

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street
PO Box 3044
Sacramento CA 95812-3044

From: County of Humboldt
Planning and Building Department
3015 H Street
Eureka CA 95501

County of Humboldt
County Clerk
825 Fifth Street
Eureka CA 95501

FILED
County of Humboldt
Kelly E. Sanders
County Clerk
12-2021-014
02/04/2021
sc

Contact: David Mack, AICP
Telephone: 831-320-0413
Email: david.mack@weareharris.com

Lead Agency (if different from above):
Address:

Contact:
Telephone:

Applicant: KMS Farms LLC
C/O Kent Eubanks
12503 Saratoga Creek Drive
Saratoga, CA 95070

APN: 216-012-007 and 216-013-011

Case No.: CUP 16-922
App No. 12922

Subject: *Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.*

State Clearinghouse Number: 2015102005

Project Title: Medical Marijuana Land Use Ordinance--Phase IV

Project Location: (Include County)

The project is located at 0 Reed Mountain Road (APN: 216-012-007), five miles southeast of the unincorporated community of Benbow, located in southern Humboldt County.

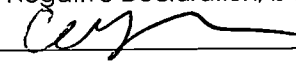
Project Description:

Conditional Use Permit (CUP-16-922) to allow 18,500 square feet (SF) of existing medical cannabis cultivation, consisting of 6,200 SF outdoor cultivation and 12,300 SF mixed light cultivation. A propagation facility/nursery totaling 1,850 SF is also proposed. Irrigation water is sourced from an onsite well, which produces 4 gallons/minute (5,680 gallons/day) (permit # WDID -1_12CC429820), and a surface water diversion (SIUR Certificate# H100467) from an unnamed stream. Estimated annual water usage is 244,500 gallons which equates to 13.2 gallons per square foot of cultivation area. Existing water storage is 119,000 gallons, stored as follows: eight 3,000 gallon High Density Polyethylene plastic (HDPE) tanks (24,000 gallons) and nineteen 5,000-gallon HDPE tanks (95,000 gallons). The onsite well will provide all additional water needed for the remainder of the cultivation season after April 1. The water right to divert water (from an unnamed stream on the property) combined with the water made available by the well yields approximately 480,000 gallons and would allow for full forbearance during the forbearance period. Drying will occur onsite within a dedicated Agriculture drying building, while bucking and further processing would occur at a licensed third party facility. There is an average of 3 employees utilized throughout the year, and up to 4 employees during peak operations. Power is provided by solar and one onsite generator (Honda EU2000 200 kW).

This is to advise that the County of Humboldt as the Lead Agency has approved the above described project on January 21, 2021 and has determined that the project described above is in compliance with, and is consistent with the Commercial Medical Cannabis Land Use Ordinance (CMMLUO) adopted January 26, 2016, for which a Mitigated Negative Declaration was also adopted, and has made the following determinations regarding the above described project:

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was was not adopted for this project.
5. A statement of Overriding Considerations was was not adopted for this project.
6. Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the Mitigated Negative Declaration prepared for the adoption and responses and record of project approval, or the Negative Declaration, is available to the General Public at: Planning Division, 3015 H St, Eureka, CA

Signature: 
Title: Planner

Date: 2.2.2021
Date received for filing at OPR: _____

ATTACHMENT 2

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

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

**APN 216-012-007 & 216-013-011; 0 Reed Mountain Road, Benbow, CA 95514
County of Humboldt**

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

December 2020

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. The CMMLUO was considered a "project" under the California Environmental Quality Act (CEQA) and thus required analysis for potential environmental impacts. Therefore, the CMMLUO regulations were developed and adopted in concert with the environmental analysis and Mitigated Negative Declaration (MND) that was adopted for the ordinance in 2016.

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

The modified project involves a Conditional Use Permit (CUP-12-922) for an existing 18,500 square foot (SF) outdoor cultivation area and 1,850 ancillary propagation area. Water sources for irrigation are provided by an onsite well and a surface water diversion. Existing water storage includes 119,000 total gallons of water storage, subdivided into eight (8) 3,000-gallon tanks and nineteen (19) 5,000-gallon tanks. The onsite well will provide approximately 480,000 gallons of water (for the approximately 200 days it would be used) for cultivation activities, and would allow a sufficient volume of storage to meet full forbearance requirements. Estimated annual water usage is 244,500 gallons (WRPP 2019) to be used throughout the cultivation season, from April to October. Drying would occur onsite, and further processing would occur at a licensed third party facility. Electricity is provided by an onsite solar system with a backup Honda EU2000 (200 kW) generator.

Irrigation water sources include an onsite well (WDID# 1_12CC429820) and a surface water diversion (SIUR Certificate# H100467). A Water Resources Protection Plan (WRPP) was created in order to protect the water resources of the project area, through annual site inspection, monitoring, and reporting of Tier II Discharges to the North Coast Regional Water Quality Control Board (NCRWQC), by March 31st of each year. The proposed project is within a Streamside Management Area (SMA) and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within a SMA to comply with erosion control and required mitigation measures.

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW). The LSAA is for two Points of Diversion and three crossings in Class II and II watercourses, as well as vegetation removal and remediation within abandoned waterways.

A Biological Reconnaissance Report was conducted to identify any special status wildlife species or wildlife habitat within the project area (Stauffer, July 2019). A list of potential special species was generated using the following information systems: California Natural Diversity Database (CDFW 2019) and Biogeographic Information and Observation system (BIOS), Norther Spotted Owl Viewer (CDFW 2019), US Fish and Wildlife Service (USFWS) database. Although 25 special-status wildlife species are documented within the vicinity of the project area (Appendix A Bio Report), project activities are not expected to produce any adverse or cumulative effects to any special-species or habitat, due to the small size of the project of the project area combined with the type of proposed activities.

A Cultural Resources Investigation was prepared by Arsenault & Associates, and concluded that the proposed project would not result in any adverse changes to historical or archaeological resources (Arsenault, 2020). The Northwest Information Center (NWIC) was contacted and responded by indicating there are no known resources present in the project area. The lead investigator, Mark Arsenault, recommends the use of Inadvertent Discoveries Protocol by a qualified professional archaeologist, if any previously unidentified cultural resources are encountered throughout project implementation.

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. This includes restocking 0.53 acres with timber (Douglas Fir) that was converted after the CEQA baseline was established to remediate for loss of wildlife habitat and reestablish the timber stand. This also includes ensuring that supplemental lighting and security lighting adheres to Dark Sky Association standards, and that project related noise does not harass nearby wildlife, thus limiting impacts to biological resources caused by light and noise.

