



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: September 16, 2021

To: Humboldt County Planning Commission

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

Subject: **Hum Fire, LLC, Conditional Use Permit**
Record Number: PLN-12943-CUP
Assessor's Parcel Number (APN): 222-042-011
Garberville area

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Please contact Abbie Strickland, Planner, at 707-441-2630 or by email at astrickland@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
September 16, 2021	Conditional Use Permit	Abbie Strickland

Project Description: The applicant is seeking a Conditional Use Permit for 17,900 square-feet of existing outdoor commercial cannabis cultivation. Light deprivation techniques are utilized to achieve two harvests annually. The project will be supported by an 850 square foot nursery. Irrigation water is sourced from a registered spring diversion and an existing permitted well. Rainwater catchment is proposed to be implemented within the next 5 years. Estimated annual water usage is 125,000 gallons and existing available water storage totals 107,000 gallons. The applicant is proposing to install an additional 18,000 gallons of water storage. Drying and curing occurs onsite and all other processing occurs off-site at a licensed third-party processing facility. The project is owner-operated, no employees are required. Energy for the project is supplied by a generator, however, the well utilizes a solar pump.

Project Location: The project is located in Humboldt County, in the Garberville area, on the East side of Sprowel Creek Road, approximately .5 miles South from the intersection of Twin Trees Road and Sprowel Creek Road, and approximately .6 miles East from the intersection of Sprowel Creek Road and a Private Drive on the property known to be in Section 3 of Township 05 South, Range 03 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Timberland (T); 2017 General Plan; Density: 40-160 acres per unit; Slope Stability: Moderate Instability (2).

Present Zoning: Timberland Production Zone (TPZ)

Record Number: PLN-12943-CUP

Assessor's Parcel Number: 222-042-011

Applicant

Hum Fire, LLC
Kevin Harrison
P.O. Box 2117
Redway, CA 95560

Owner

Michelle & David Bushnell
P.O. Box 126
Blocksburg, CA 95514

Agents

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

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.

Hum Fire, LLC
Record Number: PLN-12943-CUP
Assessor's Parcel Number: 222-042-011

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:

Adopt the resolution finding that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) pursuant to Section § 15164 of the State CEQA Guidelines, making all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the Hum Fire, LLC, subject to the recommended conditions.

Executive Summary: Hum Fire, LLC is seeking a Conditional Use Permit for 17,900 square-feet of existing commercial cannabis cultivation. Light deprivation techniques are utilized to achieve two harvests annually. The project will be supported by an 850 square foot nursery which will utilize supplemental lighting. Drying and curing will occur onsite in an existing 900 square foot structure, further processing will occur offsite at a licensed third-party processing facility. No employees will be required for the project.

Historic Cultivation

On March 5th, 2021, planning staff conducted a site visit to view evidence of historic cultivation and were accompanied by the California Department of Fish and Wildlife (CDFW). Remnants of old growbags, smart pots, and waterlines were observed in the survey areas. Approximately 275 grow bags were identified which equates to approximately 9,900 square feet cultivation area in addition to the 8,000 square feet of pre-existing greenhouse area. If approved, the applicant will expand from the current cultivation area of 8,000 square feet to 17,900 square feet. A condition of approval will require the applicant to remove all historic cultivation materials and remediate the historic cultivation areas (**General Conditions A.13**).

The project was referred to CDFW who recommended that the applicant be approved for the initial cultivation area verification amount of 8,000 square feet due to a lack of documentation supporting an additional 9,900 square feet. On August 17, 2021, Planning staff submitted additional documentation to CDFW which identified the survey areas and the approximate plant count for each site. While the purpose of the joint site visit on March 5, 2021 was to verify pre-existing evidence, CDFW staff did not accompany Planning staff to the site containing the most historic cultivation materials during this site visit. The applicant has submitted a *Restocking Plan* for the subject parcel to ensure that no net timber conversion occurs as a result of the project.

Timber Conversion

The project was referred to CAL FIRE which recommended that the applicant submit a report prepared by a Registered Professional Forester for unpermitted tree removal. The applicant submitted a *Timberland Conversion Evaluation Report* prepared by a Registered Professional Forester which documented a timberland conversion area of approximately 1.68 acres. The report recommended the applicant treat logging slash and remove all cultivation materials from sites 2, 3, 4, and 6. This recommendation has been included as a condition of approval (**General Conditions A.8**). The Planning Department is also requiring the applicant to restock an area equivalent to that removed post- 2015 baseline conditions, approximately 1.17 acres. The applicant submitted a *Restocking Plan* which recommended restocking .59 acres at sites 2, 3, and 6, with Douglas fir seedlings. The reports were forwarded to CAL FIRE. On August 25, 2021, CAL FIRE submitted a response to the submitted documentation stating they could not support the project because it would result in a reduction of

timberland. The applicant has since submitted a *Revised Restocking Plan* that calls for the restocking of 1.31 acres and the report was forwarded to CAL FIRE on September 1, 2021. A condition of approval for the project will require the applicant to complete the measures outlined in the *Revised Restocking Plan* (**General Conditions A.9**). With the recommended condition the project would result in no net-loss of timberland after January 1, 2016.

Energy Resources

Energy for the project is supplied by a generator, however, the well utilizes a solar powered pump. The lighting in the nursery includes low wattage LED string lights which are powered by a portable 2,000-watt Honda generator and are required for a few hours each day. The fans and dehumidifiers used for drying are also powered by a generator. The applicant has proposed to obtain additional solar, to meet the energy demands of the project, within two years from the date of permit approval. This has been included as a condition of approval (**General Conditions A. 17**)

Water Resources

Irrigation water is sourced from an existing permitted well and supplemented by a registered spring diversion. The applicant is also proposing to obtain rainwater catchment within the next 5 years which would collect rainfall from the covers of the greenhouses. Estimated annual water usage is 125,000 gallons (6.94 gal/SF) and existing available water storage totals 107,000 gallons. A condition of approval will require the applicant to obtain 18,000 gallons of additional water storage, prior to the 2022 cultivation season, and forebear from the use of the spring diversion during the forbearance period from April 1st to October 31st (**General Conditions A.7**).

The project was referred to the Department of Environmental Health (DEH) who recommended that the owner either provide evidence of permit, destroy the well, legalize the well through installation of a new sanitary surface seal, or provide compelling evidence that the well was installed prior to February 1973. This will not be included as a condition of approval, as the well permit was finalized in August 2021.

Additionally, DEH requested that the permittee shall provide portable toilet(s) to cultivation areas, meeting appropriate setbacks per Humboldt County Code, or install a permitted onsite wastewater treatment system associated with a permitted structure. This has been included as a condition of approval (**General Conditions A.10**).

Biological Resources

A review of the California Natural Diversity Database (CNDDDB) found that species of special concern have been mapped on and near the subject parcel. The Foothill yellow-legged frog has been mapped near the Class II stream that runs through the subject parcel. There are eighteen watercourses on the parcel. The project is not anticipated to impact the Foothill yellow-legged frog as the cultivation areas are located over 200 feet from all Class II watercourses and over 50 feet from all Class III watercourses.

The subject parcel is located within two miles of two Northern Spotted Owl activity centers as mapped in the CNDDDB, one is located southeast and the other is located northwest of the subject parcel. Planning staff believe that the subject parcel may contain habitat suitable for the Northern Spotted Owl, therefore a condition of approval will require the applicant to maintain cultivation related noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. The use of supplemental lighting complying with dark-sky standards can adequately address any lighting impacts on NSO. The project was referred to the California Department of Fish and Wildlife who recommended the project remain at 8,000 square feet and any additional cultivation be considered new and subject to mitigation measures to protect fish and wildlife resources.

Tribal Cultural Resource Coordination

The applicant submitted a *Cultural Resource Investigation Report* prepared by Archaeological Research and Supply Company, dated March 2021. No cultural resources were identified within the project area. The report concluded that the project will not adversely impact cultural, Tribal, or historic resources with the existing footprint. The Inadvertent Discovery Protocol is a condition of approval for the project. The report was forwarded to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The Bear River Band requested that the Planning Department verify that no tribal cultural resources are within 600 feet of the project site. No cultural resources were identified on the site.

Access

Access to the site is via a private access road off Sprowel Creek Road, a county-maintained road. A *Road Evaluation Report* for the private access road was prepared by Clearwater Ag Services which indicates the roadway meets the functional capacity required for the project. Provisions have been made within the applicants *Site Management Plan* to improve the access road to prevent discharge of sediment to nearby watercourses. A condition of approval will require the applicant to implement all provisions outlined in the *Site Management Plan* (**General Conditions A.14**).

The project was referred to the Department of Public Works Land Use Division which requested two conditions of approval be added to the project which would require the applicant to improve and maintain visibility where Sprowel Creek Road intersects with the private access road and improve the private access road to current standards for a commercial driveway. These recommendations have been included as conditions of approval for the project (**General Conditions A.11**).

The subject parcel is located the State Fire Responsibility Area and is designated high fire hazard severity. The Humboldt County Fire Safe Ordinance (Section 3111-1 *et seq.*) establishes development standards for minimizing wildfire danger in state responsibility designated areas. A condition of approval will require the applicant to submit a revised Site Plan demonstrating the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance (**General Conditions A.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 Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission.

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.

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 two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-21
Record Number PLN-12943-CUP
Assessor's Parcel Number: 222-042-011**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Hum Fire, LLC, Conditional Use Permit request.

