COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: April 21, 2022

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Mayers Flat Farm, LLC, Special Permits (3)**
Record Number**:** PLN-12651-SP
Assessor's Parcel Number (APN): 211-372-006
13360 Dyerville Loop Road, Myers Flat, CA 95554

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Please contact Jordan Mayor, Senior Biologist and Contract Planner, at 707-683-4711 or by email at jordan.mayor@icf.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 21, 2022	Special Permits (3)	Jordan Mayor

Project Description: Mayers Flat Farm, LLC., seeks a Special Permit to expand an existing 8,750-square-foot (SF) cannabis cultivation operation consisting of two light-deprivation greenhouses to 41,300 SF of outdoor cultivation in 11 light-deprivation greenhouses. All existing and proposed cultivation is situated on existing graded or flat areas that are cumulatively less than 20 percent of the prime agricultural soils on the 80-acre parcel. Ancillary propagation would occur also expand to 3,900-SF consisting of a 3,360-SF propagation area and within an existing 840-SF greenhouse. Water is sourced from a 350,000-gallon onsite rainwater catchment pond with excess flows would be pumped to a collection of 40,000 gallons of proposed tank storage. A point of diversion (POD) and groundwater well are used for domestic purposes and the small irrigation use right will be voluntarily rescinded in April 2022. Water usage is estimated to require 379,444 gallons for irrigation, per growing season, at full buildout (9.2 gallons/SF/year), with an additional 18,250-gallons used domestically. Existing water storage of 364,100 gallons would be expanded to 404,100 gallons at full buildout. Drying of cannabis would continue onsite in an existing outbuilding using dehumidifiers and fans. Offsite processing in a licensed facility is proposed. An existing residence unrelated to the cannabis operation is onsite. Up to three independent contract employees are anticipated during peak operations. Power is provided by a 25-kilowatt (kW) (and backup 45-kW) diesel generator as the applicant finalizes plans to install a solar array. Expansion is only allowed once the applicant demonstrates conversion to alternative energy to meet total power needs within 3 years of the permit as a condition of approval. Two additional Special Permits are required for the buffer reduction of the storage pond located within delineated wetland buffers and for the ongoing maintenance or decommissioning of the registered point of diversion.

Project Location: The project is located in Humboldt County, in the Miranda area, on the south side of Dyerville Loop Road, accessed via a private driveway shared with no additional neighbors, known to be in Section 25 of Township 02S, Range 03E Humboldt Base & Meridian and centered on GPS location: 40.262485, -123.785476 (APN: 211-372-006).

Present Plan Land Use Designations: Timberland (T), Density: range is 40 to 160 acres per dwelling unit, Slope Stability: Moderate instability (2)

Present Zoning: Combined Agriculture Exclusive (AE) and Timberland Production Zone (TPZ)

Record Number: PLN-12651-SP

Assessor's Parcel Number: 211-372-006

Applicant	Owner	Agents
Mayers Flat Farm, LLC Attn: Dejan Petrushevski P.O. Box 2107 Redway, CA 95560	Mayers Flat Farm, LLC P.O. Box 2114 Redway, CA 95560	ETA Humboldt Attn: Vanessa Valare P.O. Box 147 Phillipsville, CA 95559

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

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

Major Issues: None

Mayers Flat Farm, LLC
Record Number: PLN-12651-SP
Assessor's Parcel Number: 211-372-006

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

Find that the Zoning Administrator has considered the Addendum to the adopted Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State California Environmental Quality Act (CEQA) Guidelines, make all of the required findings for approval of the Special Permits (3) and adopt the Resolution approving the Mayers Flat Farm, LLC, SpecialPermits (3) as recommended by staff subject to the recommended conditions.

Executive Summary: Mayers Flat Farm, LLC, seeks a Special Permit in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Cannabis Land Use Ordinance (CCLUO) to expand an existing 8,750-square-foot (SF) cannabis cultivation operation with the proposed addition of 32,550 SF of outdoor light-deprivation cannabis cultivation greenhouse space, for a parcel total of 41,300 SF of cannabis cultivation at full buildout. The site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned with a combined zoning of Agriculture Exclusive (AE) and Timber Production Zone (TPZ). Apart from an existing 840-SF nursery greenhouse, all cultivation would occur only within existing open areas zoned AE. A second Special Permit is required for the buffer reduction of the storage pond located within delineated wetland buffers, and a third Special Permit is required for ongoing maintenance and use of a point of diversion (discussed below).

Outdoor light-deprivation cultivation would take place in three separate areas in 11 light-deprivation greenhouses at full buildout (Site Plan revised 2/18/22). There are two existing greenhouses (4,200 SF and 4,550 SF). The applicant is proposing to add eight 3,500-SF greenhouses and one 4,550-SF greenhouse to house the total proposed mature cannabis canopy of 41,300 SF. The applicant is proposing to retain the existing 875-SF propagation greenhouse and to utilize 3,360 SF of proposed nursery space on one of the cultivation areas. The new total of 3,900 SF ancillary propagation would support the expanded operation. Two harvests are anticipated annually for a growing season that extends from April through October.

Drying would occur in an existing 1,920-SF storage structure. Two 200-SF shipping containers would be used for storing harvested cannabis and equipment. An existing residence unrelated to the cannabis operation is adjacent to the proposed nursery greenhouse. The applicant may hire up to three temporary employees to assist during peak operations. A new 800-SF processing building is proposed. Offsite processing in a licensed facility is proposed until all existing and proposed buildings and structures, as well as any historic or proposed grading, are permitted (**COA #A5–8**) and connected to renewable energy sources. As described in an Energy Generation and Consumption Plan (**Attachment 3b**), there is currently a small amount (460 watts) of supplemental lighting in the propagation greenhouse in use 5 months of the year (February through June). Propagation greenhouse lighting, water and air pumps, atomizer (for foliage feeding and pest/disease treatment), fans, power tools, surge protectors, dehumidifiers, and all electrical supplies and equipment, as well as all domestic power in the residence, is currently sourced from one 25-kilowatt (kW) diesel generator at this time. There is an additional 45-kW generator that is used for emergency back-up purposes; a permit to operate shall be obtained by the applicant, as needed, as a condition of approval (**COA #A9**). The use of generators in areas with a Land Use Designation of Timberland is prohibited for ancillary propagation facilities according to CCLUO 55.4.6.5.6. As a result, the applicant is proposing to add a photovoltaic solar system with 16 25-watt photovoltaic panels paired with 16 deep-cycle batteries to completely phase out generator use as a primary power supply. No cultivation expansion is allowed until the applicant can demonstrate that 100 percent of energy demand for the entire cultivation site will be met using renewable energy sources. In

the interim, the applicant shall furnish an energy budget detailing all monthly cultivation-related energy use, and an onsite renewable energy generation and storage capacity plan must be provided within 3 years of project approval and prior to any expansion as a condition of approval (**COA #A10**).

The operation will be secured behind a gated road and locked structures. The applicant plans to install security cameras in each of the cultivation areas that can be monitored from a central location in the residence and/or by smartphone in 2022. The project site consists of an open hill-slope meadow with a southwest facing aspect and 20 to 25 percent slopes, dominated by open grassland vegetation. All existing and proposed cultivation areas would occur on flats of less than 15 percent slope. Oaks and mixed-conifer forest surround the opening. No timber extraction has occurred or will be necessary for the cultivation operation.

A Prime Agricultural Soil Assessment of the grassland meadow was prepared by Dirty Business Soil in May 2018 that mapped 1 acre of prime agricultural soil across four different locations, including a portion of the existing cultivation area. In accordance with CCLUO Section 55.4.6.4.3, the cumulative area of any Cannabis Cultivation Site located in the four areas identified as having Prime Agricultural Soil shall not exceed 20 percent of the area of total Prime Agricultural Soil on the parcel as a condition of approval (**COA #A11**). The revised site plan dated 11/22/21 indicates the prime agricultural soil locations relative to the existing and proposed cultivation areas and shows that less than 20 percent of the prime agricultural soils will be used for cannabis cultivation. Where occurring in areas with Prime Agricultural Soil, cultivation shall only occur within the native soil. Removal of native soil and replacement with manufactured soil is prohibited.

Water Resources

The primary source of irrigation water for this project is rainwater stored in an existing 350,000-gallon capacity pond. Estimated annual water usage is 379,444 gallons (9.2 gallons/SF/year), with peak demand occurring in July and August when estimated demand is 53,500 gallons per month. Existing available water storage includes an approximately 350,000-gallon pond, three 3,000-gallon tanks, and one 1,100-gallon hard tank (364,100 gallons total existing). The rainwater catchment pond is modeled to intercept more than it can store (**Attachment 3d**), and the project would pump approximately 40,000 gallons of rainwater out of the pond to a proposed tank farm located on an existing flat adjacent to the proposed solar power system. Additional tank storage would increase total water storage for irrigation to 404,100 gallons—an amount that allows for full forbearance during the dry season (May 15 – October 15) of each year (**COA #A12**). An additional 22,000-gallon water bladder for fire safety protection is also proposed to be allocated from those relocated from elsewhere on the property. Special Permits are required for the buffer reduction of the storage pond located within delineated wetland buffers and for the ongoing maintenance of the registered point of diversion.

A point of diversion with a Small Irrigation Use Right (Registration H508360, Certificate H100577) was used for domestic water and the small irrigation use right will be voluntarily rescinded in April 2022 as detailed in the Revised 2022 Water and Irrigation Plan (**Attachment 3c**). In accordance with CCLUO Section 55.4.12.8(e), the pond was estimated to have been built in 2016 and was evaluated by a Professional Geologist with SHN in 2019 and found to be well built, well maintained, and located in a suitable geologic setting (**page 63 of Attachment 3e**). The inspection concluded that the pond had a low failure potential and a low potential for environmental impacts related to the geotechnical conditions at the site. The pond was cited and is detailed in a Grading, Drainage, and Erosion Control Plan prepared by Omsberg & Preston (engineers) in October 2018 (**page 57 of Attachment 3e**). The applicant shall agree to forebear from withdrawing water from all points of diversion for agricultural irrigation uses and to monitor and report domestic and irrigation water usage from all sources (i.e., well, pond, diversions, and storage tanks) as a condition of approval (**COA #A13 and A15.a**).

A Revised Final Lake and Streambed Alteration Agreement (LSAA 1600-2018-0695-R1) with the California Department of Fish and Wildlife (CDFW) was obtained by the applicant in October 2020 (**Attachment 3f**). The LSAA allows for installation of a minimum 18-inch culvert in Crossing #1 and on the road blocking drainage of a wetland and the associated measures designed to protect fish, wildlife, and plant

resources. The two retired water bladders in or adjacent to delineated wetlands below the pond are to be removed as a condition of approval upon recommendation following a site visit by the North Coast Regional Water Quality Control Board and CDFW in January 2019 and March of 2019 (**COA #A14**). Use of water bladder storage for irrigation purposes is prohibited by the CCLUO 55.4.12.8(f). A historic point of diversion from Elk Creek was noted in the LSAA, and this domestic diversion was retired once the groundwater well was installed. The removal of the point of diversion did not require any alteration to the bed, bank, or channel; however, a notification fee and remediation fee were submitted with the original LSAA notification in November 2018.