Purpose - Section 15164 of the CEQA Guidelines provides that the lead agency shall prepare an addendum to a previously certified MND if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for a subsequent 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 18,300 square feet of existing cannabis cultivation fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Timberland Resource Consultants, received 12/17/2019
- Plot Plan prepared by Timberland Resource Consultants, dated 9/1/2020 and received 9/2/2020
- Cultivation and Operations Plan prepared by Timberland Resources Consultants report dated 9/1/2020 and received 9/2/2020
- Well Completion Report, Chris Fisch, Fisch Drilling Well ID # WCR2020-011369 (located on APN 216-013-011), submitted 8/25/2020 and received 9/2/2020
- Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants, (WDID: 1B161213CHUM) for the North Coast Regional Water Quality Control Board Order No. 2015-0023. Report dated 2/5/2018 and received 12/17/2019
- Right to Divert and Use Water (SIUR #: H100467), granted by the State Water Resources Control Board, 4/26/2019.
- Lake and Streambed Alteration Agreement for CDFW, prepared by Chris Carroll, RPF #2628, Timberland Resources Consultants. Report dated 9/27/2019 and received 12/17/2019
- Biological Reconnaissance Assessment prepared by Jessica R. Stauffer report dated 8/14/2029, received 12/17/2019
- Cultural Resource Investigation for KMS Farms, Humboldt County California, conducted by Mark Arsenault, M.A., RPA (#41855166), Principal Investigator, Arsenault & Associates, 1085 I Street, Suite 206, Arcata CA 95521. Report dated 8/31/2020, received 9/2/2020
- North West Information Center (NWIC) records search conducted by y Lisa Hagel (File #20-0268) on 9/19/2020
- Restoration and Timber Restocking Plan, conducted by Timberland Resource Consultants, report dated 7/27/2020, received 9/2/2020
- Road Evaluation Report, conducted by David Nicoletti, PE QSD/QSP, DNT Engineering & Consulting, 2731 K Street Unit A, Eureka, Ca 9550. Site assessment occurred 4/8/2019 and 5/10/2019
- Public Works Road Evaluation Report, dated 5/23/2019 and received 12/17/2019
- Cal Fire application communication with forester Lucas Titus, dated 8/30/2020
- Department of Health and Human Services, letter (find date online)

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

For every environmental topic analyzed in this review, the potential environmental impacts of the current proposed project would be the same, similar, or less than those of the initial project for which the MND was adopted. There would be no new significant impacts or a substantial increase in the severity of an impact. 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.

Notice of Determination

Notice of Determination

Appendix D

To:
[] Office of Planning and Research
U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814
[X] County Clerk
County of: Humboldt
Address: 825 Fifth Street
Eureka, CA 95501

From:
Public Agency: Humboldt Dept. Planning & Bldg.
Address: 3015 H Street
Eureka, CA 95501
Contact: Steven Lazar KELLY E. SANDERS
Humboldt County Clerk
Phone: 707-445-7245
Lead Agency (if different from above):
Address:
Contact: BY [Signature]
Phone: 12-2016-002

FILED

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2015102005

Project Title: Medical Marijuana Land Use Ordinance-Phase IV

Project Applicant: Humboldt County Department of Planning & Building

Project Location (include county): Humboldt, applies county-wide

Project Description:

Amendments to the Zoning Ordinance intended to provide for regulation of land uses involving commercial cultivation of cannabis for medical use. The ordinance regulates the cultivation by licensed operators, in compliance with relevant state and local laws. The fourth phase of the Humboldt County "Medical Marijuana Land Use Ordinance," the proposed ordinance would regulate an existing land use to help prevent and reduce environmental impacts known to result from unpermitted baseline cultivation operations. The ordinance develops pathways for compliance with new and existing regulations, while providing for local review, inspection, and oversight.

This is to advise that the Humboldt County Planning & Building Department has approved the above (X) Lead Agency or () Responsible Agency

described project on January 26, 2016 and has made the following determinations regarding the above described project. (date)

- 1. The project [] will [X] will not have a significant effect on the environment.
2. [] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [X] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X] were [] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [X] was [] was not adopted for this project.
5. A statement of Overriding Considerations [] was [X] was not adopted for this project.
6. Findings [X] were [] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Humboldt County Planning & Building Department-Current Planning Division, 3015 H Street, Eureka, CA 95501

Signature (Public Agency): [Signature] Title: Interim Planning Director

Date: 1-26-2016 Date Received for filing at OPR:

Authority cited: Sections 21083, Public Resources Code. Reference Section 21000-21174, Public Resources Code.

Revised 2011

RECEIPT



Transaction #: 62648
 Receipt #: 2016000949
 Cashier Date: 1/28/16 16:29
 Cashier By: LH
 Print Date: 1/28/2016 16:29:34

Kelly E. Sanders, Recorder
 Humboldt County, California
 825 5th Street
 Eureka, CA 95501
 (707) 445-7382

16:29:34
 1/28/2016

CUSTOMER INFORMATION TRANSACTION INFORMATION PAYMENT SUMMARY

HUMBOLDT CO PLANNING

Date Received:	January 28, 2016 16:26
Source Code:	OVER THE COUNTER
Return Code:	MAIL
Trans Type:	Recording
Bin Number:	
Agent Ref Number:	HUMBOLDT CO PLANNING

Total Fees:	\$2,210.25
Total Payments:	\$2,210.25
Balance Due:	\$0.00

TRANSACTION PROBLEMS

Payments

JOURNAL ENTRY

\$2,210.25

Filing

Fish and Game NEGATIVE DECLARATION

Fees: Clerk Fees (1100271-613020)

\$2,210.25

FILE COPY
Humboldt County is the point of the sphere. We need the sphere help in this Pilot Project

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street
PO Box 3044
Sacramento CA 95812-3044

From: County of Humboldt
Planning and Building Department
3015 H Street
Eureka CA 95501

County of Humboldt
County Clerk
825 Fifth Street
Eureka CA 95501

F I L E D
County of Humboldt
Kelly E. Sanders
County Clerk
12-2021-015
02/04/2021
sc

Contact: David Mack, AICP
Telephone: 831-320-0413
Email: david.mack@weareharris.com

Lead Agency (if different from above):
Address:

Contact:
Telephone:

Applicant: Savage Farms
C/O Nate Shepard
PO Box 1958
Redway, CA 95560

APN: 220-171-005

Case No.: CUP-16-488
App No. 11994

Subject: **Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number: 2015102005

Project Title: Medical Marijuana Land Use Ordinance--Phase IV

Project Location: (Include County)

The project is located at 655 Eubanks Road (APN: 220-171-005) in the unincorporated community of Whitethorn, located in western Humboldt County.

Project Description:

Savage Farms, LLC, seeks Conditional Use CUP-16-488 to permit an existing 20,300 square foot (SF) outdoor (light deprivation) cultivation that is comprised of 12 greenhouses (GH) and a total of 2,400 SF of ancillary nursery/immature planting areas. Drying would occur onsite in three existing buildings and further processing would occur at a licensed third party facility. There would be two to three employees active in the cultivation process throughout the year. Power is provided by two gas-powered Honda generators (200 kW and 300 kW). Irrigation water is sourced from two surface water diversion points, as well as a rain catchment pond. Existing onsite water storage totals 233,000 gallons and includes 42 high-density polyethylene (HDPE) hard tanks that vary from 1,500-gallon to 5,000-gallon in size, as well as a 37,000-gallon rain catchment pond. Total water use annually is estimated at 252,250 gallons.

This is to advise that the County of Humboldt as the Lead Agency has approved the above described project on January 21, 2021 and has determined that the project described above is in compliance with, and is consistent with the Commercial Medical Cannabis Land Use Ordinance (CMMLUO) adopted January 26, 2016, for which a Mitigated Negative Declaration was also adopted, and has made the following determinations regarding the above described project:

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was was not adopted for this project.
5. A statement of Overriding Considerations was was not adopted for this project.
6. Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the Mitigated Negative Declaration prepared for the adoption and responses and record of project approval, or the Negative Declaration, is available to the General Public at: Planning Division, 3015 H St, Eureka, CA

Signature: 
Title: Planner

Date: 2-2-2021
Date received for filing at OPR: _____

ATTACHMENT 2

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

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

**APN 220-171-005; 655 Eubanks Road, Whitethorn, CA 95589
County of Humboldt**

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

January 2021

BACKGROUND

Purpose of Addendum

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

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

Project History

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the CMMLUO 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. The MND states, "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.

