approved	On file
California Department of Fish & Wildlife		No response	
Humboldt Bay Municipal Water District		No response	
Bridgeville School District		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	