The parcel contains three Class III ephemeral watercourses that are tributaries to the Class II Elk Creek, which feeds into the South Fork Eel River. The Plot Plan shows these watercourses across the southern portion of the parcel and four distinct delineated wetland areas. All cultivation areas are outside of the 50-foot and 100-foot Streamside Management Area buffers, apart from the pond reservoir mentioned above. A Site Management Plan (SMP) was prepared by Timberland Resource Consultants in February 2020 (**Attachment 3g**) in accordance with the State Water Resources Control Board Cannabis Cultivation Policy (Order WQ 2019-0001-DWQ) as a Tier 1, Low Risk project; the plan was revised by ETA Humboldt in 2021 to include the third cultivation area and revise project details. Abiding by the recommended best practicable treatment and control measures and the attached Mitigation Report in the SMP prepared by Timberland Resource Consultants is made a condition of approval (**COA #A15**).

The applicant shall finalize any existing Onsite Wastewater Treatment System with the Division of Environmental Health (DEH) by completing the percolation test and septic design or any other reports deemed necessary by DEH (**COA #A16**).

Biological Resources

A Biological Assessment was prepared for the project following a single January 2020 field visit by a wildlife biologist with O'Brien Biological Consultants in accordance with CCLUO Mitigation Measure 3.4-1a (**Attachment 3h**). The wildlife biologist described the dominant forested vegetation as montane hardwood conifer and early- to mid-successional Douglas fir forest, which is a Sensitive Natural Community with a California Rare Plant Rank of S3. No trees are proposed to be removed by the project. There are mapped special-status plant species within 0.6 mile of the site (coast fawn lily; CRPR 2B.2), and sensitive natural communities could occur on site in areas where operations may occur. As a result, a botanical consultant prepared a protocol-level botanical survey report in October 2021 in accordance with CCLUO Mitigation Measure 3.4-3a, -3b, and -4 (**Attachment 3i**). In addition, owing to presence of potential wetlands, a wetland delineation was prepared by the same botanical consultant in January 2019 (**Attachment 3j**) in accordance with the CCLUO Mitigation Measure 3.4-5. The project area was floristically surveyed on April 15, May 28, and July 29, 2021, and all plants were identified to the taxonomic level necessary to determine whether they are special status. Although member species of documented Sensitive Natural Communities were identified (e.g., California oatgrass [*Danthonia californica*] and blue wildrye [*Elymus glaucus*]), their abundance was below membership rules for the community. These studies concluded the parcel contains coniferous forest, grasslands, and seasonal wetlands and that most of the proposed cultivation is on existing cultivation footprints or in previously graded areas. The additional grading necessary for the cultivation expansion was estimated by the experienced botanical consultant to impact approximately 17,630 SF (0.40 acre) of grassland not considered a Sensitive Natural Community. Delineated wetlands and associated wetland setbacks are shown on the revised 2021 Site Plan.

The nearest northern spotted owl (NSO) activity center is located approximately 0.48 mile east of the nearest cultivation area, with critical habitat located approximately 4.1 miles from the site. Lands south of the cultivation site and surrounding the parcel are heavily forested with appropriately aged coniferous forest; thus, there is high potential for NSO to occur on or near the property. The nearest mapped critical habitat for marbled murrelets is approximately 1.7 miles to the west, and there is likely no potential nesting habitat located on the parcel's assessment area. The Biological Assessment (**Attachment 3h**) concluded that there is a potential noise or light impact on NSO nesting habitat from the cannabis cultivation operations and recommended surveys be conducted to determine potential presence on the property

prior to development. Thus, the project is conditioned (**COA #A17**) to engage a qualified biologist to plan and conduct northern spotted owl surveys consistent with *Section 9: Surveys for Disturbance Only Projects* of the *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls* (U.S. Fish and Wildlife Service 2012) and in accordance with CCLUO Mitigation Measure 3.4-1e requiring surveys wherever ground-disturbing activities are adjacent or within suitable nesting, roosting, or foraging habitat. Further, if any NSO activity center is found within a 0.7-mile buffer around pre-existing or proposed expanded cultivation sites, a qualified biologist familiar with the life history of the NSO shall conduct a Disturbance and Habitat Modification Assessment to determine the presence of the species and whether the cultivation site can operate or have its operation modified to avoid take of the species. If it is determined that take of the species could occur, the cultivation site will be required to participate in the Retirement, Remediation, and Relocation provisions of the proposed ordinance to relocate the cannabis cultivation to outside of the NSO activity area in accordance with the CCLUO 55.4.12.10 Performance Standard.

Additional recommendations for the protection of biological resources are included as standard conditions of all projects. They include, but are not limited to, housing generators inside insulated enclosures to muffle noise and adhere to noise thresholds of the CCLUO (≤50 decibels of maximum noise exposure at 100 feet from noise source or to the edge of potential habitat), conducting nesting bird surveys prior to vegetation removal or habitat alteration planned within the nesting season, and implementing invasive plant species controls. Furthermore, the project is conditioned to ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife (**Attachment 1.B.1–8**).

Tribal Cultural Resource Coordination

The project was referred to the Northwest Information Center, and the Bear River Band in April 2018. A Cultural Resources Investigation was prepared in May 2018, and an Addendum Report prepared in December 2020, by Mark Arsenault, MA, RPA, principal investigator of Arsenault & Associates in Sacramento. Per the report, an outreach email was sent to the Bear River Band of the Rohnerville Rancheria and "no relevant or important response to the outreach was received." The report concluded that the proposed project will not result in any adverse changes to historical or archaeological resources, recommended Inadvertent Discoveries Protocol, and noted that if engineering plans change or additional ground disturbing activities were necessary, Mark Arsenault should be contacted for further information. Subsequently, he was contacted to perform a secondary survey of the expanded project area to the north to provide cultural resources clearance for an additional impact area associated with the proposed 3,900-SF propagation greenhouse. The secondary survey was completed on November 26, 2020, and did not identify any cultural resources within the additional impact area or 600-foot buffer. Additionally, the report concluded that the character of the secondary study area was consistent with that described in the original report. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.

Access

Access to the site is via a private driveway that does not serve other neighbors which is accessed from of Dyerville Loop Road, a County maintained road. Dyerville Loop Road is a paved, Category 4, County-maintained roadway. A self-certified Road Evaluation Report (Form A.) for the 1.0-mile access route was prepared by Antonio Petrushevski, and a photo-documented report was prepared by ETA Humboldt in January 2021 (**Attachment 3k**) that indicates the roadway can accommodate increased traffic given the 17 documented turnouts, the rocked surface, and the 16-to-20-foot road widths. Public Works, Land Use Division, conditionally approved the project on 7/21/21, and their recommended improvements have been made conditions of approval (**COA#A18**).

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cannabis cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits

and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 294 cultivation permits and the total approved acres would be 80.79 acres of cultivation.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (see Attachment 2 for more information).

RECOMMENDATION: Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

ALTERNATIVES: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT

Resolution Number 22-

Record Number PLN-12651-SP
Assessor's Parcel Number: 211-372-006

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Mayers Flat Farm, LLC, Special Permits (3).

WHEREAS, **Mayers Flat Farm, LLC,** submitted an application and evidence in support of approving three Special Permits for the expansion of an ongoing 8,750-square-foot (SF) light-deprivation outdoor cannabis operation to a total buildout of 41,300 SF (32,550 SF expansion), with 3,900 SF of appurtenant nursery propagation and drying activities;

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

WHEREAS, the Humboldt County Zoning Administrator held a duly noticed public hearing on **April 21, 2022,** and reviewed, considered, and discussed the application for the Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

1. **FINDING:** **Project Description:** The application is a to expand an existing 8,750-square-foot (SF) cannabis cultivation operation consisting of two light-deprivation greenhouses to 41,300 SF of outdoor cultivation in 11 light-deprivation greenhouses situated on less than 20 percent of the prime agricultural soils on the 80-acre parcel. Ancillary propagation would occur in a proposed 3,900-SF greenhouse. Water is sourced from a 350,000-gallon onsite rainwater catchment pond with excess flows would be pumped to a collection of 40,000 gallons of proposed tank storage. Water usage is estimated to be approximately 379,444 gallons per growing season at full buildout (9.2 gallons/SF/year). Existing water storage of 364,100 gallons would be expanded to 404,100 gallons at full project buildout. Drying of cannabis would continue onsite in an existing outbuilding using dehumidifiers and fans. Offsite processing in a licensed facility is proposed. An existing residence unrelated to the cannabis operation is onsite. Up to three independent contract employees are anticipated during peak operations. Power is provided by a 25-kilowatt (kW) (and backup 45-killowatt) diesel generator as the applicant finalizes plans to install a solar array; no expansion is allowed until the project obtains 100 percent of its power needs through alternative energy, a process conditioned to occur within 3-years. Two additional Special Permits are required for the buffer reduction of the storage pond located within delineated wetland buffers and for the ongoing maintenance of a registered point of diversion used for domestic water.

   EVIDENCE: a) Project File: PLN-12651-SP

2. FINDING: **CEQA.** CEQA requirements have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to and the EIR prepared for the CCLUO adopted by the Humboldt County Board of Supervisors on May 8, 2018.

EVIDENCE:

a) Addendum Prepared for the proposed project.

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

c) A Site Management Plan (SMP) was prepared by Timberland Resource Consultants in February 2020 in accordance with the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy (Order WQ 2019-0001-DWQ) as a Tier 1, Low Risk project; the plan was revised by ETA Humboldt to show a third historic cultivation area to be partially used for the proposed expansion. Abiding by the recommended best practicable treatment and control measures in the SMP and any subsequent SWRCB requirements are ongoing conditions of approval.

d) An Energy Generation and Consumption Plan details that there are currently a small amount (460 watts) of supplemental lighting in the propagation greenhouse in use 5 months of the year (February through June). Propagation greenhouse lighting, water and air pumps, atomizer (for foliage feeding and pest/disease), fans, power tools, surge protectors, dehumidifiers, and all electrical supplies and equipment, as well as all domestic power in the residence, is currently sourced from one 25-kW diesel generator and an additional 45-kW generator used for emergency back-up purposes. The applicant is proposing to add a photovoltaic solar system with 16 25-watt photovoltaic panels and 16 deep-cycle batteries to completely phase out generator use as a primary power supply; no cultivation expansion is allowed until the applicant can demonstrate that 100 percent of energy demand for all the proposed new cultivation will be met using alternative energy sources. In the interim, 80 percent of the existing cultivation must be met by renewable sources within 1 year as a condition of approval.

e) A Prime Agricultural Soil Assessment of the grassland meadow was prepared by Dirty Business Soil in May 2018 that mapped 1 acre of prime agricultural soil across four different locations, including a portion of the existing cultivation area. In accordance with CCLUO Section 55.4.6.4.3, the cumulative area of any Cannabis Cultivation Site located in the four areas identified as having Prime Agricultural Soil shall not exceed 20 percent of the area of total Prime Agricultural Soil on the parcel as a condition of approval.

f) The primary source of irrigation water for this project is rainwater stored in an approximately 350,000-gallon capacity pond onsite with excess flows diverted to 40,000 gallons of proposed storage and 11,100 of existing storage, as detailed in the Revised Water and Irrigation Plan was prepared by ETA Humboldt in 2021 and in the Well Completion Report dated 10/26/18 (permitted well 18/19-0265). The pond was cited and is detailed in a Grading, Drainage, and Erosion Control Plan prepared by Omsberg & Preston (engineers) in October 2018. Water usage is estimated to be approximately 379,444 gallons per growing season at full buildout (9.2 gallons/SF/year).