Modified Project Description

The modified project involves a Conditional Use Permit (CUP-16-488) for Savage Farms, an existing 20,300 square foot (SF) outdoor cultivation that is comprised of 12 greenhouses and a 2,400 SF ancillary nursery, in the unincorporated community of Whitethorn. Water sources for irrigation would be provided by two springs and one rainwater catchment pond. Existing onsite water storage totals 233,000 gallons and includes 42 HDPE hard tanks that vary from 1,500-gallon to 5,000-gallon in size, as well as a 37,000-gallon

rain catchment pond. Total water use annually is estimated at 252,250 gallons. Drying would occur onsite, and further processing would occur at a licensed third party facility offsite. There would be two to three employees active in the cultivation process. Power is provided by two gas-powered Honda generators (200 kW and 300 kW).

Irrigation water sources includes two points of diversion from two different springs (#1 and #2), as well as a rain catchment pond that has an area of 2,287 SF (37,000 gallons). The project area includes multiple watercourses, including: one (1) Class I watercourse, Eubank Creek, two (2) unnamed Class II watercourses, five (5) class III drainages. Three of these watercourses require a buffer from any existing cultivation areas. Eubank Creek Class I watercourse and an unnamed class II watercourse require a 100-foot buffer, and an unnamed class III drainage requires a 50-foot buffer.

In order to preserve water resources within the project area, water resources would be monitored through annual reporting and site inspection of all water-related activities to the North Coast Regional Water Quality Control Board (NCRWQC) by March 31st of each year. The proposed project is within a Streamside Management Area (SMA) and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within a SMA to comply with erosion control and required mitigation measures.

A Site Management Plan of the property identified numerous issues within the project area and High Risk Treatment Priority Remediation Measures (Site Management Plan, Remediation Summary Table). The issues that were identified include: Riparian and Wetland Protection, Stream Crossing Maintenance, Erosion Control and Drainage Features, and Cultivation Related Waste. The applicant is required to comply with **Conditions 16a-16d** in order to resolve these issues for the permit to be granted, to bring the project into compliance with CMMLUO, and to be approved with the Humboldt County Planning and Building Department.

The site is located in on both sides of Eubanks Road, which is maintained by the County. The Department of Public Works reviewed the project referral and recommended standard conditions of approval related to maintenance of private driveway/road intersections [County Roads-Driveway & Private Road Intersection Paved Surface]. These conditions have been applied to the project, and no additional review is required.

A Lake and Streambed Alteration Agreement (LSAA) was granted by the California Department of Fish and Wildlife (Notification #: 1600-2016-0188-R1) on November 8, 2016. The LSAA allows for one encroachment of Eubank Creek to clear vegetation and debris within the creek and construct a 50-foot footbridge over the creek.

Regarding biological resources, a list of potential special status species was generated using the following information systems: California Natural Diversity Database (CDFW 2019) and Biogeographic Information and Observation system (BIOS), Northern Spotted Owl Viewer (CDFW 2019), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) database. The CNDDDB search identified one occurrence of red-bellied newt habitat, which is a California Species of Special Concern, Project activities are not expected to produce any adverse or cumulative effects to any special-species or habitat, due to the small size of the project area and the type of proposed activities.

Regarding cultural resources, a records search conducted by the Northwest Information Center (NWIC) found no known resources present in the project area. A Cultural Resources Investigation, prepared by Archaeological Research and Supply Company, concluded that project activities would not result in any adverse changes to historical, archaeological, or tribal resources. However, the lead investigator recommends the use of Inadvertent Discoveries Protocol by a qualified professional archaeologist, if any previously unidentified cultural resources are encountered throughout project implementation.

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

Summary of Significant Project Effects and Required Mitigation

No changes are proposed for the mitigation measures identified in the original MND. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 20,300 SF outdoor cannabis cultivation that is comprised of 12 greenhouses and 2,400 SF ancillary nurseries is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Green Road Consulting, received 7/19/2019
- Cultivation and Operations Plan prepared by Green Road Consulting (report not labeled), received 9/1/2017. Addendum to Cultivation and Operation Plan by Green Road Consulting, dated 9/6/2019
- Site Management Plan by Green Road Consulting, completed 6/19/2019
- Right To Divert Water, State Water Resources Control Board, dated 5/1/2018, Certificate #H100274.
- Lake and Streambed Alteration Agreement for California Department of Fish and Wildlife, signed off by Gordon Leppig, Senior Environmental Scientist Supervisor with CDFW, (Notification # 1600-2016-0188-R1), dated 11/9/2016
- Cultural Resources Investigation of the Whitehorn Savage and Lourie Properties (Final Report), Whitethorn, Humboldt County, California. Conducted by Nick Angeloff (MS) and Saige Heuer, Archaeological Research and Supply Company, 440 Wildwood Ave. Rio Dell, CA 95562. Report Dated June 2019 (Submitted for Tribal Review)
- North West Information Center (NWIC) records search conducted by Stanton Moose on 5/29/2018
- Road Evaluation Report, Green Road Consulting, dated 9/12/2018
- Public Works Road Evaluation Report, dated 7/8/2019 and received 12/17/2019
- Timberland Conversion Evaluation Report, evaluation conducted by Thomas Blair (RPF #2607). Blair Forestry Consulting, PO Box 2517 McKinleyville, CA 95519. Report Dated 10/16/2018
- Cal Fire application communication with forester Lucas Titus, dated 5/31/2018 and standard project review comments by Cal Fire dated 5/22/2018
- Department of Health and Human Services, letter stating Conditional Approval (based on installation of an onsite wastewater system), dated 11/28/2018

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Savage, would be the same or similar. There would be no new significant environmental impacts or a substantial increase in the severity of previously identified significant impact, than the initial CMMLUO project for which the MND was adopted. Based upon this review, the following findings are supported.

FINDINGS

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

CONCLUSION

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

Notice of Determination

Notice of Determination

Appendix D

To:
[] Office of Planning and Research
U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814
[X] County Clerk
County of: Humboldt
Address: 825 Fifth Street
Eureka, CA 95501

From:
Public Agency: Humboldt Dept. Planning & Bldg.
Address: 3015 H Street
Eureka, CA 95501
Contact: Steven Lazar KELLY E. SANDERS
Humboldt County Clerk
Phone: 707-445-7245
Lead Agency (if different from above):
Address:
Contact: BY [Signature]
Phone: 12-2016-002

FILED
JAN 28 2016

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2015102005
Project Title: Medical Marijuana Land Use Ordinance--Phase IV
Project Applicant: Humboldt County Department of Planning & Building
Project Location (include county): Humboldt, applies county-wide

Project Description:
Amendments to the Zoning Ordinance intended to provide for regulation of land uses involving commercial cultivation of cannabis for medical use. The ordinance regulates the cultivation by licensed operators, in compliance with relevant state and local laws. The fourth phase of the Humboldt County "Medical Marijuana Land Use Ordinance," the proposed ordinance would regulate an existing land use to help prevent and reduce environmental impacts known to result from unpermitted baseline cultivation operations. The ordinance develops pathways for compliance with new and existing regulations, while providing for local review, inspection, and oversight.

This is to advise that the Humboldt County Planning & Building Department has approved the above (X) Lead Agency or () Responsible Agency

described project on January 26, 2016 and has made the following determinations regarding the above (date) described project.