WHEREAS, Hum Fire, LLC, is seeking a Conditional Use Permit for 17,900 square-feet of existing outdoor commercial cannabis cultivation. Light deprivation techniques are utilized to achieve two harvests annually. The project will be supported by an 850 square foot nursery. Irrigation water is sourced from a registered spring diversion and an existing permitted well. Rainwater catchment is proposed. Estimated annual water usage is 125,000 gallons and existing available water storage totals 107,000 gallons. The applicant is proposing to install an additional 18,000 gallons of water storage. Drying and curing occurs onsite and all other processing occurs off-site at a licensed third-party processing facility. Power is provided by a generator, however, the well utilizes a solar powered pump.

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

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on September 16, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** A Conditional Use Permit for 17,900 square-feet of existing outdoor commercial cannabis cultivation. Light deprivation techniques are utilized to achieve two harvests annually. The project will be supported by an 850 square foot nursery. Irrigation water is sourced from a registered spring diversion and an existing permitted well. Rainwater catchment is proposed. Estimated annual water usage is 125,000 gallons and existing available water storage totals 107,000 gallons. The applicant is proposing to install an additional 18,000 gallons of water storage. Drying and curing occurs onsite and all other processing occurs off-site at a licensed third-party processing facility. The project is owner-operated, no employees are required. Power is provided by solar power and a generator.

EVIDENCE: a) Project File: PLN-12943-CUP

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

- EVIDENCE:**
- a) Addendum Prepared for the proposed project.
 - b) A review of the California Natural Diversity Database (CNDDDB) found that species of special concern have been mapped on and near the subject parcel. The Foothill yellow-legged frog has been mapped near the Class II stream that runs through the subject parcel. All cultivation related infrastructure and activities will maintain the required setbacks from all Streamside Management Areas.
 - c) The applicant will be required to maintain cultivation related noise at or below 50 decibels measured at a distance of 100 feet from the noise source or the edge of habitat, whichever distance is closer. All generators will also be held in secondary containment units.
 - d) The applicant will be required to adhere to International Dark Sky standards. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
 - e) A *Site Management Plan* was prepared by Hohman and Associates Forestry Consultants to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. A condition of approval will require the applicant to implement all recommendations outline in the *Site Management Plan*.
 - f) The cultivation of cannabis will not result in the net conversion of timberland. The applicant has submitted a *Revised Restocking Plan* prepared by a Registered Professional Forester. The applicant will be required to restock an area equivalent to that converted post 2015 baseline conditions and bring the conversion area into compliance with the Forest Practices Act.
 - g) A *Cultural Resources Investigation Report* was prepared by Archaeological Research and Supply Co. dated March 2021. No prehistoric or historic resources were located as a result of the survey, and the project is not anticipated to impact these resources. The inadvertent discovery protocol has been made a condition of approval for the project.
 - h) A *Road Evaluation Report* was prepared for the private access road leading to the cultivation sites. The road meets the functional capacity required for the project needs and provisions have been made within the applicant *Site Management Plan* to prevent erosion and sediment discharge to surface waters.

FINDINGS FOR CONDITIONAL USE PERMIT

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE**
- a) General agriculture is a use type conditionally permitted in the Timberland land use designation. The existing cannabis cultivation, an agricultural product, is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- 4. FINDING** The existing development is consistent with the purposes of the Timberland Production Zone (TPZ) in which the site is located.
- EVIDENCE**
- a) Agriculture is a conditionally permitted use in the Timberland Production

Zone (TPZ).

- b) The location of all project elements meets the setback requirements for the TPZ Zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor 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 is for 17,900 square feet of pre-existing cultivation which has been verified by the Planning Department and is located on a 160-acre parcel.

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 only when possible to eliminate existing violations and bring the project into compliance (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations as it was created in its current configuration by deed recorded November 2012-12108.
- c) A *Road Evaluation Report* for the private access road was prepared by Clearwater Ag Services dated April 2021 which states that the road meets the functional capacity required for the project's needs. Extensive road improvements were included in the applicants *Site Management Plan*.
- d) All cultivation occurs on graded flats with slopes of less than 15%.
- e) The cultivation of cannabis will not result in the net conversion of timberland. The applicant has submitted a *Restocking Plan* prepared by a Registered Professional Forester. The applicant will be required to restock an area equivalent to that converted post 2015 baseline conditions and bring the conversion area into compliance with the California Forest Practices Act.
- f) 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 300 feet from any off-site residence, more than 600 feet from any school, school bus stop, church, or other place of worship, public park, or Tribal Cultural Resource.
- g) All fertilizers, fuel, pesticides, or otherwise hazardous materials will be properly stored in a secondary containment unit.
- h) Irrigation water is locally sourced through a registered spring diversion and a permitted well. The applicant has proposed to obtain rainwater catchment to supplement the well and diversion within the next 5 years.

6. FINDING

The continued cultivation of 17,900 square feet of 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 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. 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.

- b) 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 300 feet from any off-site residence, more than 600 feet from any school, school bus stop, church, or other place of worship, public park, or Tribal Cultural Resource.
- c) A *Cultural Resource Investigation Report* was prepared by Archaeological Research and Supply Company dated March 2021. No cultural resources were identified within the project area. The report concluded that the project will not adversely impact cultural, Tribal, or historic resources with the existing footprint.
- d) Provisions have been made in the applicant's *Site Management Plan* to minimize discharge of sediment off-site, improve the private access road, and remediate other historic cultivation areas. This includes the removal of spent soil, plastic bags, pots, and harvest plant waste.

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 for Hum Fire, 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

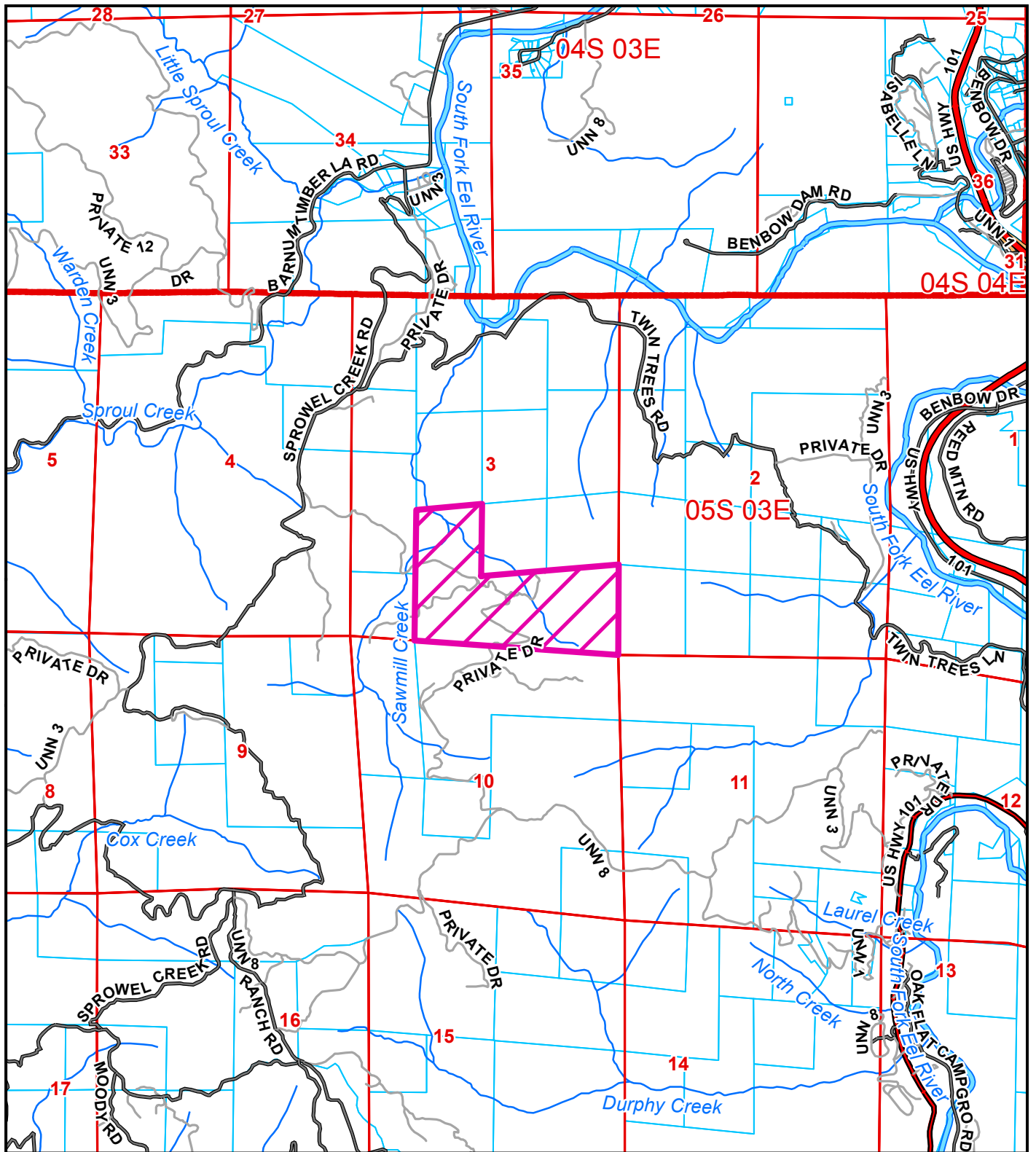
Adopted after review and consideration of all the evidence on September 16, 2021.