g) A Revised Final Lake and Streambed Alteration Agreement (LSAA 1600-2018-0695-R1) with the California Department of Fish and Wildlife (CDFW) was

obtained by the applicant in October 2020. The LSAA allows for installation of a minimum 18-inch culvert in Crossing #1 and on the road blocking drainage of a wetland and the associated measures designed to protect fish, wildlife, and plant resources. The two retired water bladders in or adjacent to delineated wetlands below the pond are to be removed as a condition of approval upon recommendation following a site visit by the North Coast Regional Water Quality Control Board (RWQCB) and CDFW in January 2019 and by a follow-up visit by the North Coast RWQCB in March 2019 and as described in the SMP referenced above (2.c).

h) A Biological Assessment was prepared for the project following a single January 2020 field visit by a wildlife biologist with O'Brien Biological Consultants in accordance with **CCLUO Mitigation Measure 3.4-1a**. No trees are proposed to be removed by the project. The nearest northern spotted owl (NSO) activity center is located approximately 0.48 miles east of the nearest cultivation area, with critical habitat located approximately 4.1 miles from the site. Lands south of the cultivation site and surrounding the parcel are heavily forested with appropriately aged coniferous forest; thus, there is high potential for NSO to occur on or near the property. The nearest mapped critical habitat for marbled murrelets is approximately 1.7 miles to the west, and there is likely no potential nesting habitat located on the parcel's assessment area. The Biological Assessment concluded that there is a potential significant impact to NSO nesting habitat from the cannabis cultivation and recommended surveys be conducted to determine potential presence on the property prior to site expansion. Thus, the project is conditioned to engage a qualified biologist to plan and conduct NSO surveys consistent with Section 9: Surveys for Disturbance Only Projects of the Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls (U.S. Fish and Wildlife Service 2012) and in accordance with **CCLUO Mitigation Measure 3.4-1e** requiring surveys wherever ground-disturbing activities are adjacent or within suitable nesting, roosting, or foraging habitat. Additional recommendations for the protection of biological resources are included in the conditions of approval, which include, but are not limited to, housing generators inside insulated enclosures to muffle noise and adhere to noise thresholds of the CCLUO (≤50 decibels of maximum noise exposure at 100 feet from noise source or to the edge of potential habitat), conducting nesting bird surveys prior to vegetation removal or habitat alteration planned within the nesting season, and implementing invasive plant species controls. Furthermore, the project is conditioned to ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife.

i) A protocol-level vegetation survey report and a wetland delineation report were prepared by Kyle Wear, a botanical consultant, in October 2019 and 2021, respectively, in accordance with **CCLUO Mitigation Measures 3.4-3a, -3b, -4, and -5**. Although member species of documented Sensitive Natural Communities were identified (e.g., California oatgrass [*Danthonia californica*] and blue wildrye [*Elymus glaucus*]), their abundance was below membership rules. All plants were identified to the taxonomic level necessary to determine whether they are special status. These studies concluded the parcel contains coniferous forest, grasslands, and seasonal wetlands and that most of the proposed cultivation is on existing cultivation footprints or in previously graded areas. The additional grading necessary for the cultivation expansion was estimated to impact approximately 17,630 SF (0.40 acre) of

grassland not considered a Sensitive Natural Community. Wetlands and wetland setbacks are shown on the revised 2021 Site Plan.

j) A Cultural Resources Investigation Report was carried out by Arsenault & Associates in 2018 and 2020. Per the report, an outreach email was sent to the Bear River Band of the Rohnerville Rancheria and "no relevant or important response to the outreach was received." The report concluded that the proposed project will not result in any adverse changes to historical or archaeological resources, recommended Inadvertent Discoveries Protocol, and noted that if engineering plans change or additional ground-disturbing activities were necessary, Mark Arsenault should be contacted for further information. Subsequently, he was contacted to perform a secondary survey of the expanded project area to the north to provide cultural resources clearance for an additional impact area associated with the proposed 3,900-SF propagation greenhouse. The secondary survey was completed on November 26, 2020, and did not identify any cultural resources within the additional impact area or 600-foot buffer. Additionally, the report concluded that the character of the secondary study area was consistent with that described in the original report. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.

k) Access to the site is via a private driveway off of Dyerville Loop Road, a County maintained road. A self-certified Road Evaluation Report (Form A) for the 1.0-mile access route was prepared by Antonio Petrushevski, and a photo-documented report was prepared by ETA Humboldt in January 2021. The report indicates the roadway can accommodate increased traffic given the 17 documented turnouts, the rocked surface, and the 16-to20-foot road widths. Recommended conditions of approval from Public Works' referral response have been incorporated into the conditions of approval.

FINDINGS FOR SPECIAL PERMIT

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

EVIDENCE

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

b) The proposed project is consistent Conservation and Open Space Element Biological Resources as evidenced by compliance with the following polices and standards:

I.) *<u>Streamside Management Areas (SMAs) and Wetland Identification (BR-P5, P6, P7):</u> There are several mapped SMAs around ephemeral streams draining to the South of the parcel and around a delineated wetland. All development associated with the project is located outside of SMA and required setbacks apart from an existing rain catchment pond located within the*

SMA of the delineated wetland. A Special Permit is required for this setback reduction and abiding by the erosion prevention and water quality protection recommendations in the project's SMP are made a condition of approval.

II.) *<u>Biological Resource Maps (BR-P11):</u> Northern Spotted Owl have been observed historically within one mile, with the closest NSO activity center being approximately 0.48 miles east of the nearest cultivation area, with Critical Habitat located approximately 4.1 miles from the site. Lands south of the cultivation site and surrounding the parcel are heavily forested with appropriately aged coniferous forest, thus there is high potential for northern spotted owl to occur on or near the property. The nearest mapped critical habitat for Marbled Murrelets Is approximately 1.7-miles to the west and there is likely no potential nesting habitat located on the parcel's assessment area. The Biological Assessment concluded that there is a potential noise or light impact on spotted owl nesting habitat from the cannabis cultivation operations and recommended surveys be conducted to determine potential presence on the property beginning in 2020. Thus, the project is conditioned to engage a qualified biologist to plan and conduct NSO surveys consistent with Section 9: Surveys for Disturbance Only Projects of the Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls (U.S. Fish and Wildlife Service 2012) and in accordance with the **CCLUO Mitigation Measure 3.4-1e** requiring surveys wherever ground-disturbing activities are adjacent or within suitable nesting, roosting, or foraging habitat. Further, if any spotted owl activity center is found within a 0.7-mile buffer around pre-existing or proposed expanded cultivation sites, the qualified biologist, familiar with the life history of the northern spotted owl, shall conduct a Disturbance and Habitat Modification Assessment to determine the presence of the species and whether the cultivation site can operate or have its operation modified to avoid take of the species.*

c) The goals and policies of the Conservation and Open Space Cultural Resources have been complied with based on the referral of the project to the Northwest Information Center (NWIC), the Bear River Band of Rohnerville Rancheria, the Blue Lake Rancheria, and the Wiyot Tribe. An archeological survey of the subject parcels was made in May 2018 and an Addendum prepared in December 2020, by Mark Arsenault, MA, RPA. The report concluded that the proposed project will not result in any adverse changes to historical or archaeological resources, recommended Inadvertent Discoveries Protocol and noted that if engineering plans change or additional ground disturbing activities were necessary, to contact Mark Arsenault for further information. The Tribal Historic Preservation Officers (THPO's) have reviewed the reports and concurred with the findings and recommendations.

d) The project is consistent with the Conservation and Open Space Scenic Resources policies as the only applicable policy is related to restricting light and glare. The project will comply with the CMMLUO and CCLUO which require all-night lighting be completely shielded in compliance with International Dark Sky Standards.

e) The project is consistent with the Water Resources Element through

compliance with the following goals and policies:

I. *Sustainable Management (WR-P1). The project does not utilize diversion from a surface water source, as water will come from rainwater stored in an approximately 350,000-gallon capacity pond onsite and the pond or storage tanks may be partially filled from a 220-foot-deep well as detailed in the Revised Water and Irrigation Plan was prepared by ETA Humboldt in 2021. Regardless of whether the well is determined to be hydrologically connected to surface water, it will not be used during the dry seasons of May 15 – October 15 as a condition of approval. The majority of irrigation will use captured rainfall.*

II. *Project Design (WR-P12). The project will not detract from the function of rivers, streams, ponds, wetlands or their setback areas based on the evidence provided and the required measures in the SMP and LSAA.*

III. *Rain Catchment Systems (WR-P20). Rainwater catchment is the major component of the project, providing approximately 350,000 gallons of the 379,444 gallons of estimated annual water use. An additional 40,000 gallons of hard tank storage are proposed at project build out in order to capture the excess rainfall intercepted by the rain catchment pond. A registered water diversion on the parcel is used for domestic uses only and is to be retired in 2022.*

4. FINDING The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE-Zone) in which the site development is located. The forested area of the parcel is zoned Timber Production Zone (TPZ) which allows accessory agricultural uses and structures as principal permitted uses.

EVIDENCE

a) The AE-Zone is applied to areas of the County intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use.

b) All general agricultural uses are principally permitted in the AE Zone. Commercial cannabis cultivation is specifically allowed in the AE Zoning designation subject to approval of the appropriate permit as required by the CMMLUO and CCLUO.

c) CCLUO section 55.4.6.1.2(b) allows cultivation of up to 43,560 SF of cultivation area on a parcel over 10 acres subject to approval of a Special Permit. The application for 41,300-SF total outdoor cultivation, of which 8,750 SF is existing, as well as 3,900 SF of appurtenant nursery space, the expansion of which would only occur on AE zoned area, on an 80-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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

EVIDENCE

a) The CCLUO allows existing and new cannabis cultivation activities, onsite processing, and nurseries to be principally permitted in areas zoned AE (HCC 314-55.4.6.1) and accommodates pre-existing cultivation activities in areas zoned TPZ (HCC 314-55.4.6.5).

b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by

Assessor's Map Book 211, Page 37 and Grant Deed dated 3/14/16.

c) The project will obtain water from a non-diversionary water source, a 350,000-gallon rain catchment pond, and a 220-foot-deep well used to top off existing and proposed hard tank storage during the rainy season.

d) Access to the site is via a private driveway off of Dyerville Loop Road via Avenue of the Giants Road, a paved, Category 4 County-maintained roadway. A self-certified Road Evaluation Report (Form A) for the 1.0-mile access route was prepared by Antonio Petrushevski, and a photo-documented report was prepared by ETA Humboldt in January 2021. The report indicates the roadway can accommodate increased traffic given the 17 documented turnouts, the rocked surface, and the 16-to-20-foot road widths.

e) Electricity must be exclusively provided by a renewable energy source prior to expansion of the cultivation operation, and an energy plan demonstrating sufficient solar power is required within 3 years of project approval.

f) The slope of the land where cannabis will be cultivated is less than 15 percent.

g) The cultivation of cannabis will not result in the net conversion of timberland. No tree removal is proposed by the project.

h) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4. It is more than 30 feet from any property line, more than 300 feet from any offsite residence and more than 600 feet from any school, church, public park, or tribal cultural resource.

i) A Prime Agricultural Soil Assessment of the grassland meadow was prepared by Dirty Business Soil in May 2018 that mapped 1 acre of prime agricultural soil across four different locations, including a portion of the existing cultivation area. The revised site plan dated 11/22/21 indicates the prime agricultural soil locations relative to the existing and proposed cultivation areas and shows that less than 20 percent of the prime agricultural soils will be used for cannabis cultivation.

j) A Biological Assessment, Botanical Assessment, and Wetland delineation were prepared for the project. No Sensitive Natural Community will be impacted by the proposed project expansion. The project is conditioned to engage a qualified NSO biologist to assess the presence of any activity centers around the project. If any NSO activity center is found within a 0.7-mile buffer around pre-existing or proposed expanded cultivation sites, the qualified biologist, familiar with the life history of the NSO, shall conduct a Disturbance and Habitat Modification Assessment to determine the presence of the species and whether the cultivation site can operate or have its operation modified to avoid take of the species. If it is determined that take of the species could occur, the cultivation site will be required to participate in the Retirement, Remediation, and Relocation provisions of the proposed ordinance to relocate the cannabis cultivation to outside of the NSO activity area in accordance with the CCLUO 55.4.12.10 Performance Standard.