- 1. The project [] will [X] will not have a significant effect on the environment.
2. [] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [X] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X] were [] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [X] was [] was not adopted for this project.
5. A statement of Overriding Considerations [] was [X] was not adopted for this project.
6. Findings [X] were [] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Humboldt County Planning & Building Department-Current Planning Division, 3015 H Street, Eureka, CA 95501

Signature (Public Agency): [Signature] Title: Interim Planning Director

Date: 1-26-2016 Date Received for filing at OPR:

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

RECEIPT



Transaction #: 62648
Receipt #: 2016000949
Cashier Date: 1/28/16 16:29
Cashier By: LH
Print Date: 1/28/2016 16:29:34

Kelly E. Sanders, Recorder
Humboldt County, California
825 5th Street
Eureka, CA 95501
(707) 445-7382

16:29:34
1/28/2016

CUSTOMER INFORMATION TRANSACTION INFORMATION PAYMENT SUMMARY

HUMBOLDT CO PLANNING

Date Received:	January 28, 2016 16:26
Source Code:	OVER THE COUNTER
Return Code:	MAIL
Trans Type:	Recording
Bin Number:	
Agent Ref Number:	HUMBOLDT CO PLANNING

Total Fees:	\$2,210.25
Total Payments:	\$2,210.25
Balance Due:	\$0.00

TRANSACTION PROBLEMS

Payment

JOURNAL ENTRY

\$2,210.25

File

Fish and Game NEGATIVE DECLARATION

Fees: Clerk Fees (1100271-613020)

\$2,210.25

FILE COPY
Humboldt County is the point of the sphere. We need the help in this pilot program

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street
PO Box 3044
Sacramento CA 95812-3044

From: County of Humboldt
Planning and Building Department
3015 H Street
Eureka CA 95501

County of Humboldt
County Clerk
825 Fifth Street
Eureka CA 95501

F I L E D
County of Humboldt
Kelly E. Sanders
County Clerk
12-2021-016

Contact: Max Hilken
Telephone: 707-443-5054
Email: hilkenm@lacoassociates.com

Lead Agency (if different from above):
Address:

02/04/2021
sc

Contact:
Telephone:

Applicant: Tan Oak Farms, LLC
Attn: Katie Mela
P.O. Box 1030
Garberville, CA 95542

APN: 223-291-002

Case No.: PLN-12022-CUP
App No. 12022

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number: 2015102005

Project Title: Medical Marijuana Land Use Ordinance-Phase IV

Project Location: (Include County)

The project is located in the Garberville area of Humboldt County, on the South side of Sawmill Road, approximately 0.94 miles Northeast of the intersection of Skyway Road and Sawmill Road, on the property known as 1411 Sawmill Road (APN: 223-291-002).


Project Description:

Tan Oak Farms, LLC seeks a Conditional Use Permit (CUP-16-508) for an existing 12,200 square foot (SF) outdoor cannabis cultivation operation. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 6,000 gallons in two (2) hard tanks. Estimated annual water usage is 140,080 gallons (11.4 gal/SF). Processing, including drying and trimming would occur on-site in a proposed 1,104 square foot metal building. No employees will be needed as site will be run by owner/operators. Power is provided by connection to PG&E.

This is to advise that the County of Humboldt as the Lead Agency has approved the above described project on January 21, 2021 and has determined that the project described above is in compliance with, and is consistent with the Commercial Medical Cannabis Land Use Ordinance (CMMLUO) adopted January 26, 2016, for which a Mitigated Negative Declaration was also adopted, and has made the following determinations regarding the above described project:

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was was not adopted for this project.
5. A statement of Overriding Considerations was was not adopted for this project.
6. Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the Mitigated Negative Declaration prepared for the adoption and responses and record of project approval, or the Negative Declaration, is available to the General Public at: Planning Division, 3015 H St, Eureka, CA

Signature: 
Title: Planner

Date: 2.2.2021
Date received for filing at OPR: _____

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 223-291-002; 1411 Sawmill Road, Garberville
County of Humboldt**

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

January 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 modified project involves a Conditional Use Permit (CUP-16-508) for an existing 12,200 square foot (SF) outdoor cannabis cultivation operation. Cultivation takes place in a single cultivation area which contains eight (8) greenhouses utilizing light deprivation. Two harvests are anticipated annually in the cultivation area using light deprivation. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 6,000 gallons in two (2) hard tanks. Estimated annual water usage is 140,080 gallons (11.4 gal/SF). Processing, including drying and trimming would occur on-site in a proposed 1,104 square foot metal building. No additional employees will be required as owner-operators live onsite. Power is provided by connection to PG&E.

A Cultural Resources Investigation was conducted and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.

All development currently meets appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.

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

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified 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 12,200 square feet of cultivation with ancillary 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:

- Plot Plans prepared by A.M. Baird dated 4/11/19.
- Cultivation and Operations Plan prepared by Tan Oak Farms dated 2/26/18 and amended 2/7/19.
- Well Application and Well Completion Report received 2/7/19.
- Water Resources Protection Plan (WRPP) prepared by Jacobszoon and Associates for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Road Evaluation Report for Sawmill Road prepared by Applicant, dated 12/13/17.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- Sewage Disposal System Permit Application (15/16-0410) and septic design prepared by A.M. Baird Engineering & Surveying Inc. for Percolation Test and Septic Design for Existing Septic System.
- CDFW Resource Map for Tan Oak Farms, Humboldt County Application #12022.
- Cultural Resources Investigation of the Alderpoint Cipriano and Alderpoint Jeffries Properties, prepared by Nick Angeloff, M.A. and Abby Barrios-Gonzalez, B.A, Archaeological Research and Supply Company, received 2/7/19.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

Notice of Determination

Notice of Determination

Appendix D

To:
[] Office of Planning and Research
U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814
[X] County Clerk
County of: Humboldt
Address: 825 Fifth Street
Eureka, CA 95501

From:
Public Agency: Humboldt Dept. Planning & Bldg.
Address: 3015 H Street
Eureka, CA 95501
Contact: Steven Lazar KELLY E. SANDERS
Humboldt County Clerk
Phone: 707-445-7245
Lead Agency (if different from above):
Address:
Contact: BY [Signature]
Phone: 1-2016-002

FILED

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2015102005
Project Title: Medical Marijuana Land Use Ordinance--Phase IV
Project Applicant: Humboldt County Department of Planning & Building
Project Location (include county): Humboldt, applies county-wide

Project Description:
Amendments to the Zoning Ordinance intended to provide for regulation of land uses involving commercial cultivation of cannabis for medical use. The ordinance regulates the cultivation by licensed operators, in compliance with relevant state and local laws. The fourth phase of the Humboldt County "Medical Marijuana Land Use Ordinance," the proposed ordinance would regulate an existing land use to help prevent and reduce environmental impacts known to result from unpermitted baseline cultivation operations. The ordinance develops pathways for compliance with new and existing regulations, while providing for local review, inspection, and oversight.

This is to advise that the Humboldt County Planning & Building Department has approved the above (X) Lead Agency or () Responsible Agency

described project on January 26, 2016 and has made the following determinations regarding the above described project. (date)

- 1. The project [] will [X] will not have a significant effect on the environment.
2. [] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [X] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X] were [] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [X] was [] was not adopted for this project.
5. A statement of Overriding Considerations [] was [X] was not adopted for this project.
6. Findings [X] were [] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Humboldt County Planning & Building Department-Current Planning Division, 3015 H Street, Eureka, CA 95501

Signature (Public Agency): [Signature] Title: Interim Planning Director

Date: 1-26-2016 Date Received for filing at OPR:

Authority cited: Sections 21083, Public Resources Code. Reference Section 21000-21174, Public Resources Code.