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

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
DECISION:	

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

John Ford, Director
Planning and Building Department



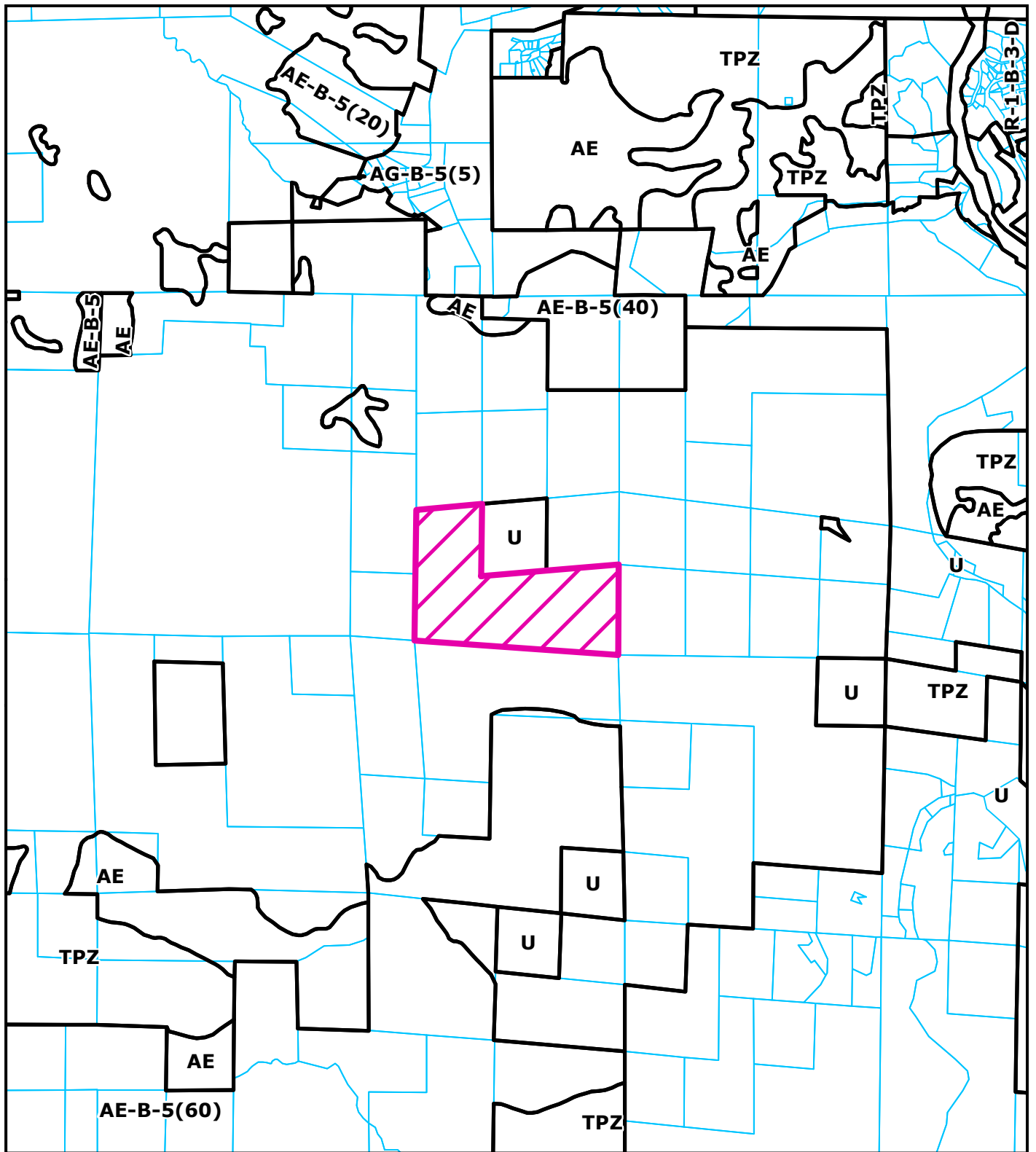
TOPO MAP
PROPOSED KEVIN HARRISON
GARBERVILLE AREA
CUP-16-929
APN: 222-042-011-000
T05S R03E S3 HB&M (GARBERVILLE)

Project Area = 

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

0 0.275 0.55 1.1 Miles





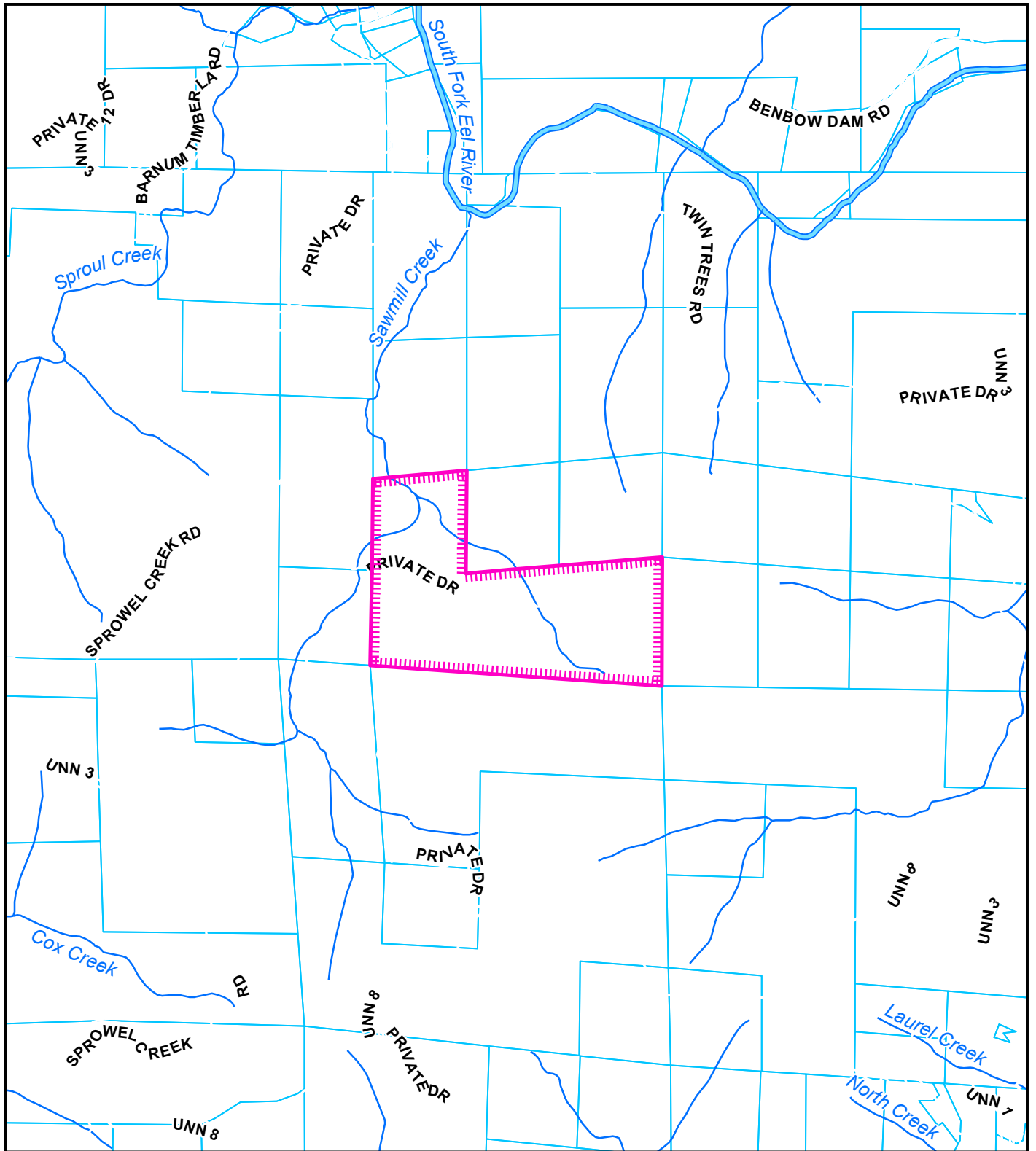
Project Area = 

**ZONING MAP
PROPOSED KEVIN HARRISON
GARBERVILLE AREA
CUP-16-929
APN: 222-042-011-000
T05S R03E S3 HB&M (GARBERVILLE)**

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

0 0.275 0.55 1.1
Miles





AERIAL MAP
PROPOSED KEVIN HARRISON
GARBERVILLE AREA
CUP-16-929
APN: 222-042-011-000
T05S R03E S3 HB&M (GARBERVILLE)

Project Area = 

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

0 1,000 2,000 4,000 Feet



SITE PLAN



PROPERTY BOUNDARY LINE
30' SETBACK LINE
ROAD
CREEK
WATER CROSSING (22) [CWC]
EXISTING (E)
PROPOSED (P)

PROJECT INFORMATION:

Applicant:
Humfire, LLC
Kevin Harrison
PO Box 2117
Redway, CA 95560

Site Address:
Garberville, CA 95542

APN: 222-042-011

Land Owner:
David & Michelle Bushnell
PO Box 126
Blocksburg, CA 95514

Agent:
Clearwater Ag Services
446 Maple Lane
Garberville, CA 95542

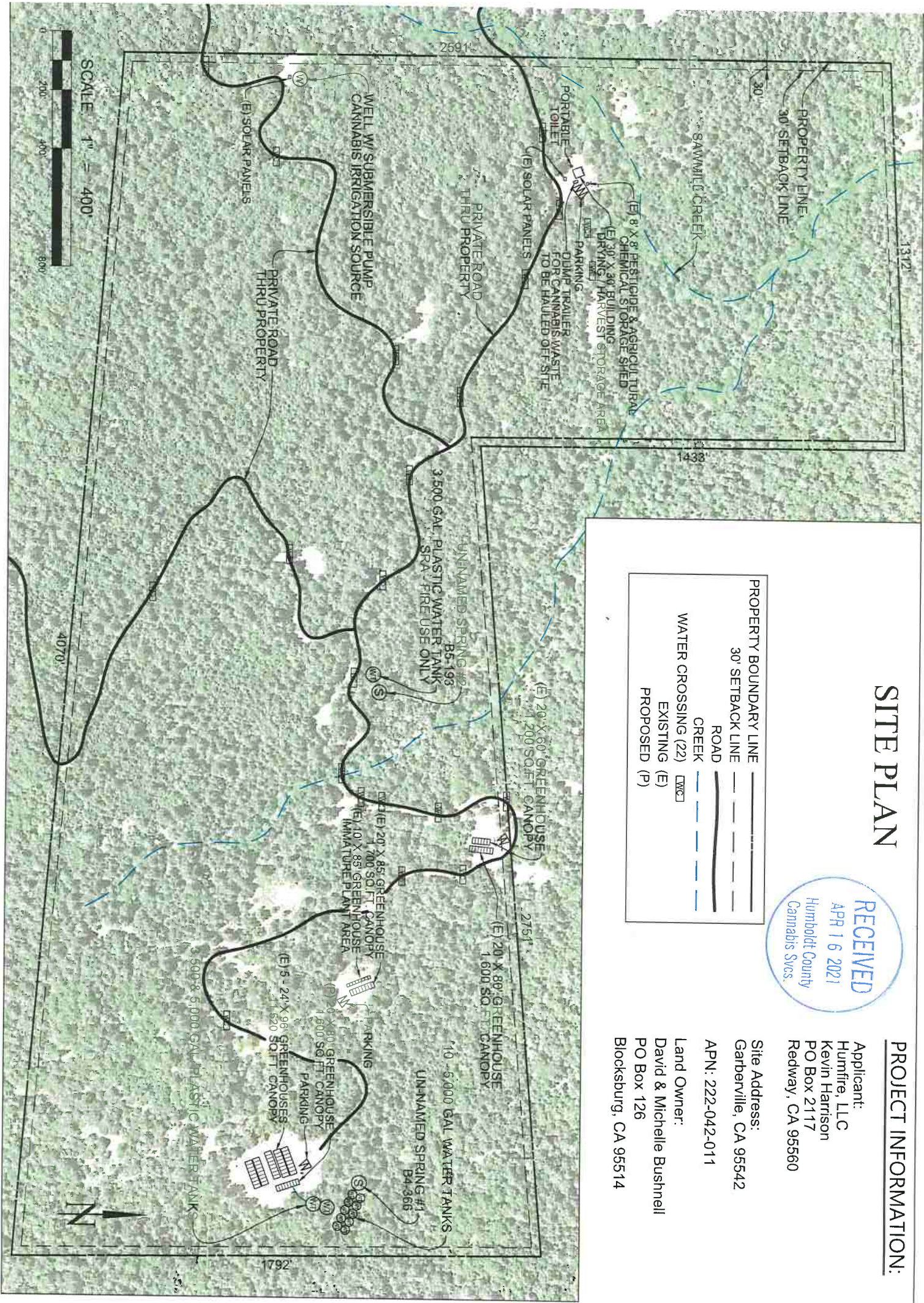
Mixed Light Cultivation Area: 17,620 Sq.Ft.

Trees to be Removed: None
Earthwork Quantities: none
Water: Permitted Well
Sewer: Portable Toilet
Power: Solar
Parcel Size: 180± Acres
Zoning: TPZ

General Plan Designation: T
Easements: Private Road Thru Property
Water Crossings: 22

GENERAL NOTES:

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. APPLICANT HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE CULTIVATION AREAS.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE ZONING CLEARANCE CERTIFICATE.



This map is provided without warranty on any kind. Spatial data is approximate. Parcel positions are estimates only. Reasonable effort has been made to ensure the accuracy of the map and data provided, however errors and omissions may still exist. The positional accuracy of the data is approximate and is not intended to represent surveyed information. Do not use this map to determine property boundaries.



707-923-2767
4/14/21

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this 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 greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. 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. Prior to the 2022 cultivation season, the applicant shall obtain an additional 18,000 gallons of water storage to meet the amount of water storage required to practice forbearance from the registered spring diversion. The applicant shall submit an updated Site Plan showing the location of the added water infrastructure to the Planning Department for review.
8. The applicant shall implement the recommendations made within the *Timber Conversion Evaluation Report* prepared by Timberland Resource Consultants which recommends the following:

- a) Treat logging slash at sites 5, 7, and 8.
- b) Remove all cultivation related infrastructure at sites 2, 3, 4, and 6.

The applicant shall submit a report prepared by a Registered Professional Forester documenting that the work has been completed and the conversion areas comply with the California Forest Practice Act.

- 9. The applicant shall implement the measures outline in the *Revised Restocking Plan* prepared by Timberland Resource Consultants which requires the following:
 - a) The applicant shall restock areas 1-8 for a total restocking area of 1.31 acres.
 - b) One year after planting the applicant shall monitor the growth and success of planted trees and conduct a point count stocking sampling survey. If less than 55% of the planted area meets the 125-point count minimum stocking level, the applicant shall repeat the planting process.
 - c) Within five years of planting, a report of stocking shall be submitted to the Planning Department by a Registered Professional Forester certifying that the area meets the minimum stocking standards of 14 CCR 912.7.
- 10. The applicant shall adhere to the recommendations provided by DEH which recommended the applicant provide portable toilets for cultivation areas. The receipts for portable toilet services shall be submitted to the Division of Environmental Health on an annual basis and a copy of these record shall be kept onsite for review during the applicant's annual inspection. If the applicant decides to install an onsite wastewater treatment system, a copy of the permit shall be submitted to the Planning Department to satisfy this requirement.
- 11. The applicant shall adhere to the following recommendations made by the Department of Public Works Land Use Division:
 - a) The applicant shall improve and maintain visibility where the private access roads intersect with Lauffer Road as recommended by the Department of Public Works- Land Use Division in accordance with the County's Sight Visibility Ordinance. Photo documentation will satisfy this requirement. Visibility will be assessed at the applicant's annual inspection.
 - b) If Sprowel Creek Road has a gravel surface at the location of the access road, the applicant shall obtain an encroachment permit and the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

A letter or similar communication from the Department of Public Works stating the work has been completed to their satisfaction will satisfy this condition.

- 12. The applicant shall demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
- 13. The applicant shall submit, prepare, and execute, a *Remediation Plan* for all historic cultivation areas. A final effectiveness report shall be submitted to the Planning Department for review. A sign-off from the Planning Department shall satisfy this condition.
- 14. The applicant shall implement all corrective actions detailed in the *Site Management Plan* developed for the parcel, prepared pursuant to Tier 1 enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication

from the State Water Board verifying that all their requirements have been met will satisfy this condition.

15. 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.
16. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
17. The use of generators as a primary power source for cannabis and cannabis related activities shall cease by December 31, 2023. The applicant shall either connect to a utility or have an alternative source of power starting January 1, 2024.

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 CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. 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 above, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
3. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
4. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
5. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
6. The use of anticoagulant rodenticide is prohibited.
7. 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.
8. 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.

9. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
10. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
11. 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.
12. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
13. 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).
14. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
15. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
16. 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.
17. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
18. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
19. Pay all applicable application, review for conformance with conditions and annual inspection fees.
20. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.

21. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
22. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

23. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
24. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
25. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
26. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
27. All cultivators shall comply with the approved processing plan as to the following:

- a. Processing practices
- b. Location where processing will occur
- c. Number of employees, if any
- d. Employee Safety Practices
- e. Toilet and handwashing facilities
- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
- g. Drinking water for employees
- h. Plan to minimize impact from increased road use resulting from processing
- i. On-site housing, if any

28. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
29. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
30. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
31. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
32. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
33. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to

assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

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

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

ATTACHMENT 2

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

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

**APN 222-042-011; Sprowel Creek Road, Garberville Area
County of Humboldt**

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

August 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. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and 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 project is a Conditional Use Permit for an existing 17,900 square-feet of commercial cannabis cultivation utilizing light deprivation. Two harvests are anticipated annually. Cultivation will occur in nine greenhouses located in three cultivation areas as shown in Figure 1. The project will be supported by an 850-foot propagation nursery which will utilize supplemental lighting. Irrigation water is sourced from a registered spring diversion, rainwater catchment system, and an existing unpermitted well. Drying and curing will occur onsite, further processing will occur offsite at a licensed third-party processing facility. Power for the project will be sourced from a generator, however, the well has a solar powered pump. No employees will be required.

A review of the California Natural Diversity Database (CNDDDB) found that species of special concern have been mapped on and near the subject parcel. The Foothill yellow-legged frog has been mapped near the Class II stream that runs through the subject parcel. The project is not anticipated to impact the Foothill yellow-legged frog as the cultivation areas adhere to the Streamside Management Area setback requirements. The subject parcel is located within two miles of two Northern Spotted Owl activity centers as mapped in the CNDDDB. Planning staff believe that the subject parcel could contain roosting and foraging habitat for the Northern Spotted Owl, therefore a condition of approval will require the applicant to maintain cultivation related noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. A *Cultural Resource Investigation Report* was prepared by Archaeological Research and Supply Company dated March 2021. The report concluded that the project will not adversely impact cultural, Tribal, or historic resources with the existing footprint.