6. FINDING The cultivation of 41,300 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

a) Access to the site is via Elk Creek Road, a private driveway off of Dyerville Loop Road via Avenue of the Giants Road. Dyerville Loop Road is a paved, Category 4 County-maintained roadway. A self-certified Road Evaluation Report (Form A) for the 1.0-mile access route was prepared by Antonio Petrushevski, and a photo-documented report was prepared by ETA Humboldt in January 2021. The report indicates the roadway can accommodate increased traffic given the 17 documented turnouts, the rocked surface, and the 16-to-20-foot road widths.

b) The site is in a rural part of the County where the typical parcel size is over 80 acres, and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park, or other use that may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.

c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest offsite residence.

d) The primary source of irrigation water for this project is rainwater stored in an existing 350,000-gallon capacity pond with excess flows would be pumped to a collection of 40,000 gallons of proposed tank storage. Estimated annual water usage is 379,444 gallons (9.2 gallons/SF/year) with peak demand occurring in July and August when estimated demand is 53,500 gallons per month. An existing POD is to be retired in 2022 and an onsite well is used for domestic water only.

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

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

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

8. FINDING Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres that may be approved in each of the County's Planning Watersheds.

EVIDENCE The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project, the total approved permits in this Planning Watershed would be 294 permits, and the total approved acres would be 80.79 acres of cultivation.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

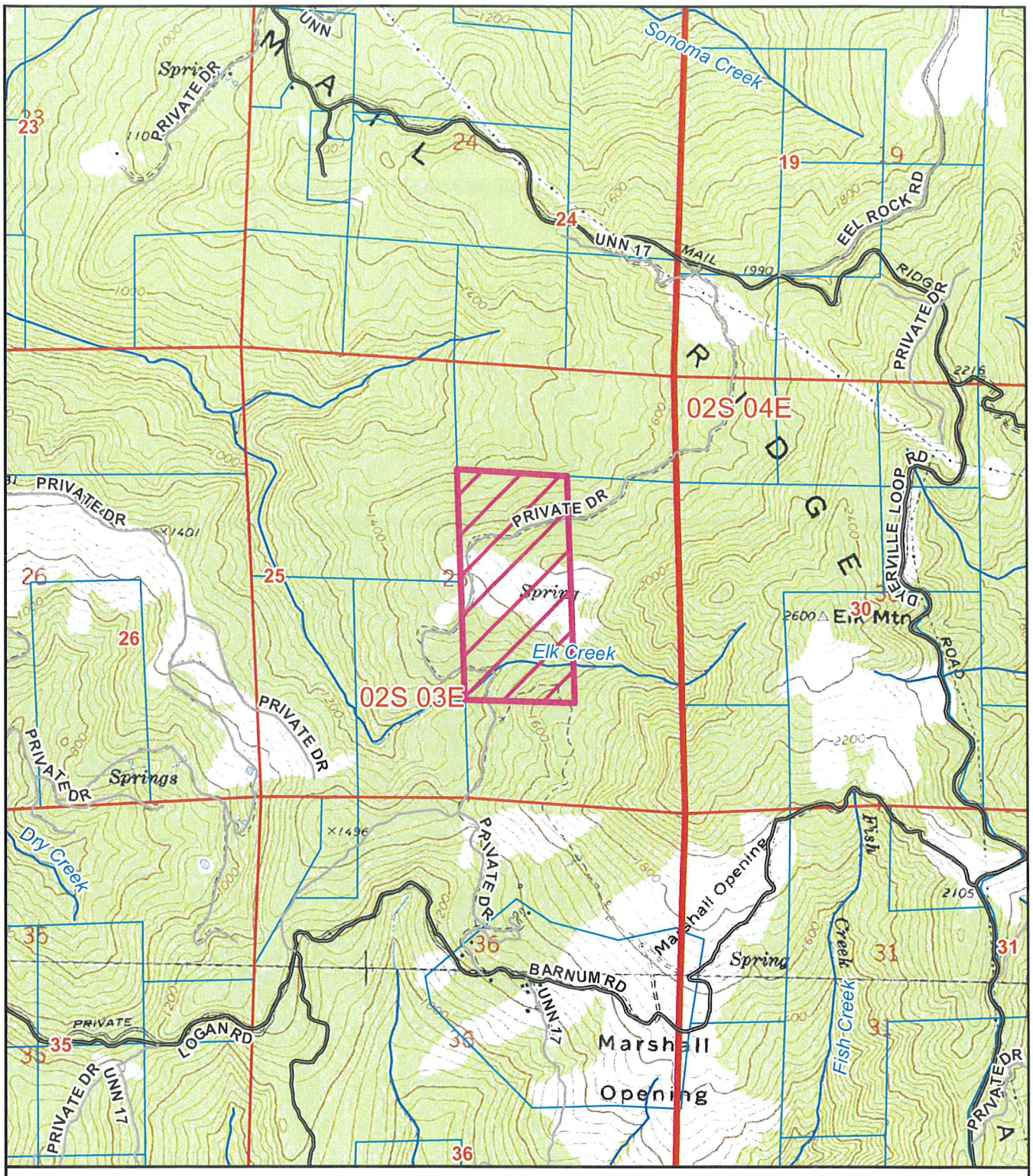
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Mayers Flat Farm, LLC Special Permits (3) based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **April 21, 2022**

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

_____

John Ford, Zoning Administrator,
Planning and Building Department



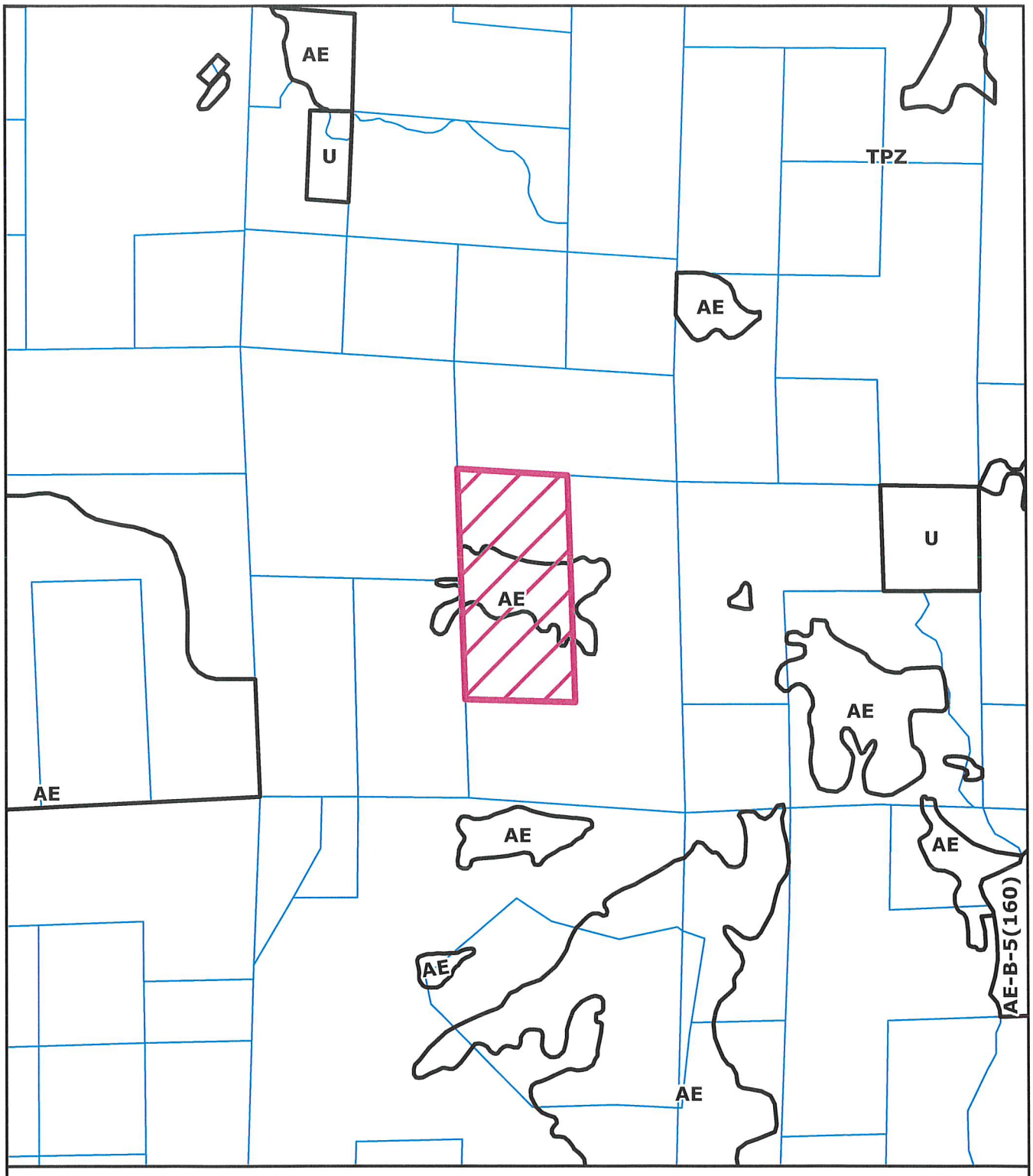
TOPO MAP
PROPOSED MAYERS FLAT FARM INC
MIRANDA AREA
CUP-16-789
APN: 211-372-006-000
T02S R03E S25 HB&M (MYERS FLAT)