Revised 2011



Transaction #: 62648
 Receipt #: 2016000949
 Cashier Date: 1/28/16 16:29
 Cashier By: LH
 Print Date: 1/28/2016 16:29:34

Kelly E. Sanders, Recorder
 Humboldt County, California
 825 5th Street
 Eureka, CA 95501
 (707) 445-7382

16:29:34
 1/28/2016

CUSTOMER INFORMATION TRANSACTION INFORMATION PAYMENT SUMMARY

HUMBOLDT CO PLANNING

Date Received:	January 28, 2016 16:28
Source Code:	OVER THE COUNTER
Return Code:	MAIL
Trans Type:	Recording
Bln Number:	
Agent Ref Number:	HUMBOLDT CO PLANNING

Total Fees:	\$2,210.25
Total Payments:	\$2,210.25
Balance Due:	\$0.00

TRANSACTION PROBLEMS

Payment

JOURNAL ENTRY

\$2,210.25

File

Fish and Game NEGATIVE DECLARATION

Fees: Clerk Fees (1100271-613020)

\$2,210.25

FILE COPY
Humboldt County is the point of the sphere. We need the help in this Pilot Project

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street
PO Box 3044
Sacramento CA 95812-3044

From: County of Humboldt
Planning and Building Department
3015 H Street
Eureka CA 95501

County of Humboldt
County Clerk
825 Fifth Street
Eureka CA 95501

F I L E D
County of Humboldt
Kelly E. Sanders
County Clerk
12-2021-017
02/04/2021
sc

Contact: Stephen Luther
Telephone 268-3737
Email: sluther@co.humboldt.ca.us

Lead Agency (if different from above):

Contact:

Address:

Telephone:

Applicant: Organic Medicinals, Inc
Jill Vanderlinden
125 Shively Flat Road
Scotia, CA 95565

APN: 209-191-018

Case No.: PLN-2019-15602; PLN-11660,
PLN-12945, PLN-11567,
PLN-11333, PLN-12560

Subject: *Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.*

State Clearinghouse Number: 2017042022

Project Title: Commercial Cannabis Land Use Ordinance - Outside the Coastal Zone - 314-55.3 & 314.55.4 et seq

Project Location (include County):

The project is located in the County of Humboldt, Shively area, on the north side of Shively Flat Road, approximately 1,600 feet north from the intersection of Ewan Lane and Shively Flat Road, on the property known as 125 Shively Flat Road.


Project Description:

A Special Permit for 33,560 square feet of new outdoor cannabis cultivation. A previous permit (APPS #12134) authorized 10,000 square feet on the parcel. This application brings the total permitted cultivation area up to one (1) acre. The site will also be the host site for a total of 92,000 square feet of cultivation from the following five (5) Retirement, Restoration and Relocation (RRR) projects: PLN-11660-ZCC, PLN-12945-ZCC, PLN-11333-ZCC, PLN-11567-ZCC, and PLN-12560-ZCC. The action includes approval of these Zoning Clearance Certificates. In sum, the total cultivation will be 135,560 square feet (3.1 acres). All commercial cultivation is full-sun outdoor and dry farmed in native soil. No irrigation water is used in cultivation. Ancillary propagation will occur in 7,400 square feet of temporary hoop houses. The applicant is also seeking a Zoning Clearance Certificate for a 10,000 square foot commercial nursery that will conduct genetic research and development, and produce seed stock and starts for use on-site and for sale at a licensed off-site location. Water use for the combined nursery is approximately 20,000 gallons (0.87 gal/sf). The water source is rainwater catchment and a permitted groundwater well. Water storage totals 8,000 gallons. Drying will occur in the propagation hoop houses and storage of harvested cannabis will occur in shipping containers. Processing will occur offsite. Power to the site is 100% renewable energy from RePower+ and existing solar panels for well pump. There will be a maximum of forty (40) workers onsite at peak harvest.

This is to advise that the County of Humboldt as the Lead Agency has approved the above described project on January 21, 2021 and has determined that the project described above is in compliance with, and is consistent with the Commercial Cannabis Land Use Ordinance (CCLUO) adopted May 8, 2018, for which a Environmental Impact Report was also adopted, and has made the following determinations regarding the above described project:

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was was not adopted for this project.
5. A statement of Overriding Considerations was was not adopted for this project.
6. Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: Planning Division, 3015 H St, Eureka, CA 95501.

Signature: 
Title: Planner

Date: 1/26/2021

Date received for filing at OPR: _____

ATTACHMENT 3
CEQA ADDENDUM TO THE
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE

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

APN 209-191-018, 125 Shively Flat Road, Shively, County of Humboldt

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

January 2021

Background

Project Description and Project History – The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of new cannabis operations by establishing specific regulations for location and conditions under which the development of new commercial cannabis could occur. The EIR prepared for the CCLUO also established local land use regulations for new commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit for 43,560 square feet (1 acre) of new outdoor cannabis cultivation. The site will also receive five (5) Retirement, Restoration and Relocation (RRR) entitlements totaling 92,000 square feet. The combined total cultivation area on the site would be 135,560 square feet (3.1 acres). The cultivation area is capped at 20% of the Prime Agricultural Soil. The entire 45-acre parcel is mapped as Prime Ag soil, such that a maximum of 8 acres is allowed. The proposed project of 3.1 acres of cultivation is less than 20% of the Prime Ag soil.

All cultivation is full-sun outdoor. The operator uses dry farming cultivation methods. Dry farming is a traditional agricultural practice that utilizes natural moisture in the flood plain soil. No irrigation water is needed outside of minimal needs to support growth of juvenile plants. Ancillary propagation for the cultivation operation will occur in ten (10) proposed hoop houses totaling 8,000 square feet. The applicant is also seeking a Zoning Clearance Certificates for a 10,000 square foot commercial nursery in ten (10) hoops that will provide starts for use on the farm. No supplemental light will be used in the nursery. The commercial nursery will also produce seeds, clones, plants starts, and genetic material. Water use for the whole nursery area is approximately 20,000 gallons. The nursery sources water from rainwater catchment and supplements with a permitted groundwater well. The well is drilled through a clay layer and is not hydrologically connected to surface water. Water storage totals 8,000 gallons in (2) 2,500-gallon storage tank and (2) 1,500-gallon storage tank. Drying will occur in the propagation area. Processing will occur offsite. Up to forty (40) seasonal workers are needed and carpooling will be utilized to minimize trips. The site purchases 100% renewable energy from RePower+ and the operator plans to install solar panels in the future.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of new cannabis operations. These include complying with County Fire Safe regulations, noise and light attenuation measures to limit disturbance to wildlife, limiting activities to daylight hours (8 am to 5 pm), supplying non-diversionary water and electricity from PG&E, and maintaining easement access in good condition.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) if some changes or additions are necessary but none of the conditions described in Section 15162 calling

for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize a total of 135,560 square feet (3.1 acres) of outdoor cannabis cultivation on a 45-acre parcel zoned Agriculture Exclusive (AE) is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project will replace an existing agricultural farm with a similar agricultural activity. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Cultivation and Operation Plan received November 30, 2020
- Site Plan received December 11, 2020
- Biological Survey Report prepared by Natural Resources Management in May 2019.
- Road Evaluation Report received June 2, 2020
- Cultural Resource Survey completed by Archaeological Research and Supply Company in December 2019.