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 restocking timber that was converted after the CEQA baseline was established to remediate for loss of wildlife habitat, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 17,900 square feet of cultivation with ancillary propagation and drying activities 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 (see Attachment 3 for a complete listing):

- *Site Plan* prepared by Clearwater Ag Services dated April 16, 2021.
- *Cultivation and Operations Plan* prepared by Clearwater Ag Services dated April 16, 2021.
- *Site Management Plan* prepared by Hohman and Associates for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- *Road Evaluation Report* prepared by Clearwater Ag Services dated April 10, 2021.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- *Cultural Resources Investigation* prepared by Archaeological Resource and Supply Company dated March 2021.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (*Site Plan* prepared by Clearwater Ag services received 4/16/2021 – **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 Clearwater Ag Services received 4/16/21 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file- WDID: 1_12CC408066)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in the Addendum to the Cultivation Operations Plan (item 4. above).
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (**Attached**- Site Management Plan (WDID: 1_12CC408066))
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2017-0691-R1- On file)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner

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

10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. *Road Evaluation Report* prepared by Clearwater Ag Services, dated 2/20/21. (**Attached**)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
16. *Cultural Resources Investigation* prepared by Archaeological Resource and Supply Company dated March 2021. (On file- confidential)
17. *Applicants Evidence of Historic Cultivation* prepared by Clearwater Ag Services, dated December 22, 2020. (**Attached**)
18. *Timber Conversion Evaluation Report* prepared by Timberland Resource Consultants, dated May 24, 2021. (**Attached**)
19. *Revised Restocking Plan* prepared by Timberland Resource Consultants, dated September 1, 2021. (**Attached**)
20. *Well Permit* submitted by the applicant. (**Attached**)

Humfire LLC



APPS: 12943

APN: 222-042-011

Cultivation/Operation Plan

Revised 4-7-21

Project Description

Humfire LLC is seeking a CUP under the Humboldt County CMMLUO` for 18,000 Sq Ft of Existing Outdoor Commercial Cannabis Cultivation.

This document is prepared specifically for Humfire LLC located near Garberville off Sprowel Creek Road. The APN is 222-042-011. This parcel is zoned TPZ and is 180 acres. Cultivation occurs in a series of greenhouses using light deprivation and two growing cycles will be harvested each year. Cultivation irrigation water is supplied by a hydrologically disconnected well and a permitted spring. No School, Place of Worship, Public Park, Tribal Resources or any other sensitive receptor is within 600 feet of the cultivation area.

All required setbacks from neighboring residences, property lines and water courses are in place. Existing solar system provides electrical power.

Cultivation/Operation Plan

Cultivation will take place in a series of existing greenhouses that are equipped with light deprivation black out tarps. Natural sunlight will be used with no supplemental lighting. This meets the requirements for the International Dark Sky Guidelines. The greenhouses have natural soil floors and are designed with passive air flow for ventilation. The metal framed greenhouses measure 2-20'x80', 1-20'x60', 1-20'x85' and 5-24'x96' for a total of 17,520 sq ft and a 1-10'x85' propagation greenhouse. Cannabis plants are sourced from a permitted nursery which are then up potted into 4" garden pots and placed in the propagation greenhouse shown on site plan. This propagation greenhouse is 20'x80'. Once the starts are well rooted they are then planted in the wood framed garden beds that have approximately 8" of a high quality garden soil. The soil is tested each season and if needed, natural and organic nutrients are tilled into the soil for optimum plant health. The wood frame garden beds reduce or eliminate any possible cultivation related discharge.

Planting takes place in early spring using natural sunlight. Once plants achieve appropriate growth, light deprivation techniques reduce the growing time to 12 hours causing them to flower. These plants are then harvested in mid July. At that time the greenhouses are replanted with the second crop which then will be harvested in the fall.

Drying of the cannabis is done at this time in an existing 30'x30' Ag Exempt Building on the parcel. Solar power with a battery backup will supply the electrical needs for the small dehumidifiers and fans to dry the cannabis. If needed as a back up power source a small Honda EU 3000 generator will be

electrical power for this project. A small EU 3000 honda generator will provide back up power for this cultivation area. The generator produces less than 57 db at the source and under 50 db at 100' from the source. Small hand tools such as a small roto-tiller and other farming tools will be used for preparation of the soil. Overall no noise will be produced that would be over 50 db at the property lines.

Parking and Roads

This cultivation site is located off the Sprowel Creek Road which is a county maintained gravel road at the access road to the property. The access road is gravel and is well maintained with multiple watercourse crossings and culverts. These crossings have been upgraded to the satisfaction of the CDFW as well as other agencies. There are portions of the driveway and access road that will be addressed as shown in the SMP provided by TRC. This will include installation of rolling dips and water bars and other erosion control techniques as needed. As the cultivation areas will be used only during the growing season there will be no wintertime traffic which will also reduce sediment discharge. Adequate turn around and parking area are available for a type 3 engine or other emergency vehicles.

Light pollution and Control

Humfire LLC will utilize natural sunlight and light deprivation techniques for their cultivation activities. No supplemental lighting will be needed.

Energy Plan

Humfire LLC expects to use minimal electrical power. They will use an existing solar power system as the primary electrical energy source. Battery storage will help extend the time of use. A backup EU 3000 Honda generator will supply a backup power source. This generator will have an output of less than 57 db at the source.

Hazardous Materials Statement

No Hazardous Materials are used on this cultivation site. Only natural and organic nutrients and fertilizers are used when needed. Only approved pesticides are used when needed. No rodenticides or any other illegal products are used on this project. All agricultural products will be stored properly as recommended by manufacturer in an 8'x8' secure garden shed. This will be in an area not accessible to animals. No other hazardous materials are used or stored on the parcel in any reportable quantities.

Sewage Disposal

A porta potti will be available on site and be maintained by a local vendor.

IRRIGATION PLAN

Table 1: Water Use Table				
Month	Propagation Activities	Cultivation Schedule	Processing Activities (Off -Site)	Water Usage
January	None	None	None	0
February	None	None	None	0
March	None	None	None	0
April	Purchase clones	Prepare soil	None	2,500 Gallons
May	Plant starts in greenhouses	Plant greenhouses	None	5,000 Gallons
June	Prepare starts for second crop	Light Deprivation and cultivate	None	12,500 Gallons
July	Up pot starts and re-plant	Cultivate and harvest first crop	Drying	20,000 Gallons
August	None	Cultivate	None	25,000 Gallons
September	None	Cultivate	None	30,000 Gallons
October	None	Cultivate and prepare to harvest	None	20,000 Gallons
November	None	Finish Harvest	Drying	10,000 Gallons
December	None	Mulch and cover crop	None	0
			Total Water Use (up to)	125,000 Gallons

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



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

Applicant Name: Hum Fire LLC

APN: 222-042-011

Planning & Building Department Case/File No.: 12943

Road Name: Sprowel Creek Rd (complete a separate form for each road)

From Road (Cross street): Barnum Timber RD

To Road (Cross street): Private Access Road

Length of road segment: 2 miles Date Inspected: 2/20/21

Road is maintained by: ☒ County ☐ Other

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

Check one of the following:

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

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

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

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

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

Signature

Date

4/10/21

Name Printed .

Diana Tothen

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



Sprowel Creek Road .5 Mile after Bridge



Sprowel Creek Road Where pavement meets dirt

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

PART A: Part A may be completed by the applicant

Applicant Name: Hum Fire LLC APN: 222-042-011

Planning & Building Department Case/File No.: 12943

Road Name: Private Driveway (complete a separate form for each road)

From Road (Cross street): Barnum Rd

To Road (Cross street): Cult. Site

Length of road segment: .6 miles Date Inspected: 02/20/21

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

Check one of the following:

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

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

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

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

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

Signature



Date

2/20/21

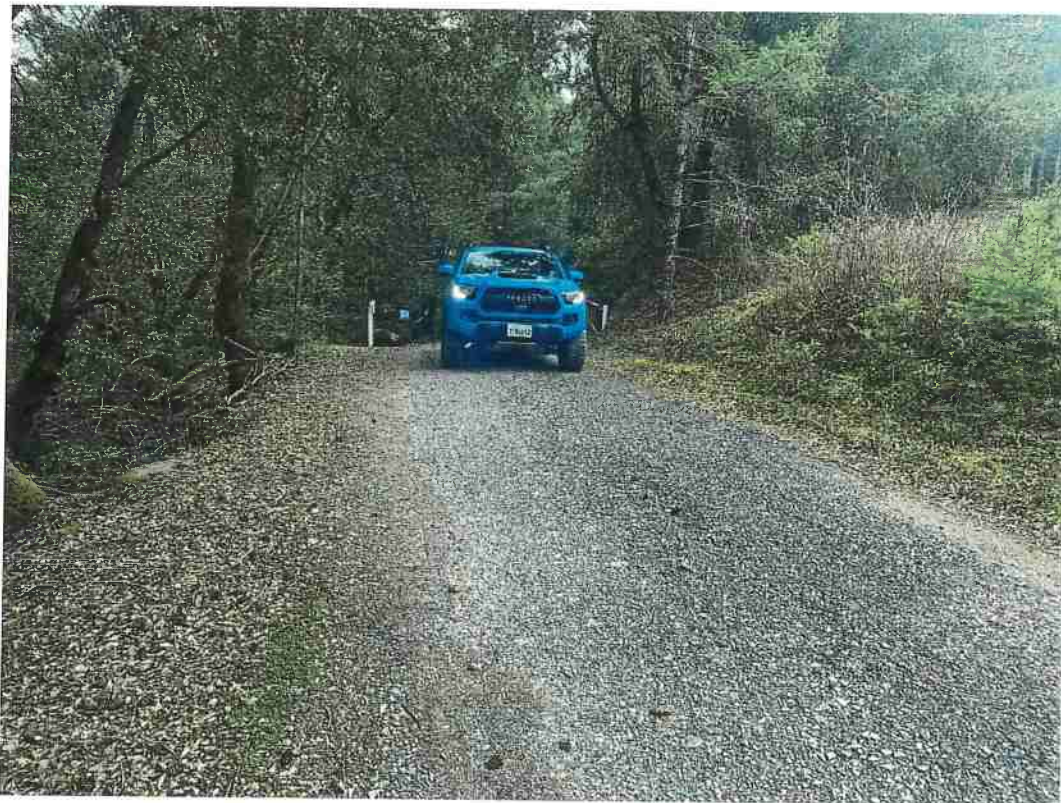
Name Printed

Diana Totten

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



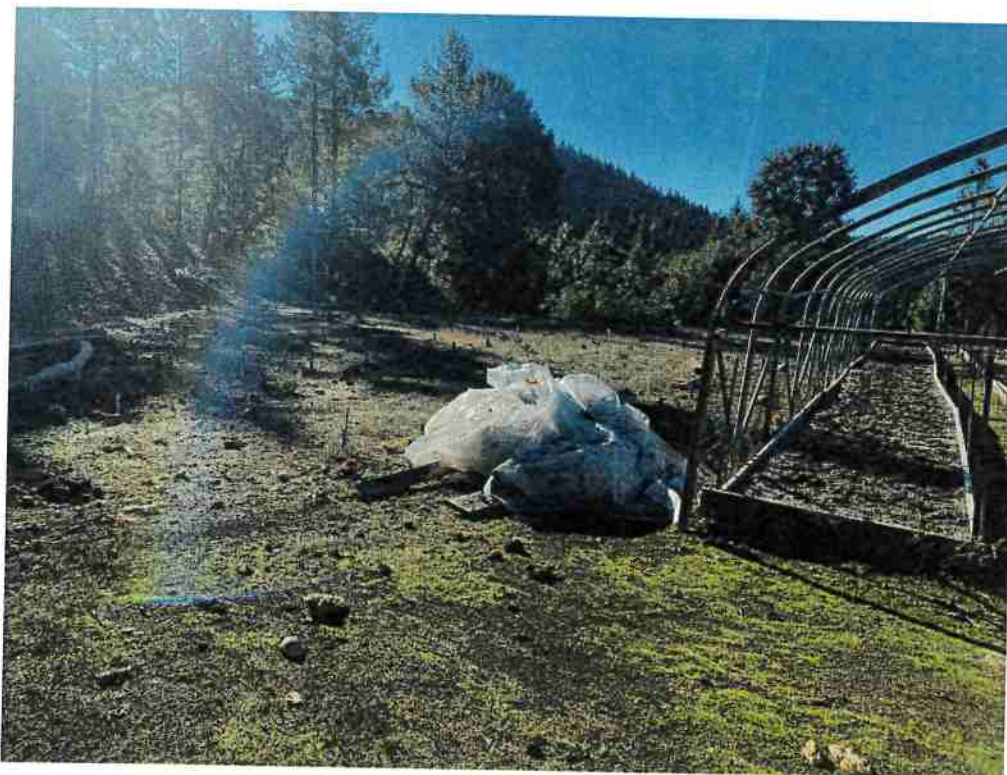
Private road meets Sprowel Creek Road



Entrance to Private Road

This document is to give evidence of Historical Cultivation which has occurred on this parcel which was not able to be documented with areal photos. The applicant has submitted an application for 20,720 Sq Ft.. County staff was able to find CAV of 8,000 Sq Ft of which the interim permit was issued. A field visit was done by staff of Clearwater Ag Services on Dec. 8, 2020 to verify historical cultivation. Attached are the photos of that cultivation and associated water lines and grow bags. There was an area of illegal grading that took place since 2016 which pushed through some of the area of cultivation. We found evidence to support and the applicant verified there were 275 or more grow bags and associated waterlines. This cultivation took place in brush and trees and is not visible by areal photos. Clearwater Ag Services has worked with the planning dept on similar projects and we are using the same support documents as we have on other projects. HCPD has used 36 Sq Ft for single outdoor plants times 275 plants and this will total 9,900 Sq Ft. additional Sq Footage to the 8,000 Sq Ft on the interim permit for a total cultivation area of 17,900 Sq Ft. Let me know if you need anything else to support this information.

Thank you
Diana Totten



Area of the 9,900 relocation



Area of the 9,900 relocation



Area of Historical Cultivation



Area of Historical Cultivation



RESTOCKING PLAN

FOR

APN 222-042-011

PLN-12943-CUP - Hum Fire LLC

Revised September 1, 2021

165 South Fortuna Blvd
Fortuna, CA 95540
707-725-1897
707-725-0972 Fax
trc@timberlandresource.com

Restocking Plan

Restocking Area: See attached Restocking Map.

Site	Total Acreage	# Trees at 15'x15' Spacing
Area 1	0.25	48
Area 2	0.20	39
Area 3	0.13	25
Area 4	0.14	27
Area 5	0.12	23
Area 6	0.16	31
Area 7	0.15	29
Area 8	0.16	31
Total:	1.31	253

Site Preparation: Site preparation is commonly utilized to facilitate timber stand establishment. The primary objective of this practice is to create an area suitable for planting seedlings and establishing a new stand of trees. Site preparation activities remove or reduce competing vegetation, reduce or remove unwanted trees and logging debris, and prepare the soil to ultimately promote the growth and survival of desired tree species. There are many methods of site preparation that fall under either chemical or mechanical site preparation. Subsoiling/ripping is a mechanical site prep method for heavy soils on cutover timberlands or agricultural lands that have a compacted layer at or below the soil surface that limits root growth and development. Subsoiling/ripping increases aeration and water-holding capacity of compacted soils and breaks up root restricting hardpans and/or traffic pans. Chemical preparation includes broadcast and directed herbicide application.

Recommendation: Use of heavy equipment will be necessary at Area 3 to rip the surface of the graded flat. A post-hole digger or hand auger may be needed at the balance of the areas.

Types of Seedlings: Harvested and/or understocked timberlands should be artificially regenerated with naturally-occurring conifer species and cultivars well-adapted to the timber stand's specific climate, elevation, and other environmental conditions. Planting seedlings from appropriate seed zones and elevation ranges ensures better seedling success and, eventually, a more resilient timber stand. Specifically, timberland within the property is characterized by Douglas-fir and tanoak. The area to be planted occurs within California Seed Zone 093 at approximately 1,000 feet in elevation.

Recommendation: The landowner shall plant Douglas-fir (best suited for Seed Zone 093 at ~1,000-foot elevation) at a uniform spacing no less than 15-feet by 15-feet, or 194 trees per acre.

Most conifer seedlings that come from nurseries are available in two forms: bareroot seedlings and containerized seedlings. Bareroot seedlings are essentially stock whose roots are exposed at the time of planting. Bareroot seedlings are grown in nursery seedbeds and lifted from the soil in which they are grown to be planted in the field. Containerized seedlings are grown individually in a variety of hard-walled vessels or in peat pots from seed. They're typically more expensive than bareroots but usually have a higher survival rate after planting due to their well-formed root system.

Recommendation: Given the conditions of the site and the higher survival rate associated with containerized stock, use containerized seedlings if available.

Seedling Care: Seedling care and handling is extremely important to ensure post planting survival.

Recommendation: For long-term storage (more than 3 days), store seedlings at 33 to 36 degrees Fahrenheit. For short-term storage (several hours to less than 3 days), store below 42 degrees Fahrenheit. At the planting site, take care not to let the roots dry out and avoid exposure to the sun or warmer temperatures.

Restocking Plan

Planting Instructions: When planting seedlings, the landowner or tree planter should abide by the following:

1. Tree planting shall only occur in winter or early spring. Tree planting should not occur if the ground is frozen or during unusually warm periods.
2. Dig a hole at least one inch deeper and wider than the seedling roots. If planting from a container, dig the hole an inch deeper and wider than the container.
3. Place the seedling into the hole taking care not to bend the taproot, or main vertical root, and cover with soil.
4. Pack the soil down firmly around the seedling to remove any air pockets.
5. See Appendices A-D for illustrations for correct planting techniques.

Stock Purchase: Ideally, landowners should procure seedlings from sources growing local, site-specific stock. Appropriate stock is determined by stand type, seed zone, elevation, as well as other factors like soil type, site quality, and weather.

Recommendation: The RPF recommends acquiring conifer seedlings from one of the following sources: <https://www.samararestoration.com/>, <http://www.calforest.com/>, <https://sequoiatrees.com/>, or contact Timberland Resource Consultants for assistance.

Monitoring Seedling Survival: Although a newly planted stand immediately fulfills stocking standards, the timber stand must continually contain an average density of at least 125 trees per acre (or 18-foot by 18-foot spacing) in order to meet the intent of the California Forest Practice Rules (CFPRs). A **Countable Tree** per 14CCR 895.1 must be in place at least two growing seasons among other requirements. Seedling survival can vary widely depending on several factors including genetics, weather, herbivory, etc. Monitoring growth and success of planted seedlings is key to ensure a minimum 125-point count stocking level is maintained or achieved 2-years after planting.

Recommendation: Monitor growth and success of planted trees one year after planting. Conduct a point count stocking sampling survey (protocol described in CFPRs 14CCR 1072). If less than 55% of the planted area meets the 125-point count minimum stocking level, repeat the planting process.