Project Area =

N

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

0 1,000 2,000 4,000 Feet



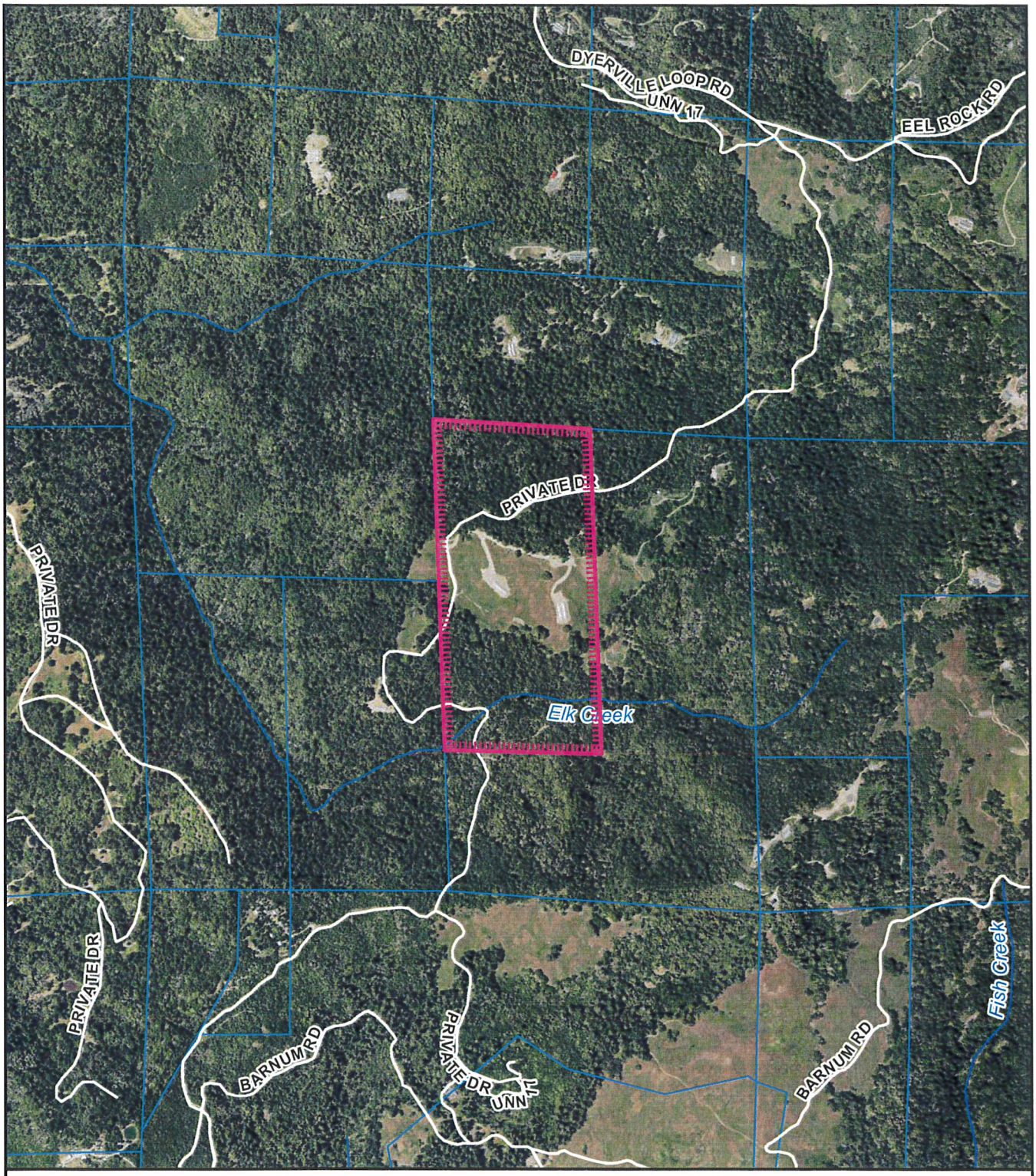
ZONING MAP
PROPOSED MAYERS FLAT FARM INC
MIRANDA AREA
CUP-16-789
APN: 211-372-006-000
T02S R03E S25 HB&M (MYERS FLAT)

Project Area =

N

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

0 1,000 2,000 4,000 Feet



AERIAL MAP
PROPOSED MAYERS FLAT FARM INC
MIRANDA AREA
CUP-16-789
APN: 211-372-006-000
T02S R03E S25 HB&M (MYERS FLAT)

Project Area =

N

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

0 1,000 2,000 Feet

Humboldt County Plot Plan

PLN-12651-CUP Mayers Flat Farm, LLC

April 21, 2022

Premise Entrance/Exit

Propagation Greenhouse
42' X 20' = 840sqft

Drying/ Harvest storage
60' X 32' = 1920sqft

Waste Storage
10' X 10' = 100sqft

Shipping Container (Harvest Storage)
Administrative Hold
10' X 20' = 200sqft

Residence
(Not for Cannabis)

Generator Shed
Fuel Storage
20' X 10' = 200sqft

Well
For Domestic

Proposed Solar Array

Propagation Area #2
112' X 30' = 3,360sqft

Proposed Water Storage
40,000 Gallons pending tank size

Greenhouse #10 3,500sqft

Greenhouse #11 3,500sqft

Shipping Container (Equipment Storage)
10' X 20' = 200sqft

Greenhouse #8 3,500sqft

Greenhouse #9 3,500sqft

Greenhouse #6 3,500sqft

37ft to edge of 100ft wetland buffer area

Greenhouse #3 4,550sqft

Greenhouse #7 3,500sqft

Greenhouse #5 3,500sqft

128ft to edge of wetland

182ft to edge of wetland

QTY(2) 3,000 Gallon Water Tanks

Greenhouse #2
4,200sqft

350,000 Gallon Rainwater Catchment Pond
Utilized for Agricultural Irrigation

Greenhouse #4 3,500sqft

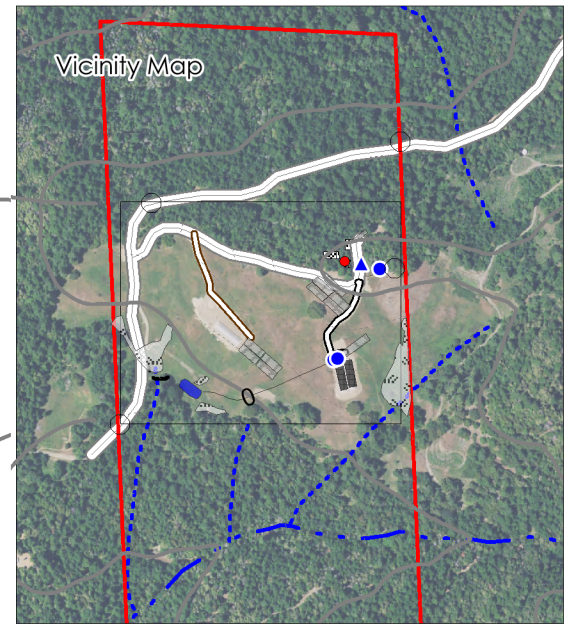
262ft to edge of wetland

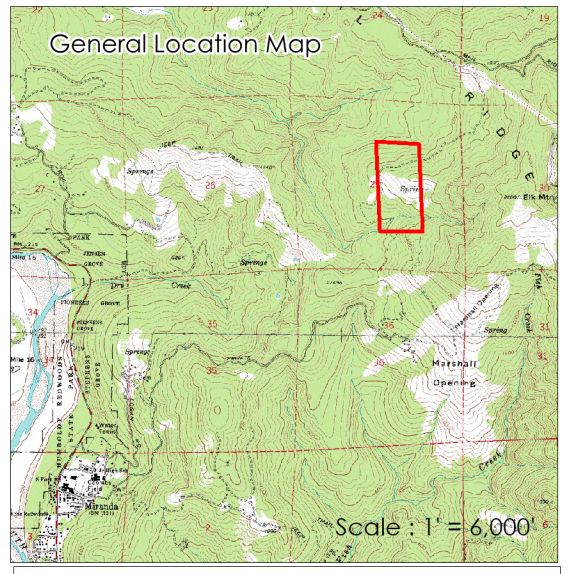
144ft to 100ft wetland buffer

Greenhouse #1
4,550sqft

Premise/ Property Exit

Scale : 1" = 125'





Legend

- Property Boundary
- Premise
- Proposed Cultivation
- Exsisting Cultivation Area
- Deliniated Wetland
- 100ft Wetland Buffer
- Deliniated Prime Agricultural Soils
- Structure
- 100ft Fire Prevention Setback
- Pond
- Water Line
- Myers Flat Topographic 40ft Interval
- Measurement (US Survey Feet)

Watercourse

- Class I
- Class II
- Class III

Roads

- Permanent
- Proposed
- Seasonal
- Trail

Property Information

Owner Name: MAYERS FLAT FARM INC
Mailing Address: PO BOX 2114 REDWAY CA 95560
APN : 211-372-006
Use Type: TIMBER PRESERVE
Use Code:7008
Lot Acres: 80

Cultivation Areas

Total Cultivation : 41,300sqft
Greenhouse #1 : 130X35 4,550sqft
Greenhouse #2 : 120X35 4,200sqft
Greenhouse #3 : 130X35 4,550sqft
Greenhouse #4 : 100X35 3,500sqft
Greenhouse #5 : 100X35 3,500sqft

Greenhouse #6 : 100X35 3,500sqft
Greenhouse #7 : 100X35 3,500sqft
Greenhouse #8 : 100X35 3,500sqft
Greenhouse #9 : 100X35 3,500sqft
Greenhouse #10 : 100X35 3,500sqft
Greenhouse #11 : 100X35 3,500sqft
Propagation Greenhouse: 42' X 20' = 840sqft
Propagation Area #2 : 112' X 30' =3,360sqft

N W E S

Scale : 1" = 125'

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.

2. The applicant is required to pay for permit processing on a time-and-materials basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning and Building Department, 3015 H Street, Eureka.

3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently $750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning and Building Department, 3015 H Street, Eureka.

4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of $50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #18. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including, but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Planning and Building Department verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Inspection Division shall satisfy this requirement.

8. The applicant shall submit a grading, erosion, and sediment control plan prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed and any proposed. A letter or similar communication from the Planning and Building Department verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.

9. The applicant shall obtain a permit to operate any U.S. Environmental Protection Agency Tier 4 diesel generator from the North Coast Unified Air Quality Management District and obtain an electric permit from the County's Building Department, as applicable.

10. The applicant is proposing to add a photovoltaic solar system with 16 25-watt photovoltaic panels paired with 16 deep-cycle batteries to completely phase out generator use as a primary power supply. No cultivation expansion is allowed until the applicant can demonstrate that 100 percent of energy demand for the entire cultivation site will be met using renewable energy sources. In the interim, 80 percent of the existing cultivation must be met by renewable sources within 1 year. To demonstrate this, the applicant shall furnish an energy budget detailing all monthly cultivation-related energy use, and an onsite renewable energy generation and storage capacity plan approved by the Planning and Building Department must be implemented within 3 years of project approval. No expansion of existing cultivation is allowed until the 100 percent renewable energy requirements have been met.

11. The revised site plan dated 11/22/21 indicates the prime agricultural soil locations relative to the existing and proposed cultivation areas. No more than 20 percent to the prime agricultural soils will be used for cannabis cultivation. Where occurring in areas with Prime Agricultural Soil, cultivation shall only occur within the native soil. Removal of native soil and replacement with manufactured soil is prohibited.

12. The applicant shall install additional water storage so that total available water storage is approximately 400,000 gallons to eliminate reliance on diversionary water during the dry months of May 15 – October 15 of each year.

13. The applicant shall install water monitoring device on each source—domestic well and surface diversion if/when utilized, and storage tanks and rain catchment pond, as applicable—to monitor water used for cannabis irrigation, separate from domestic use.

14. The applicant shall retire and remove the two water bladders in or adjacent to delineated wetlands below the pond upon recommendation following a site visit by the North Coast Regional Water Quality Control Board and California Department of Fish and Wildlife (CDFW) in January 2019 and a follow-up visit in March 2019. These water bladders are not to be used for cannabis cultivation-associated water storage as use of water bladder storage for irrigation purposes is prohibited by CCLUO Section 55.4.12.8(f). Water bladder

15. Abiding by the recommended best practicable treatment and control measures and details in the Mitigation Report attached to the Site Management Plan (SMP) prepared by Timberland Resource Consultants are made a condition of approval. A letter or similar communication from the State Water Resources Control Board verifying that all their requirements have been met will satisfy this condition.

    a. Apply additional rock surfacing to those areas on access roads that are identified in the Mitigation Report attached to the SMP as requiring additional stabilization measures (Sites 2, 4, 10).
    b. Maintain existing drainage structures at Sites 1, 2, 3, 4 and install new drainage features at Sties 5 and 8.
    c. Treat the controllable sediment deliver sites identified at Sites 9 and 10.

d. Upgrade the two watercourse crossings at Sites 11 (installation of crossing) and 12 (inadequate ford) as allowed under the Revised Final Lake and Streambed Alteration Agreement (LSAA 1600-2018-0695-R1) with CDFW obtained in October 2020.
e. Install a metering device and/or procedure in early 2020 to record all water diverted, all pumped water, and all water used for the irrigation of cannabis and domestic uses.
f. Maintain all water storage tanks with fixed or retrofitted lids that will exclude wildlife entrapment. Install overflow prevention measures on storage tanks and transfer infrastructure to prevent overflowing of tanks and unnecessary waste of water resources.
g. Implement water conservation measures such as dripline irrigation, morning or evening watering, and mulch or cover cropping of cultivated soils.
h. Install secondary containment on all generators and associated motor oil and fuel tanks/cans and maintain those secondary containers that are in existence around the 250-gallon and 500-gallon fuel tanks.