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.

The environmental analysis for the proposed project finds there are no new impacts not previously analyzed in the EIR. The project impact analysis below follows the Final Environmental Impact Report Mitigation Monitoring and Reporting Program. The discussion below each impact category summarizes the analysis of why the proposed project does not create any additional impacts that have not been analyzed in the EIR. In the areas where the EIR found significant impacts requiring mitigation, the analysis shows the project does not have impacts that would be substantially more severe. The areas of Mineral Resources, Population and Housing, and Recreation are not further discussed as no impact was identified for these categories in the EIR. Impact categories are listed

Aesthetics

Impact 3.1-1: Have a substantial adverse effect on a scenic vista or scenic resources (Less than Significant).

Impact 3.1-2: Substantially degrade the existing visual character or quality of the project area (Less than Significant).

Impact 3.1-3: Create a new source of substantial light or glare that would adversely affect views (Less than Significant).

Discussion: The project is for outdoor cannabis cultivation in an existing agricultural field. The project will not impact scenic vistas or public views. The project is consistent with the visual character of the area. The project will not create a source of light or glare.

Agriculture and Forest Resources

Impact 3.2-1: Conversion of farmland to nonagricultural use or conflict with existing zoning for agricultural use or a Williamson Act contract (Less than Significant).

Impact 3.2-2: Convert substantial forest land, conflict with or cause rezoning of forest land or Timberland Production Zone, or involve other changes in the existing environment which, because of their location or nature, could result in substantial conversion of forest land to a non-forest use (No Impact).

Discussion: The project will utilize agricultural land for agricultural purposes. The prime agricultural land is utilized for cannabis cultivation.

Air Quality and Greenhouse Gas Emissions

Impact 3.3-1: Construction-generated emissions of criteria air pollutants (Less than Significant).

Impact 3.3-2: Long-term operational emissions of criteria pollutants and precursors (Less than Significant).

Impact 3.3-3: Generation of greenhouse gas emissions (Less than Significant).

Impact 3.3-4: Exposure of people to objectionable odors (Less than Significant with Mitigation).

Mitigation Measure 3.3-4: Prohibit burning of cannabis and other vegetative material is a condition of project approval.

Impact 3.3-5: Impacts of climate change on the project (Less than Significant).

Discussion: No construction activities are associated with the project. The project will not expose sensitive receptors to pollutants or create objectionable odors affecting a substantial number of people. The project would not result in significant sources of greenhouse gas emissions. The site uses Pacific Gas and Electric grid electricity and is required to show the purchase of 100% renewable power. Less than significant impact. Project is conditioned on not burning cannabis or other vegetative material.

Biological Resources

Impact 3.4-1: Disturbance to or loss of special-status wildlife species and habitat (Less than Significant after Mitigation).

Mitigation Measure 3.4-1a: *Pre-approval biological reconnaissance surveys.*

Mitigation Measure 3.4-1b: *Special-status amphibian preconstruction surveys.*

Mitigation Measure 3.4-1c: *Western pond turtle preconstruction surveys and relocation.*

Mitigation Measure 3.4-1d: *Nesting raptor preconstruction survey and establishment of protective buffers.*

Mitigation Measure 3.4-1e: *Northern spotted owl preconstruction habitat suitability surveys and determination of presence or absence.*

Mitigation Measure 3.4-1f: *Special-status nesting bird surveys and establishment of protective buffers.*

Mitigation Measure 3.4-1g: *Marbled Murrelet preconstruction habitat suitability surveys and establishment of protective buffers.*

Mitigation Measure 3.4-1h: *Generator noise reduction.*

Mitigation Measure 3.4-1i: *American badger preconstruction survey and establishment of protective buffers.*

Mitigation Measure 3.4-1j: *Fisher and Humboldt marten preconstruction survey and preservation of active den sites.*

Mitigation Measure 3.4-1k: *Preconstruction bat survey and exclusion*

Mitigation Measure 3.4-1l: *Preconstruction vole survey and relocation.*

Impact 3.4-2: Disturbance to or loss of special-status fisheries

Mitigation Measure: *Implement water diversion restrictions and monitoring and reporting requirements.*

Impact 3.4-3: Disturbance to or loss of special-status plant species and habitat.

Mitigation Measure 3.4-3a: *Special-status plants.*

Mitigation Measure 3.4-3b: *Invasive plant species.*

Impact 3.4-4: Disturbance to or loss of riparian habitat, old growth habitat, or other sensitive natural communities.

Mitigation Measure 3.4-4: *Sensitive natural communities, riparian habitat, and wetland vegetation.*

Impact 3.4-5: Disturbance to or loss of waters of the United States.

Mitigation Measure 3.4-5: *Waters of the United States.*

Impact 3.4-6: Interference with resident or migratory wildlife corridors or native wildlife nursery sites.

Mitigation Measure 3.4-6a: *Implement Mitigation Measure 3.4-5: Waters of the United States.*

Mitigation Measure 3.4-6b: *Retention of fisher and Humboldt marten habitat features.*

Discussion: The project is in the Shively area, on a 45 acre parcel the east side of the South Fork Eel River. Humboldt Redwoods State Park is located across the river to the west. The land to the north is private timberland. The westernmost 10 acres of the parcel are occupied by riparian forest and scrub, with species such as black cottonwood, red alder and coast redwood. The proposed project will occur in fields that have been in active agricultural operation for 15 years. The cultivation site is located approximately 400 feet east of the South Fork Eel River.

A Biological Survey Report was prepared for the site by Natural Resources Management Corporation on May 22, 2019. Humboldt County WebGIS shows Shively Creek running through the center of the parcel on the south side of a rail corridor that runs east-west through the parcel. The Biological Report states that the US Army Corps of Engineers rerouted Shively Creek to flow into Panther Creek, which runs across the northern boundary of the parcel. Proposed cultivation areas are outside Streamside Management Area (SMA) setbacks. Project activities would not impact riparian area associated with the SMA of Panther Creek and the South Fork Eel River. There are no wetlands identified on the site, and no impacts to wetlands are anticipated. Habitat for foothill yellow-legged frog may exist in Bear Creek located 2,300 feet to the southwest. Nesting habitat for the Western pond turtle is likely in the Eel river corridor. However, the project would have no impact on riparian areas.

Habitat for Cooper's hawk and sharp shinned hawk was identified in the vicinity of the project. Nesting habitat for sharp shinned hawk is located in riparian habitat on the western portion of the parcel. There is potential habitat for willow flycatcher in the riparian area along the Eel River. There are four (4) Northern Spotted Owl (NSO) activity centers within 1.3 miles of the project site. The nearest Northern Spotted Owl activity center is approximately 0.73 miles northwest of the cultivation area. The nearest Northern Spotted Owl activity center is approximately 0.73 miles northwest of the cultivation area. Marbled Murrelet mapped habitat is located approximately 0.5 mile southwest of the site. There is no suitable habitat on the site for NSO or Marbled Murrelet. The optimal habitat is located in the Humboldt Redwood State Park across the river outside the project area. Likewise, habitat for the Humboldt marten and fisher exists in the State Park located 2,000 feet across the river, and project activities would have no impact on this habitat. In addition, the project is conditioned to limit noise generated from the project to 50db at 100' or at the nearest tree line, whichever is closer. There will be no generators or supplemental light used by the project.