Certification: Within five years of planting, a report of stocking shall be submitted to the county by an RPF, which certifies that the area meets the minimum stocking standards of 14 CCR 912.7.








Sincerely,



Chris Carroll, RPF# 2628
Timberland Resource Consultants

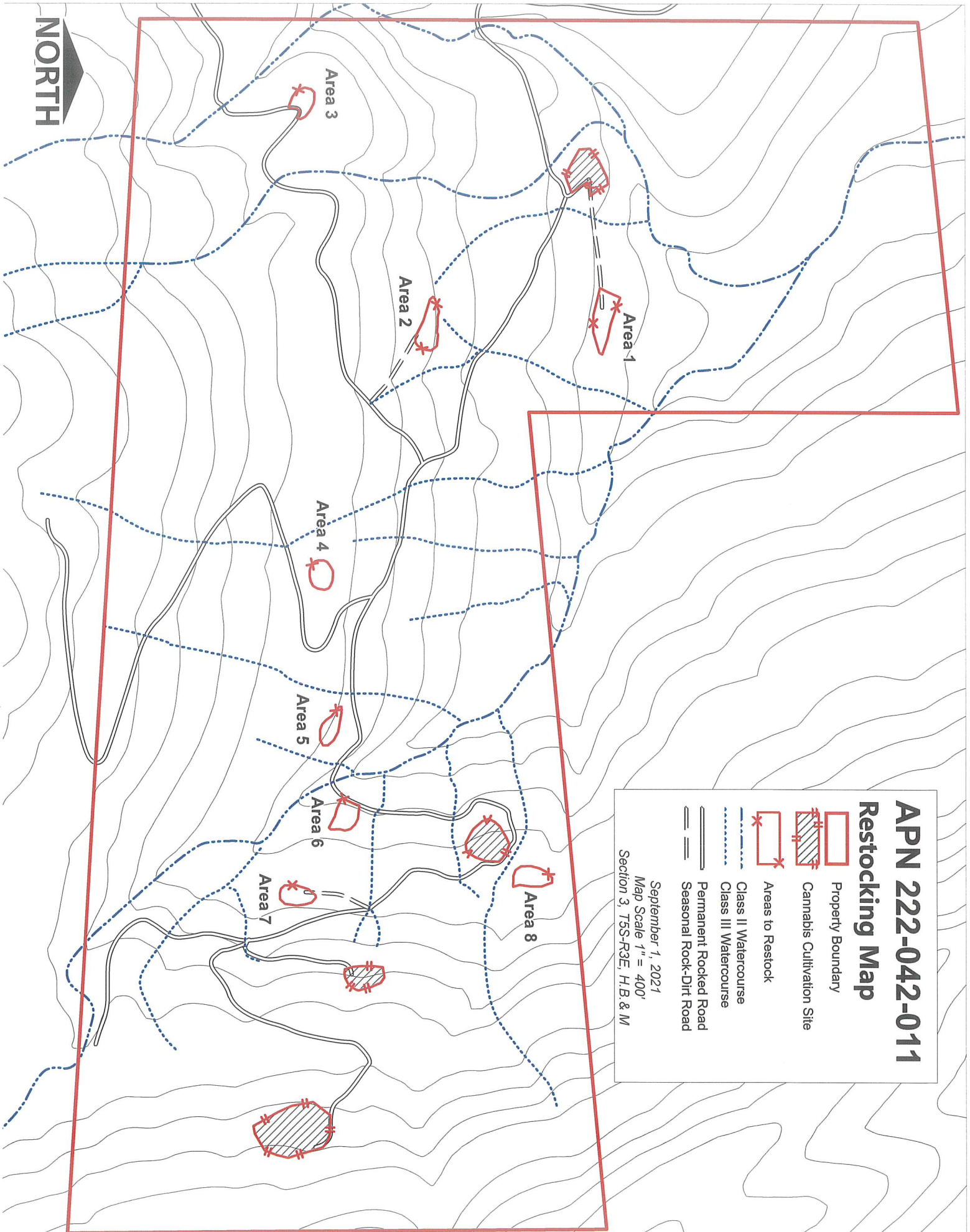
APN 222-042-011

Restocking Map

-  Property Boundary
-  Cannabis Cultivation Site
-  Areas to Restock
-  Class II Watercourse
-  Class III Watercourse
-  Permanent Rocked Road
-  Seasonal Rock-Dirt Road








September 1, 2021
Map Scale 1" = 400'
Section 3, T5S-R3E, H.B. & M

NORTH



APN 222-042-011

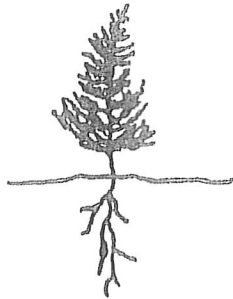
Restocking Map

-  Property Boundary
-  Cannabis Cultivation Site
-  Areas to Restock
-  Class II Watercourse
-  Class III Watercourse
-  Permanent Rock-Dirt Road
-  Seasonal Rock-Dirt Road

September 1, 2021
Map Scale 1" = 400'
Section 3, T5S-R3E, H.B. & M

NORTH

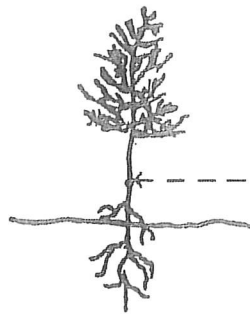
APPENDIX A CORRECT METHOD OF SEEDLING PLANTING



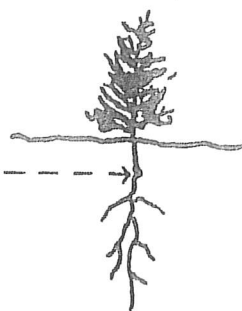
- Soil firmly packed around roots.
- No air pockets.
- Roots straight with no J or L bends.
- Root collar at or slightly below ground level.
- Root not pruned.

ERROR IN PLANTING

Too shallow



Too Deep

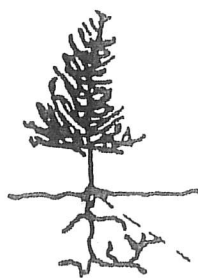


Root Collar

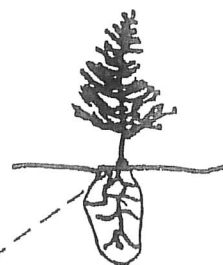
- Hole not deep enough.
- Root collar and upper roots exposed.
- Roots dry out.

- Hole is too deep.
- Root collar buried.

J or L Roots



Air Pockets



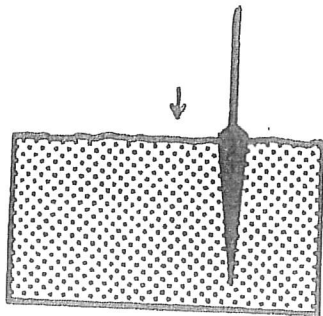
Root Collar

Hole is not deep enough — planting in rocky soil.
Roots cannot effectively take up water.
Tree not wind-firm.

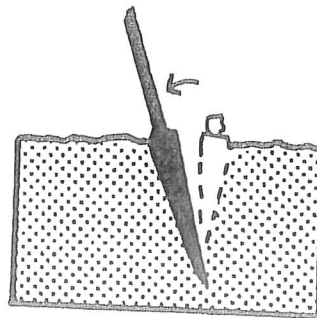
- Soil not firmly packed around roots.
- Air pocket forms.
- Roots dry out.

APPENDIX B
PLANTING WITH A FLAT BAR

1. Insert flat bar straight down.

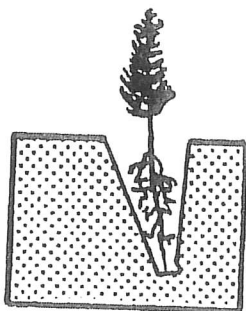


2. Pull flat bar backward to open hole.

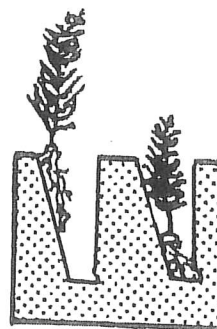


3. Remove flat bar and place seedling at correct depth with root collar at or slightly below ground level.

Correct



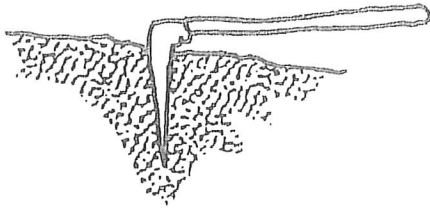
Incorrect



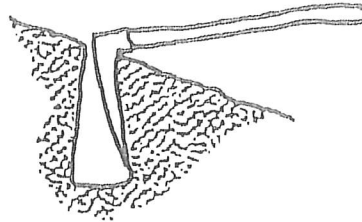
APPENDIX C

PLANTING WITH A HOE

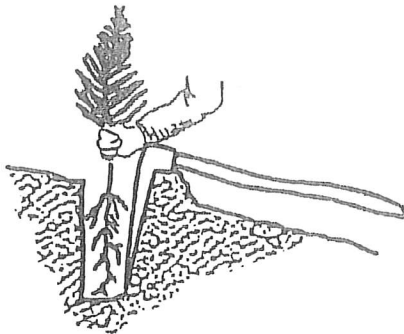
1. Swing hoe to get full penetration.