16. Processing activities must be supported by an approved onsite wastewater treatment system. Seasonal/outdoor cultivation sites may be supported by portable toilets. Applicant must obtain a permit for and install an approved onsite wastewater treatment system to support any proposed processing location(s) and either install approved septic systems or provide portable toilets to cultivation areas. A letter or similar communication from the Division of Environmental Health verifying that the Onsite Wastewater Treatment System is permitted will satisfy this condition.

17. The applicant shall implement recommendations in the Biological Assessment prepared for the project following January 2020 field visit by O'Brien Biological Consultants to minimize any potential disturbance or habitat modification to the northern spotted owl (NSO). The project is conditioned to engage a qualified wildlife biologist to plan and conduct NSO surveys consistent with *Section 9: Surveys for Disturbance Only Projects* of the *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls* (U.S. Fish and Wildlife Service 2012) and in accordance with CCLUO Mitigation Measure 3.4-1e requiring surveys wherever ground-disturbing activities are adjacent or within suitable nesting, roosting, or foraging habitat.

    a. Further, if any NSO activity center is found within a 0.7-mile buffer around pre-existing or proposed expanded cultivation sites, the qualified biologist, familiar with the life history of the NSO, shall conduct a Disturbance and Habitat Modification Assessment to determine the presence of the species and whether the cultivation site can operate or have its operation modified to avoid take of the species. The Planning and Building Department will consult with CDFW during review of the assessment.

    b. If it is determined that take of the species could occur, the cultivation site will be required to participate in the Retirement, Remediation, and Relocation provisions of the proposed ordinance to relocate the cannabis cultivation to outside of the NSO activity area in accordance with the CCLUO 55.4.12.10 Performance Standard.

18. The applicant shall incorporate the recommendations from the Public Works referral response dated 7/21/21. These conditions shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final signoff for a building permit, or Public Works approval for a business license
    a. All fences and gates shall be relocated out of the County right-of-way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right-of-way.
    b. All driveways and private road intersections on to the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
    c. Any existing or proposed non-County-maintained access roads that will serve as access for the proposed project that connect to a County maintained road shall be improved to current standards for a commercial driveway. The applicant must apply for and obtain an

encroachment permit from the Department of Public Works prior to commencement of any work in the County-maintained right-of-way. This also includes installing or replacing intersection culverts; minimum size is typically 18 inches. If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet (or break in slope where it intersects the County road).

19. The applicant shall consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).

20. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection to keep the permit valid.

21. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CCLUO shall expire 1 year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Special Permit or permit holder with a written statement identifying the items not in compliance and the action that the permit holder may take to cure the non-compliance or file an appeal within 10 days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus 3 days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permits immediately upon the expiration of any appeal period or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CCLUO.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise at cultivation sites set by CCLUO Section 55.4.12.6 requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels or at or below ambient non-cultivation-related noise levels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife.

3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.

4. Ensure all generators be located on stable surfaces with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.

5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

8. The use of anticoagulant rodenticide is prohibited.

9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.

10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in CCLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.

12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, 300 feet from any residence, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.6.4.4.

16. Maintain enrollment in Tier 1 or certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2019-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).

18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.

19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).

20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

21. Pay all applicable application, review for conformance with conditions and annual inspection fees.

22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.

23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

<u>Performance Standards for Cultivation and Processing Operations</u>

25. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."

26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

27. Cultivators engaged in processing shall comply with the following Processing Practices:
    a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
    b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
    c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
    d. Employees must wash hands sufficiently when handling cannabis or use gloves.

28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
   (1) Emergency action response planning as necessary;
   (2) Employee accident reporting and investigation policies;
   (3) Fire prevention;
   (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
   (5) Materials handling policies;
   (6) Job hazard analyses; and
   (7) Personal protective equipment policies, including respiratory protection.
b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
   (1) Operation manager contacts;
   (2) Emergency responder contacts; and
   (3) Poison control contacts.
c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

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

30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.

34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
    a. Identifying information for the new owner(s) and management as required in an initial permit application;
    b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
    c. The specific date on which the transfer is to occur;
    d. Acknowledgement of full responsibility for complying with the existing permit; and
    e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

1. Pursuant to Section 314-55.4.10.10 of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 312-13 of the Humboldt County Code.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #A5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

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

Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR)
(State Clearinghouse # 20171042022), January 2018

APN 211-372-006; 13360 Dyerville Loop Road, Myers Flat
County of Humboldt

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

March 2022

Background

Modified Project Description and Project History –

The Commercial Cannabis Land Use Ordinance (CCLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Environmental Impact Report (EIR) that was adopted for the ordinance 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 existing and proposed cannabis operations by establishing regulations for an existing or planned 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 EIR, and the EIR states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the EIR, and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less-than-significant level.

The modified project involves a Special Permit to expand an existing 8,750-square-foot (SF) cannabis cultivation operation consisting of two light-deprivation greenhouses to 41,300 SF of outdoor cultivation in 11 light-deprivation greenhouses situated on less than 20 percent of the prime agricultural soils on the 80-acre parcel. Ancillary propagation would occur in a proposed 3,900-SF greenhouse. Water is sourced from a 350,000-gallon onsite rainwater catchment pond and a 220-foot-deep well. A point of diversion is used for domestic water. Water usage is estimated to be approximately 379,444 gallons per growing season at full buildout (9.2 gallons/SF/year). Existing water storage of 353,300 gallons would be expanded to 421,300 gallons at full project buildout. Drying of cannabis would continue onsite in an existing outbuilding using dehumidifiers and fans. Offsite processing in a licensed facility is proposed. An existing residence unrelated to the cannabis operation is onsite. Up to three independent contract employees are anticipated during peak operations. Power is currently provided by a 25-kilowatt (kW) (and backup 45-kW) diesel generator as the applicant finalizes plans to install a solar array. Expansion is only allowed once the applicant demonstrates conversion to alternative energy to meet total power needs within 3 years of the permit as a condition of approval. Two additional Special Permits are required for the buffer reduction of the storage pond located within delineated wetland buffers and for the ongoing maintenance of a registered point of diversion.

A Biological Assessment was prepared for the project following a single January 2020 field visit by a wildlife biologist with O'Brien Biological Consultants in accordance with CCLUO Mitigation Measure 3.4-1a. A protocol-level botanical survey report was prepared in October 2021 in accordance with CCLUO Mitigation Measure 3.4-3a, -3b, and -4. In addition, owing to presence of potential wetlands, a wetland delineation was prepared by the same botanical consultant in January 2019 in accordance with CCLUO Mitigation Measure 3.4-5. Although member species of documented Sensitive Natural Communities were identified (e.g., California oatgrass [*Danthonia californica*] and blue wildrye [*Elymus glaucus*]), their abundance was below membership rules for the community. These studies concluded the parcel contains coniferous forest, grasslands, and seasonal wetlands and that most of the proposed cultivation is on existing cultivation footprints or in previously graded areas. The additional grading necessary for the cultivation expansion was estimated to impact approximately 17,630 SF (0.40 acre) of grassland not considered a Sensitive Natural Community by the experienced botanical consultant. Delineated wetlands and associated wetland setbacks are shown on the revised 2021 Site Plan. The nearest northern spotted owl (NSO) activity center is located approximately 0.48 mile east of the nearest cultivation area, with critical habitat located approximately 4.1 miles from the site. Lands south of the cultivation site and surrounding the parcel are heavily forested with appropriately aged coniferous forest; thus, there is high potential for NSOs to occur on or near the property. The Biological Assessment concluded that there is a potential noise or light impact on NSO nesting habitat from the cannabis cultivation operations and recommended surveys be conducted to determine potential presence on the property beginning in

2020. Thus, the project is conditioned to engage a qualified biologist to plan and conduct NSO surveys consistent with *Section 9: Surveys for Disturbance Only Projects* of the *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls* (U.S. Fish and Wildlife Service 2012) and in accordance with CCLUO Mitigation Measure 3.4-1e requiring surveys wherever ground-disturbing activities are adjacent or within suitable nesting, roosting, or foraging habitat.

A Cultural Resources Investigation Report was prepared in May 2018, and an Addendum Report prepared in December 2020, by Mark Arsenault, MA, RPA, principal investigator with Arsenault & Associates in Sacramento. Per the report, an outreach email was sent to the Bear River Band of the Rohnerville Rancheria and "no relevant or important response to the outreach was received." The report concluded that the proposed project will not result in any adverse changes to historical or archaeological resources, recommended Inadvertent Discoveries Protocol, and noted that if engineering plans change or additional ground disturbing activities were necessary, to contact Mark Arsenault for further information.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified 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 that 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 previous 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 EIR; B) significant effect previously examined will be substantially more severe than shown in the previous 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 previous 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 original EIR recommended mitigations. The proposal to authorize the expansion of an existing 8,750-SF cannabis cultivation site to 41,300 SF of outdoor cannabis cultivation in 11 light-deprivation greenhouses is fully consistent with the impacts identified and adequately mitigated in the original EIR. The project as conditioned to implement responsible agency recommendations results in no significantly adverse environmental effects beyond those identified in the EIR. Compliance with the CCLUO ensures consistency with the adopted EIR and provides for mitigation of all project-related impacts to a less than significant level.

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

- Plot Plans with prime agricultural soils prepared by ETA Humboldt dated 11/22/21.
- Revised Cultivation and Operations Plan prepared by ETA Humboldt dated 10/20/21.
- Water Irrigation and Storage Plan prepared by ETA Humboldt dated 11/30/21.
- Energy Generation and Consumption Plan prepared by ETA Humboldt dated 10/22/21.
- Right to Divert and Use Water, Registration H508360, Certificate H100577, with the State Water Resources Control Board (State Water Board), Division of Water Rights, dated 9/19/19.
- Site Management Plan prepared by ETA Humboldt dated 10/19/21 for the State Water Board Cannabis Cultivation Policy.
- Lake or Streambed Alteration Agreement 1600-2018-0695 response letter from Timberland Resources Consultants dated 9/17/19.
- Notification of Lake or Streambed Alteration No. 1600-2018-0695-R1 from the California Department of Fish and Wildlife dated 10/12/2020.
- Prime Agricultural Soil Assessment of the grassland meadows prepared by Dirty Business Soil in 5/22/18.
- A Biological Assessment for Commercial Cannabis Cultivation prepared by O'Brien Biological Consultants prepared after a site visit on 1/17/20.
- Wetland Delineation prepared by Kyle Wear, botanical consultant, dated January 2019.
- Botanical Survey Results prepared by Kyle Wear, botanical consultant, dated October 2021.
- Road Evaluation Report prepared by Antonio Petrushevski of Mayers Flat Farms, LLC of inspection date of 1/5/21 and photo-documentation provided by ETA Humboldt dated January 2021.
- Public Works conditional approval dated 7/21/21.
- Cultural Resources Investigation Report prepared in May 2018 and an Addendum Report prepared in December 2020 by Mark Arsenault, MA, RPA, Principal Investigator, Arsenault & Associates, Sacramento, CA.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with County and State requirements intended to adequately mitigate environmental impacts.