The biologist evaluated the site for the presence of sensitive plant and wildlife species. Potential habitat exists for maple-leaved checkerbloom. None were detected during the seasonally appropriate survey. No special sensitive natural communities were found within the project area. There is no development

proposed within the streamside buffers or wetland buffers and no impacts to sensitive natural communities, riparian habitat or wetland vegetation are anticipated.

No habitat for Sonoma tree vole or American badger was identified in the vicinity of the project. No special status plant species or sensitive natural communities were found within the project area. It has been determined that there will be no impacts to special status plant species or sensitive natural communities. The Operations Manual (Attachment 4) for the project includes an Invasive Species Control Plan that satisfies the requirements of this mitigation measure.

Cultural Resources

Impact 3.5-1: Change in the significance of a historic resource (Less than Significant).

Mitigation Measure 3.5-1: *Protection of historic resources.*

Impact 3.5-2: Disturb unique archaeological resources (Less than Significant with Mitigation)

Mitigation Measure 3.5-2: *Avoid potential effects on unique archaeological resources.*

Impact 3.5-3: Discovery of human remains (Less than Significant).

Impact 3.5-4: Change in the significance of a tribal cultural issue (Less than Significant).

Discussion: No cultural resources were identified on the site according to a Cultural Resource Investigation prepared by Archaeological Research and Supply Company in January 2018. The project will adhere to the Inadvertent Discovery Protocol.

Geology and Soils

Impact 3.6-1: Exposure of people or structures to risk of loss, injury or death resulting from rupture of a known earthquake fault or strong seismic shaking (Less than Significant).

Impact 3.6-2: Potential to result in off-site landslide, lateral spreading, subsidence, liquefaction, or collapse due to unstable soil conditions or risk of life due to siting on expansive soil (Less than Significant).

Impact 3.6-3: Potential of substantial soil erosion or loss of topsoil (Less than Significant).

Impact 3.6-4: Create adverse soil conditions resulting from use of septic tanks or alternative wastewater disposal systems (Less than Significant).

Impact 3.6-5: Damage to or destruction of undiscovered paleontological resources (Less than Significant with Mitigation).

Mitigation Measure 3.6-5 *Protection of discovered paleontological resources.*
See Mitigation Measure 3.5-2 above.

Discussion: No new structures are proposed that would expose people to risk of life from earthquakes. The project occurs on flat land that has historically been used for agriculture. No grading will occur, and topsoil is preserved through the use of annual rotation and cover cropping.

Hazards and Hazardous Materials

Impact 3.7-1: Create a significant hazard through transport, use, or disposal of hazardous materials (Less

than Significant).

Impact 3.7-2: Create potential human hazards from exposure to existing on-site hazardous materials (Less than Significant).

Mitigation Measure 3.7-2a: *Prepare Environmental Site Assessments.*

Mitigation Measure 3.7-2b: *Prepare a Hazardous Materials Contingency Plan for Construction Activities.*

Impact 3.7-3: Create a significant hazard to the public or environment due to upset and accident conditions (Less than Significant).

Impact 3.7-4: Emit hazardous emissions or handle hazardous materials within 0.25 mile of a school (No impact).

Impact 3.7-5: Result in a safety hazard for people residing or working in a project area that is located within 2 miles of a public airport or private use airport (No impact).

Impact 3.7-6: Impair emergency response or evacuation plans (Less than Significant).

Impact 3.7-7: Create a significant risk from wildfires (Less than Significant).

Discussion: The project will store fertilizers, herbicides and fuel for use in farm equipment in an existing agricultural shed. All hazardous materials are stored in a locked area with secondary containment in accordance with applicable regulations. The project does not expose the public to hazards. The project is in a rural area rated as a moderate fire risk area. The project would not impair emergency response or create a significant risk from wildfire. Project does not propose development of commercial cannabis facilities on existing commercial, business park, or industrial sites.

Hydrology and Water Quality

Impact 3.8-1: Construction water quality impacts (Less than Significant).

Impact 3.8-2: Operational water quality impacts (Less than Significant).

Mitigation Measure 3.8-2: *Minimum Size of Commercial Cultivation Activities.*

Impact 3.8-3: Groundwater supply impacts (Less than Significant).

Mitigation Measure 3.8-3: *Annual groundwater monitoring and adaptive management. The subject parcel exceeds 10 acres in size and is not subject to the requirements of Section 55.4.12.9 of the CCLUO regarding well drawdown testing.*

Impact 3.8-4: Surface drainage impacts on on-site and offsite flooding.

Mitigation Measure 3.8-4: *Provision of drainage facilities to attenuate increases in drainage flows.*

Impact 3.8-5: Effects of diversion of surface water (No impact).

Mitigation Measure 3.8-5: *Implement water diversion restrictions and monitoring and reporting requirements.*

Discussion: The project is for outdoor cannabis cultivation in a flat agricultural field with well-draining soil. The project will not degrade any water sources or contribute to sedimentation. No construction is proposed. The project area is within the 100-year flood zone. No new permanent structures are proposed. All hoop houses and portable toilets will be temporary and removed from the site annually in order to comply with the County Flood Damage Prevention Ordinance. The project will utilize dry-farming methods such that no irrigation water is needed for the cultivation. An estimated 20,000 gallons of water will be used for propagation and a commercial nursery. Water is supplied via a permitted groundwater well that is drilled through a clay layer and has been determined to be hydrologically disconnected from surface water flows. A condition of approval requires the well be monitored for drawdown. Should the well become unproductive, the project must be modified to identify a new non-diversionary water source such as rainwater catchment.

Land Use and Planning

Impact 3.9-1: Potential for physical division of an established community (No impact).

Impact 3.9-2: Conflict with relevant plans, policies, and zoning adopted for the purpose of avoiding or mitigating an environmental effect (No impact).

Noise

Impact 3.10-1: Short-term, construction-related noise (Less than Significant).

Mitigation Measure 3.10-1: *Implement construction-noise reduction measures.*

Impact 3.10-2: Long-term non-transportation operational noise (Less than Significant).

Mitigation Measure 3.12-2: *Proper design of highway access points.*

Impact 3.10-3: Long-term traffic noise levels (No impact).

Discussion: The project is located in actively managed agricultural land. The area has been in agricultural production for more than 10 years. Noise sources from the operation will include typical farm equipment such as tractors and well pumps. Fans and dehumidifiers will be used in the greenhouses for propagation and drying. The construction and dismantling of temporary hoop houses would create short-term noise that is less than significant. The temporary noise impacts from these activities would not create a substantial increase in noise levels.

Public Services

Impact 3.11-1: Result in substantial adverse physical impacts associated with the need for new or physically altered fire protection facilities (Less than Significant).

Impact 3.11-2: Result in substantial adverse physical impacts associated with the need for new or physically altered law enforcement facilities (Less than Significant).

Discussion: The project is for 5 acres of cannabis cultivation on a site where seasonal agriculture is the dominant use. The project will not increase the need for fire or law enforcement services.

Transportation and Circulation

Impact 3.12-1: Construction-related increase in traffic (Less than Significant).

Impact 3.12-2: Long-term increase in traffic (Less than Significant).

Impact 3.9-3: Potential for inadequate emergency access (Less than Significant).