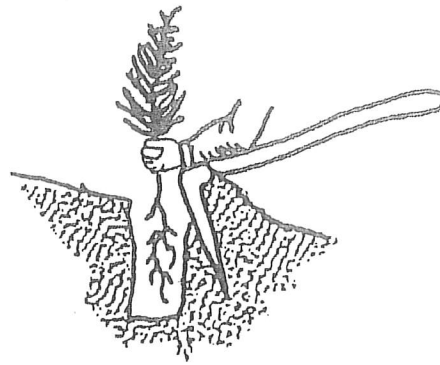
2. Lift handle and pull up to widen hole.



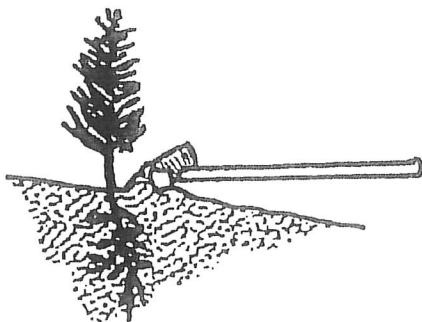
3. Place seedling while using hoe to hold back soil.



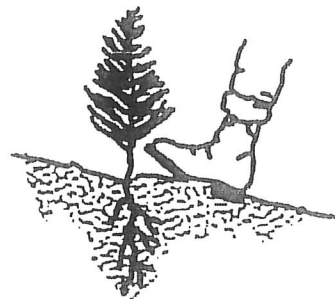
4. Use hoe to pack soil at bottom of hole.



5. Use hoe to pack soil at top hole.



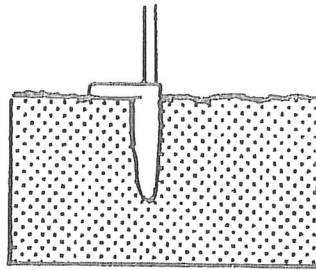
6. Firm soil around seedling with feet.



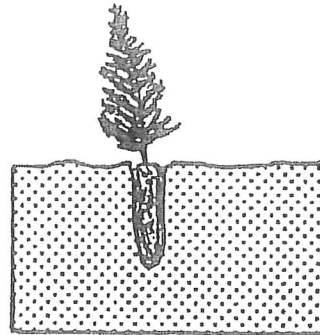
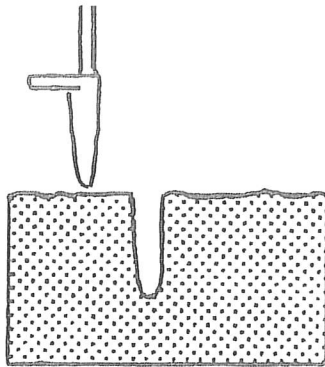
APPENDIX D

PUNTING WITH A PLUG BAR

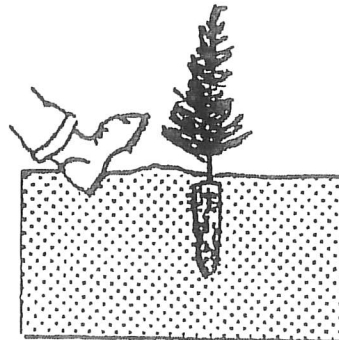
1. Insert plug bar straight down until plug bar footrest is level with ground.



2. Remove plug bar and place seedling in hole.



3. Firm soil around seeding with heel of boot.




ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No response	
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE	✓	Cannot support the project	Attached
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
Northwest Information Center	✓	Further Study	On file- confidential
Bear River Band of Rohnerville Rancheria	✓	Additional Information Requested	On file- Confidential
Intertribal Sinkyone Wilderness Council		No response	
Humboldt County Sheriff	✓	Approval	On file
Humboldt County Agricultural Commissioner		No response	
Humboldt County Code Enforcement		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	✓	Approval	

PLN-12943-CUP 
Hum Fire LLC | Kevi...
The applicant is see...

STATUS
> **Staff Report**
05/17/2021 by Ab...

LOCATION
> **None Provided**

CONTACT
> **Bushnell David L ...**

WORKFLOW
> **15 total Task**
● 7 completed ○
4 active

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Cancel

Help

Task	Due Date	Assigned Date
Environmental Health	05/08/2021	04/23/2021
Assigned to Department	Assigned to	Status
Environmental Health	Joey Whittlesey	Approved with Conditions
Action by Department	Action By	Status Date
Environmental Health	Joey Whittlesey	04/28/2021
Start Time	End Time	Hours Spent
		0.0
Billable	Overtime	Comments
No	No	DEH has no record of the well proposed as the source of water. Owner shall either provide evidence of permit, destroy the well, legalize the well through installation of a new sanitary surface seal, or provide compelling evidence that the well was installed prior to February, 1973.
		Seasonal cultivation without processing may use portable toilets to serve the operation. Permittee shall provide portable toilet(s) to cultivation areas, meeting appropriate setbacks per Humboldt County Code, or install a permitted onsite wastewater treatment system associated with a permitted structure.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA
No		<input checked="" type="checkbox"/> All ACA Users
		<input checked="" type="checkbox"/> Record Creator



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

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

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

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

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Abbie Stickland, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 05/07/2021

RE:

Applicant Name	HUM FIRE LLC
APN	222-042-011
APPS#	PLN-12943-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, dated 04/10/21, with Part A –Box 2 checked, certifying that the roads are equivalent to a road Category 4 standard.

Whether specifically addressed or not within the road evaluation report, per County Code Section 3112-5, “No roadway grade in excess of 16 percent shall be permitted unless it has been demonstrated to be in conformance with the County Roadway Design Manual.” Where portions of the road have grades that exceed 16%, those portions must be paved and must have an exception request approved. [reference: County Code sections 3111-9 and 3112-5]

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12943

- ☒ COUNTY ROADS- PROXIMITY OF FARMS:
Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.
- ☐ COUNTY ROADS- FENCES & ENCROACHMENTS:
All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ COUNTY ROADS- DRIVEWAY (PART 1):
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

Intersection at County road will need to be re-aligned to meet County standards.
- ☐ COUNTY ROADS- DRIVEWAY (PART 2):
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.
 - If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet (or to break in slope) where it intersects the County road.
 - If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet where it intersects the County road.
 - If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.
The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

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

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

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing culverts; min. size is typically 18".
 - If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet (or break in slope) where it intersects the County road.
 - If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ COUNTY ROADS- ROAD EVALUATION REPORT(S):
All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

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:

APP# 12943 APN 222-042-011

Meyers, Tim@CALFIRE <Tim.Meyers@fire.ca.gov>

Tue 6/8/2021 2:41 PM

To: Strickland, Abigail <astrickland@co.humboldt.ca.us>

Cc: Meyers, Tim@CALFIRE <Tim.Meyers@fire.ca.gov>

Humboldt County Planning Department,

The past conversion activities conducted on the property do not comply with the California Forest Practice Rules. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel. The current owner of a parcel is responsible for restocking requirements and prescribed erosion control maintenance whether or not they were involved in the actual harvesting of timber. Additionally the treatment of logging slash is the responsibility of the timberland owner and is required to bring the property into compliance.

I have read the evaluation of potential timberland conversion and the recommendations prepared by the RPF. The restocking plan provided in the report if enforced will recover some of the converted timberland. The conversion of timberland is greater than area allowed since the January 1, 2016. A large portion of site 8 was done between 2017 and 2018 additional areas should be restocked.

Tim Meyers

Forester I, RPF #2813

Department of Forestry and Fire Protection

CAL FIRE

Weott Resource Management

Humboldt-Del Norte Unit

Office (707) 946-2204

Cellular (707) 599-6433

tim.meyers@fire.ca.gov

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DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Resource Management
118 S. Fortuna Blvd.
Fortuna, CA. 95540
(707) 726-1253
Website: www.fire.ca.gov



Abbie Strickland
Project Planner
Humboldt County - Cannabis Services Division
3015 H Street
Eureka, CA. 95501

August 25, 2021

Project: PLN-12943-CUP, Hum Fire LLC Conditional Use Permit
APN 222-042-011

County Planner Strickland,

The California Department of Forestry and Fire Protection (CAL FIRE) provides the following input on this project to clarify our previous comments and outline CAL FIRE's jurisdictional authority.

The Forest Practice Program of the California Department of Forestry and Fire Protection (CAL FIRE) reviews project referrals at the request of the County for the applicability of only State forestry laws and regulations relative to the Z'Berg Nejedly Forest Practice Act, the California Forest Practice Rules (FPR), and applicable elements of the Public Resources Code (PRC).

By policy, the California Board of Forestry and CAL FIRE cannot support any project that will reduce the timberland base of California. Public Resources Code Section 4526, defines what timberland is. It is the Department's responsibility to maintain, protect and enhance long-term timber production and the associated preservation of the State's timberland base.

However, CAL FIRE recognizes that if current zoning and the intended land use are consistent with the County's general plan; and if after review, no land other than timberland can be identified to site the project; then, CAL FIRE may choose not to oppose the project. California codes PRC 4621, FPR 14 CCR 1103 authorize legal conversion of timberland to a non-timber growing use under a programmatic CEQA process.

CAL FIRE is reviewing this project relative to its jurisdictional authority. Relative to Humboldt County project PLN-12943-CUP, CAL FIRE cannot support this project. Therefore CAL FIRE defers to the County's discretionary process and authority regarding this project.

If you have any questions, please contact Chris Curtis as indicated below.

For : Kurt McCray
Unit Chief, Humboldt/Del Norte Unit

Chris Curtis RPF #2541
Forester III, Unit Forester
CAL FIRE Humboldt/Del Norte Unit
118 So. Fortuna Blvd.
Fortuna, CA 95540
(707) 726-1256

CC: HUU RM File
CAL FIRE Unit Chief Kurt McCray
CAL FIRE Inspector T. Meyers