2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.

3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)

2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)

3. Site plan showing the entire parcel, including easements, streams, springs, ponds, and other surface water features and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans with prime agricultural soils prepared by ETA Humboldt dated 11/22/21 – **Attached** with project maps)

4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Revised Cultivation and Operations Plan prepared by ETA Humboldt dated 10/20/21 – **Attached**)

5. Copy of the statement of water diversion, or other permit, license, or registration filed with the State Water Resources Control Board (State Water Board), Division of Water Rights, if applicable. (Water Irrigation and Storage Plan prepared by ETA Humboldt dated 11/30/21 – **Attached**; Right to Divert and Use Water, Registration H508360, Certificate H100577, with the State Water Board, Division of Water Rights dated 9/19/19 – On file)

6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)

7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (RWQCB) demonstrating enrollment in Tier 1, 2 or 3, North Coast RWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan prepared by ETA Humboldt dated 10/19/21 for the State Water Board Cannabis Cultivation Policy – **Attached**)

8. If any onsite or offsite component of the cultivation facility, including access roads, water supply, grading, or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Lake or Streambed Alteration Agreement 1600-2018-0695 response letter from Timberland Resources Consultants dated 9/17/19 – **Attached**)

9. If the source of water is a well, a copy of the County well permit, if available. (Permit Number 18/19-0265 – On file)

10. If the parcel is zoned FR, U, or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL FIRE. (Cultivation takes place on AE portion of parcel – Not applicable)

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

12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3 and plan for compliance with applicable building codes. (Not applicable)

13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)

14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under Senate Bill 18 (Burton) and Assembly Bill 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)

15. Cultural Resources Investigation Report prepared in May 2018, and an Addendum Report prepared in December 2020, by Mark Arsenault, MA, RPA, Principal Investigator, Arsenault & Associates, Sacramento, CA (On file and confidential)

16. Prime Agricultural Soil Assessment of the grassland meadows prepared by Dirty Business Soil in 5/22/18. (**Attached**)

17. A Biological Assessment for Commercial Cannabis Cultivation prepared by O'Brien Biological Consultants prepared after a site visit on 1/17/20. (**Attached**)

18. Wetland Delineation prepared by Kyle Wear, botanical consultant, dated January 2019. (**Attached**)

19. Botanical Survey Results prepared by Kyle Wear, botanical consultant, dated October 2021. (**Attached**)

20. Road Evaluation Report prepared by Antonio Petrushevski of Mayers Flat Farms, LLC, of inspection date of 1/5/21 and photo-documentation provided by ETA Humboldt dated January 2021.(**Attached**)

Cultivation Plan

Mayers Flat Farm LLC
Location: 13360 Dyerville Loop Rd. Meyers Flat CA 95554
County: Humboldt
APN: 211-372-006
Address: P.O. Box 2114 Redway, CA 95560
Contact Name: Vanessa Valare
Telephone: 707.923.1180/760.613.6520
Email: etahumboldt@gmail.com

Cultivation Site

This project will consist of 2 (two) flowering greenhouses. Total cultivation on this parcel is 8,500 Sq. ft. All cannabis in gardens grown in greenhouses. All cannabis is harvested and dried on site. Cultivation site has 2 (two) light deprivation greenhouses, 4,250 ft² each. Two cycles of light deprivation cannabis grown between 2 greenhouses.

Footprint explanation

Cannabis Garden POU #1- This area contains 2 (two) 4,250 ft². light deprivation Greenhouses. (34' X 125' each)

Pond- 350,000 gallons approx.

Water Tanks- 3 qty. 3,000-Gallon HDPE Water Storage Tank

Water Tanks- 1 qty. 1,100-Gallon HDPE Water Storage Tank

Fertilizer Mixing Tank- 1 qty. 550-gallon HDPE Tank

Storage/Drying Processing Building

Immature Plants

Each spring the Applicant takes cuttings or clones from mother plants and rears them in processing building (immature plant area) till plants are approximately 14 inches tall. The Applicant uses supplemental light to start plants flowering the first three weeks of

April and then again in the first three weeks of July. Once the plants have been forced into flowering the Applicant discontinues supplemental lighting inside the greenhouse.

Cultivation Cycles

The Applicant cultivates in light deprivation greenhouses in cycles from April to October. Each spring the Applicant takes cuttings or clones from mother plants and rears them in processing building (immature plant area) till plants are approximately 14 inches tall. The Applicant uses supplemental light to start plants flowering the first three weeks of April and then again in the first three weeks of July. Once the plants have been forced into flowering the Applicant discontinues supplemental lighting inside the greenhouse. The Applicant uses a blackout tarp over the greenhouse, at regular intervals. The Applicant has two mixed light cultivation cycles. The first cycle is from April to July, the second cycle is from roughly July to October.

Monthly Cultivation Site Activities

Month	**Activities**
January	Finish processing of fall harvest, trimming and storage. Plan new year. Mow cover crop. Check greenhouse for issues/fix. Check water lines, tanks and all equipment for repairs or damages. Make plan for repairs.
February	Work on trenches/and holes for plants layer more compost in beds. Treat compost if necessary. Finishing processing last year's crop if still necessary.
March	Get clones from other permitted grow operation. Transplant and move into garage with seedlings. Amend beds, fix fences, service equipment, make plan for independent contractors i.e.; painting, fence building, greenhouse fixing, etc.
April	Amend and start turning beds, prep dirt and supplies for greenhouse plants Add nematodes compost for pest prevention. Mid- April move first round of plants to greenhouses. Weed whacking, mowing, and brush cleanup.
May	Plant Long Term Plants. Spray with preventive sulfur. Treat with biodynamic preparations for pest control and mold control. Greenhouse plants switched into flower using a blackout cover mid-late May. Turn beds, fix/ replace and clean drip emitters, check timers. Double check all water systems for leaks and clogs. Put out sound sensors for rodents.
June	Hay put over each trench for water retention. Use re mesh for supports as well as bamboo stakes which are cleaned with bleach before each use. Bamboo reused for multiple years. Regular feeding schedule of compost teas adhered to. Pests are dealt with as they arise with oils, nematodes and predator mites from

	compost. Procure next round of plants from licensed nursery.
July	Harvest greenhouse mid-month, replant with new clones from a permitted nursery. Treat plants with preventive measures. Harvested flowers to hang in drying room, then to be cured and hand trimmed per processing plan.
August	Finish processing July's harvest. Monitor water supply, check lines and all areas for insect/ animal disturbance.
September	Prepare for Harvest. Clean and prepare lines and drying spaces in drying room. Clean all supplies and purchase new items needed. Harvest, cure and trim as outlined above in processing plan.
October	Harvest greenhouses. Harvest Long term Plants. Process as outlined above. Pull all root-balls, pack hay and cover crop seeds on beds. Pull drip system. Check all equipment and tools for leaks and damages before storing for winter. Store all supplies possible, cleanup site.
November	Winterize water system, greenhouse and sheds. Clean up drying rooms remove all lines and debris. Put away all supplies i.e. fans, dehumidifiers. Continue processing cannabis as outlined above.
December	Start amendments for winter. Prep all water and water storage system for shut down. Clean all garden implements. Put all left over supplies away. Driveway fixing, other farm/garden maintenance.

Processing Plan

Mayers Flat Farm LLC
Location: 13360 Dyerville Loop Rd. Meyers Flat CA 95554
County: Humboldt
APN: 211-372-006
Address: P.O. Box 2114 Redway, CA 95560
Contact Name: Vanessa Valare
Telephone: 707.923.1180/760.613.6520
Email: etahumboldt@gmail.com

Processing Plan

Harvest

Cannabis will be harvested using gloves and clean tools. All cannabis will be hung to dry in the storage/Drying/Processing building. Dehumidifiers and fans will aid drying in the building. Cannabis will be dried for 10-21 days on lines in these areas depending on weather. The rooms will have proper ventilation, fans, and dehumidifiers to maintain proper environment. Moldy cannabis will be removed and destroyed using county and state approved procedures for holding and destroying unwanted product.

Curing

Curing will take place after cannabis is dried on the lines. Cannabis will be visually checked for mold then placed into plastic totes for (2) weeks to two (2) months for curing. During this time the bins with be checked for mold and moisture consistency. Curing cannabis will be stored in processing building. Moldy or defective cannabis will be removed and destroyed using county and state approved procedures for holding and destroying unwanted product.

Processing

Cannabis Trimming, trimming will occur as cannabis becomes ready from curing process. Trimming will physically take place in storage/drying/processing building (see on map) with plenty of ventilation and fresh air. The Applicant plans to process the cannabis himself with the aid of trim machines. If needed, he will hire 1-3 independent contractors to help. Processed cannabis will be bagged into turkey bags or sealed bags to be held until a distributor is ready. The trim or remaining leaves from processed cannabis, will be bagged into brown lawn bags and into contractor bags to be stored until needed, sold or destroyed in the legal manner. Using a processing center for trimming would be ideal scenario in future. As soon as option is available, the applicant intends to utilize it.

Processing- Independent Contractors

Independent contractors will have access to parking, spacious work zone, clean supplies for task, hand washing areas with soap, bathroom with sink and flushing toilet and break area. The break area has a stove, refrigerator and ample counter space for all meal preparation. Fresh spring water is available, from the residence, which is fed by domestic use spring, but workers are encouraged to bring their own drinking water. All areas are kept clean and in good condition. All independent contractors will have access to personal safety equipment to meet the needs of the job for example, face mask, gloves, Tyvek suits, safety glasses, rubber boot covers etc. There are no worker sleeping quarters on site. Workers are encouraged to carpool to work daily, and applicant intends to mitigate any additional traffic on Dyerville Loop Road, by reducing his own travel during times he has workers.

Worker Safety Practices

Safety protocols will be implemented to protect the health and safety of employees. All employees shall be provided with adequate safety training relevant to their specific job functions, which may include:

Employee accident reporting

Security breach

Fire prevention

Materials handling policies

Use of protective clothing such as long sleeve shirts, brimmed hats, and sunglasses.

Each garden site and or processing area have the following emergency equipment:

Personal protective equipment including gloves and respiratory protection are provided where necessary

Fire extinguisher

First Aid Kit

Snake Bite/Bee Sting Kit

Eye Washing Kit

Comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

Security Plan

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Security

The private driveway off Dyerville Loop Road has a gate that we keep locked at all times for security purposes. The processing building is also long-term storage for cannabis and is always locked. No items of value shall be left in visible areas. The applicant plans to add a camera system to each of the gardens with a central base at the cabin or connected to smartphone. Applicant plans to have this system fully functional by 2022.

Soils Management Plan

Mayers Flat Farm LLC

Location: 13360 Dyerville Loop Rd. Meyers Flat CA 95554

County: Humboldt

APN: 211-372-006

Address: P.O. Box 2114 Redway, CA 95560

Contact Name: Vanessa Valare

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Email: etahumboldt@gmail.com

Soils Management Plan

Cultivation Soils

All soil from cultivation site will be reused and never dumped. Reused meaning the applicant either tills the soils in place in the garden areas or creates a pile with straw waddles at the bottom and covers with black plastic. These areas will meet all BMP's required. Applicant amends the garden soils every year with basic amendments. Greenhouses plants are planted in air pots. Protection from overuse of inputs and reuse of these soils shall be a key component of operations.