Discussion: Up to twenty (20) employees are needed for the operation, totaling 40 trips for entering and leaving the site once daily. Additional seasonal workers are hired by employment agencies as needed during peak planting and harvest. No more than 40 people total would be onsite. Car and vanpooling will be used for seasonal labor to minimize trips such that additional laborers will generate no more than 10 additional trips (ingress and egress equal one trip each). The owner/operator will have up to 4 additional trips for product delivery and general farm activity. During peak seasonal activities, total maximum daily trips will therefore be 54. In response to public comments about increase in traffic, the applicant provided a Traffic Plan detailing instructions provided to all visitors to drive safely and slowly, stay on site for meals, and carpool to the site. In addition, the applicant contributes to the cost for installing the Shively summer bridge which provides an alternate route to the site, minimizing traffic through town on Shively Flat Road. By adhering to the maintenance of the easement access included as a condition of approval, the project's easement access is found to be adequate for the proposed use. The access easement will be maintained in good working order. Measures to achieve this goal include application of crushed rock to prevent mud and dust, managing drainage to prevent sediment delivery to the adjacent riparian buffer, and maintaining visibility by pruning vegetation. Prior to spring planting, applicant will submit an annual report documenting the condition of the easement following winter repairs.

Utilities and Service Systems

Impact 3.13-1: Exceed wastewater treatment requirements or wastewater treatment capacity and related infrastructure (No impact).

Mitigation Measure 3.13-1a: Prepare a treatment program for all new indoor cultivation and non-cultivation activities.

Mitigation Measure 3.13-1b: Verification of adequate wastewater service and necessary improvements for public wastewater systems.

Impact 3.13-2: Provision of sufficient water supplies and infrastructure needs (No impact).

Mitigation Measure 3.13-2: Verification of adequate water supply and service for municipal water service.

Impact 3.13-3: Potential to be served by a landfill with insufficient capacity or violate existing statutes related to solid waste (Less than Significant).

Discussion: The project will provide portable toilets and handwashing stations for cultivation staff. Water for propagation is sourced from an onsite groundwater well. Solid waste is taken to the Eel River Transfer Station in an amount the service station is capable of handling. The proposed project is not for new commercial indoor cultivation or a non-cultivation cannabis operation. The property is not serviced by a public wastewater system. The property is not serviced by a municipal water service.

Energy

Impact 3.14-1: Wasteful, inefficient, and unnecessary consumption of energy (No impact).

Impact 3.14-2: Demand for energy services and facilities (Less than Significant).

Discussion: The project is for outdoor cannabis cultivation with a commercial nursery, on-site drying and off-site processing, with minimal energy needs. As an ongoing operational condition, the project is required annually to furnish proof of the purchase of 100% renewable electricity through a program such as the Redwood Coast Energy Authority RePower+ program. There will be a less than significant increase in demand for renewable energy.

Wildfire

The project will not interfere with any evacuation plan. There will be no new structures that will increase the risk of wildfire.

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

FINDINGS

1. The proposed project will permit a new 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 EIR was adopted as complete.

CONCLUSION

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



Notice of Determination

Appendix D

To: Office of Planning and Research
 U.S. Mail: Street Address:
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

From: Public Agency: Humboldt County Planning & Bldg
Address: 3015 H Street
slazar@co.humboldt.ca.us
 Contact: Steve Lazar
 Phone: (707)268-3741

County Clerk
 County of: Humboldt
 Address: 825 6th Street
Eureka, CA 95501

Lead Agency (if different from above):
 Address: _____
 Contact: _____
 Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (If submitted to State Clearinghouse): 2017042022
 Project Title: Commercial Cannabis Land Use Ordinance - Outside the Coastal Zone | 314-55.3 & 314-55.4 et seq
 Project Applicant: County of Humboldt - Planning & Building Department
 Project Location (include county): Countywide, all unincorporated areas of Humboldt County

Project Description:
 Comprehensive amendments to existing provisions of Humboldt County Code governing commercial cannabis land uses, outside of the coastal zone. These provisions are located within sections 314-55.3 and 314-55.4 et seq of Title III, Division 1, Chapter 4 of County Code.

This is to advise that the County of Humboldt has approved the above
 Lead Agency or Responsible Agency)
 described project on 5/8/18 and has made the following determinations regarding the above
 (date)
 described project.

1. The project will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was was not] adopted for this project.
5. A statement of Overriding Considerations was was not] adopted for this project.
6. Findings were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Humboldt County Planning & Building Department - 3015 H Street, Eureka, CA 95501

Signature (Public Agency): [Signature] Title: Senior Planner

Date: 5/8/18 Date Received for filing at OPR: _____

F I L E D
 County of Humboldt
 Kelly E. Sanders
 County Clerk
 12-2018-030
 05/08/2018
 sa

Authority cited: Sections 21083, Public Resources Code.
 Reference Section 21000-21174, Public Resources Code.



Kelly E. Sanders
 Humboldt County
 County Clerk, Recorder & Registrar of Voters
 825 Fifth Street, 5th Floor
 Eureka, CA 95501
 Recorder: (707) 445-7593
 Vitals: (707) 445-7382
 www.humboldt.gov/recorder

Receipt: 18-8195

Product	Name	Extended
FISH	CLERK FISH AND WILDLIFE FILING	\$3,218.00
	Document #	12-2018-030
	Document Info:	HUMBOLDT CNTY
	# Pages	1
	Filing Type	EIR
	Email Address	slazar@co.humboldt.ca.us
	Requestor	Humboldt county planning
Total		\$3,218.00
Tender (Journal Voucher)		\$3,218.00
Paid By	HUMBOLDT CNTY PLANNING	

Back up RR Journal

Requested on previous journal

500 Balance RR filing fee

Please review all documents. All sales are final.



State of California - Department of Fish and Wildlife
2018 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 10/31/17) Previously DFG 753.5a

RECEIPT NUMBER:
 12-2018-030
 STATE CLEARINGHOUSE NUMBER (if applicable)
 2017042022

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY HUMBOLDT CNTY	LEAD AGENCY EMAIL SLAZAR@CO.HUMBOLDT.CA.US	DATE 05/08/2018
COUNTY/STATE AGENCY OF FILING HUMBOLDT	DOCUMENT NUMBER 12-2018-030	
PROJECT TITLE COMMERCIAL CANNABIS LAND USE ORDINANCE-LANDS OUTSIDE OF THE COASTAL ZONE		
PROJECT APPLICANT NAME HUMBOLDT CNTY PLANNING & BUILDING	PROJECT APPLICANT EMAIL slazar@co.humboldt.ca.us	PHONE NUMBER (707) 268-3741
PROJECT APPLICANT ADDRESS 3015 H ST	CITY EUREKA	STATE CA
		ZIP CODE 95501
PROJECT APPLICANT (Check appropriate box)		
<input checked="" type="checkbox"/> Local Public Agency <input type="checkbox"/> School District <input type="checkbox"/> Other Special District <input type="checkbox"/> State Agency <input type="checkbox"/> Private Entity		

CHECK APPLICABLE FEES:

<input checked="" type="checkbox"/> Environmental Impact Report (EIR)	\$3,168.00	\$	\$3,168.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,280.75	\$	
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,077.00	\$	
<input type="checkbox"/> Exempt from fee			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach copy of previously issued Environmental Filing Fee Cash Receipt (DFW 753.5a))			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	
<input checked="" type="checkbox"/> County documentary handling fee		\$	\$50.00
<input type="checkbox"/> Other		\$	
PAYMENT METHOD:			TOTAL RECEIVED
<input type="checkbox"/> Cash	<input type="checkbox"/> Credit	<input type="checkbox"/> Check	<input checked="" type="checkbox"/> Other
			\$ 3,218.00

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE S Carns, Deputy County Clerk-Recorder
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