Operations will protect the resources through the following means:

The Site management plan will be implemented, Cultivations will occur in beds, air pots, or in the ground. Mixing, tilling, and amending of soils will occur within the receptacles. Composting is in a secure dedicated area. Vegetative materials will be chipped back into the compost pile. Cover crops will be utilized when not in cultivation for a month or more to reduce soil loss. Garbage from the cultivation is limited to bags from amendments and fertilizer containers. All items will be cleaned out properly into the garden area, recycled if possible and if not removed to the transfer station. Cultivation-related wastes including, but not limited to, empty soil/soil amendment/ fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters.

Stormwater Management

Mayers Flat Farm LLC
Location: 13360 Dyerville Loop Rd. Meyers Flat CA 95554
County: Humboldt
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Contact Name: Vanessa Valare
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Erosion Control

This cultivation site is flat. Daily inspections to verify that spoils are not be stored or placed in or where they can enter any surface water. Spoils will be adequately contained or stabilized to prevent sediment delivery to surface waters. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be side cast in any location where they can enter or be transported to surface waters. We will use appropriate erosion control measures to minimize erosion of disturbed areas, potting soil, or bulk soil amendments to prevent discharges of waste. Fill soil shall not be placed where it may discharge into surface water. Weed-free straw mulch is used on exposed soils and, if warranted by site conditions, shall be secured to the ground. We will not plant or seed noxious weeds. Prohibited plant species, only locally native, non-invasive, and non-persistent grass species will be used for temporary erosion control. We will incorporate erosion control and sediment detention devices and materials into the design, work schedule, and implementation of all cannabis cultivation activities. Measures to limit or prevent erosion, include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings if needed, road out sloping and rolling dip installation where safe and suitable as needed, installing ditch relief culverts and over side drains if prescribed, stabilizing unstable areas, reshaping cut banks, and rocking native- surfaced roads. We will do our best to implement all applicable Erosion Control and Soil Disposal and Spoils Management Requirements in addition to the Winterization Requirements below by the onset of the winter period (November 15).

Measures to protect watershed

All spraying of plants for any type of pest control, mildew/mold control or foliage feeding is done when winds are at 0 and sprayed directly onto plants without over spray. No generators or household projects of any sort happen within 200 ft feet of the watershed. No pumping or dumping ever occurs in watershed. All fertilization of plants is monitored closely. Fertilizer comes from separate tanks. Implementing water conservation measures, irrigating at

conservative rates, applying fertilizers at conservative rates, applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water. If irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff. We try to be water conservative and use no more then what is required. Irrigation runoff will be contained so that any pollutants are trapped in the ditch relief. Irrigation runoff will be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. We will do our best to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

Water Irrigation and Storage Plan

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Water Plan

Water Storage and Usage Water Storage and Usage

Projected Water use for this site is approximately 86,462.5-gallons. The projected water use for the cannabis is approx. 68,212.5-gallons. Domestic water use is expected to be approx. 18,250-gallons. This water use is an estimate to the best of my knowledge. Domestic water is sourced from Domestic Use Spring, S028042. The applicant also has a Small Irrigation Use Right H508360/H505233 to use water for irrigation if need be. The irrigation water source for this operation is rainwater stored in a pond that has a capacity of approximately 350,000-gallons. The rainwater stored in the pond provides enough water for all seasonal irrigation uses. The applicant also has a well on the property, which is 220' deep and yields 20GPM, for backup water in case the pond recedes. There are 3 (three) 3,000-gallon HDPE water storage tanks that are filled from the spring during the diversion period and from the well during the forbearance period, and one 1,100-gallon HDPE water storage tank that is used to store the water from the pond for short periods of time. (less than 30 days).

Water Discharge

Water storage is separate from cannabis feeding tank. Feeding tank is at least 200 ft from nearest water source and on flat ground. Mulched organic matter is spread on topsoil to help with evaporation and runoff. Heavy amounts of peat moss and coco coir are also amended into soil periodically to help with runoff of fertilizer. No run-off from cultivation watering flows into the ground. Cannabis cultivation occurs at least 200 feet away from the Class II watercourse. All poly-flex irrigation water lines are anchored,

located up and out of drainages, and sited in a responsible way so as not to impede water flow through stream channels.

Monthly Water Use Table

Month	**Cannabis Use in Gallons**	**Domestic Use**
January	0	1,550
February	0	1,400
March	0	1,550
April	9,562.5	1,500
May	9,881.25	1,550
June	9,562.5	1,500
July	9,881.25	1,550
August	9,881.25	1,550
September	9,562.5	1,500
October	9,881.25	1,550
November	0	1,500
December	0	1,550
Total	**68,212.5**	**18,250**

I have read and keep a copy in my binder of the "Best Management Practices of Waste Resulting from Cannabis Cultivation and Associated Activities or operations with Similar Environmental Risk", "Performance Standards for all CMMLUO Cultivation and Processing Operations" and the "Legal Pest Management practices for Marijuana Growers in California". I intend to practice the guidelines set forth by these documents to help ensure my compliance with laws. I also intend to be flexible with county and state officials, make changes as necessary and upgrade my property to comply. Please feel free to contact me for any more information.

Mayers Flat Farm LLC

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The applicant employs following methods to help prevent the introduction and spread of invasive species;

- Cleans outdoor recreation gear
- Not releasing any unwanted pets or fish into the wild
- Identifying the most troublesome invasive species, avoid spreading them, and trying to control them.
- Using only native plants that are appropriate for the region.
- Cleans all machines before and after use.
- Avoid disturbing natural areas whenever possible.
- Remove any invasive plant species using the hand pulling method to mitigate regrowth and the spread of seed.

The sixteen most harmful weeds in Humboldt County include: Scotch broom (*Cytisus scoparius*), Pampas grass (*Cortaderia jubata*), gorse (*Ulex Europaea*), Himalaya berry (*Rubus discolor*), English ivy (*Hedera helix*), Cape ivy (*Delairia odorata*), European beachgrass (*Ammophila arenaria*), Ice plant (*Carpobrotus edulis*), yellow bush lupine (*Lupinus arboreus*), yellow star thistle (*Centaurea solstitialis*), spotted & diffuse knapweed (*Centaurea maculosa* &*Centaurea diffusa*), bull & Canada thistle (*Cirsium Vulgare* & *Cirsium arvense*), common reed (*Phragmites australis*), Spanish heath (*Erica lusitanica*), and Chilean cordgrass (*Spartina densiflora*).

If any of these invasive species are encountered, the applicant will use the hand pulling method to remove the invasive species, while mitigating regrowth and preventing the spread of seed. All Hand pulling of invasive species will be done wearing gloves and protective clothing.

Parking Plan

Mayers Flat Farm LLC

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There is 1 (one) parking area on the property.

Parking area is located adjacent to the processing building.

Parking area has a capacity of 4 (four) cars.

This provides ample space for parking of any vehicles associated with the cultivation.

Cultivation Plan

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Cultivation Site

This project will consist of 2 (two) flowering greenhouses. Total cultivation on this parcel is 8,500 Sq. ft. All cannabis in gardens grown in greenhouses. All cannabis is harvested and dried on site. Cultivation site has 2 (two) light deprivation greenhouses, 4,250 ft² each. Two cycles of light deprivation cannabis grown between 2 greenhouses.

Footprint explanation

Cannabis Garden POU #1- This area contains 2 (two) 4,250 ft². light deprivation Greenhouses. (34' X 125' each)

Pond- 350,000 gallons approx.

Water Tanks- 3 qty. 3,000-Gallon HDPE Water Storage Tank

Water Tanks- 1 qty. 1,100-Gallon HDPE Water Storage Tank

Fertilizer Mixing Tank- 1 qty. 550-gallon HDPE Tank

Storage/Drying Processing Building

Immature Plants

Each spring the Applicant takes cuttings or clones from mother plants and rears them in processing building (immature plant area) till plants are approximately 14 inches tall. The Applicant uses supplemental light to start plants flowering the first three weeks of

April and then again in the first three weeks of July. Once the plants have been forced into flowering the Applicant discontinues supplemental lighting inside the greenhouse.

Cultivation Cycles

The Applicant cultivates in light deprivation greenhouses in cycles from April to October. Each spring the Applicant takes cuttings or clones from mother plants and rears them in processing building (immature plant area) till plants are approximately 14 inches tall. The Applicant uses supplemental light to start plants flowering the first three weeks of April and then again in the first three weeks of July. Once the plants have been forced into flowering the Applicant discontinues supplemental lighting inside the greenhouse. The Applicant uses a blackout tarp over the greenhouse, at regular intervals. The Applicant has two mixed light cultivation cycles. The first cycle is from April to July, the second cycle is from roughly July to October.

Monthly Cultivation Site Activities

Month	**Activities**
January	Finish processing of fall harvest, trimming and storage. Plan new year. Mow cover crop. Check greenhouse for issues/fix. Check water lines, tanks and all equipment for repairs or damages. Make plan for repairs.
February	Work on trenches/and holes for plants layer more compost in beds. Treat compost if necessary. Finishing processing last year's crop if still necessary.
March	Get clones from other permitted grow operation. Transplant and move into garage with seedlings. Amend beds, fix fences, service equipment, make plan for independent contractors i.e.; painting, fence building, greenhouse fixing, etc.
April	Amend and start turning beds, prep dirt and supplies for greenhouse plants Add nematodes compost for pest prevention. Mid- April move first round of plants to greenhouses. Weed whacking, mowing, and brush cleanup.
May	Plant Long Term Plants. Spray with preventive sulfur. Treat with biodynamic preparations for pest control and mold control. Greenhouse plants switched into flower using a blackout cover mid-late May. Turn beds, fix/ replace and clean drip emitters, check timers. Double check all water systems for leaks and clogs. Put out sound sensors for rodents.
June	Hay put over each trench for water retention. Use re mesh for supports as well as bamboo stakes which are cleaned with bleach before each use. Bamboo reused for multiple years. Regular feeding schedule of compost teas adhered to. Pests are dealt with as they arise with oils, nematodes and predator mites from

	compost. Procure next round of plants from licensed nursery.
July	Harvest greenhouse mid-month, replant with new clones from a permitted nursery. Treat plants with preventive measures. Harvested flowers to hang in drying room, then to be cured and hand trimmed per processing plan.
August	Finish processing July's harvest. Monitor water supply, check lines and all areas for insect/ animal disturbance.
September	Prepare for Harvest. Clean and prepare lines and drying spaces in drying room. Clean all supplies and purchase new items needed. Harvest, cure and trim as outlined above in processing plan.
October	Harvest greenhouses. Harvest Long term Plants. Process as outlined above. Pull all root-balls, pack hay and cover crop seeds on beds. Pull drip system. Check all equipment and tools for leaks and damages before storing for winter. Store all supplies possible, cleanup site.
November	Winterize water system, greenhouse and sheds. Clean up drying rooms remove all lines and debris. Put away all supplies i.e. fans, dehumidifiers. Continue processing cannabis as outlined above.
December	Start amendments for winter. Prep all water and water storage system for shut down. Clean all garden implements. Put all left over supplies away. Driveway fixing, other farm/garden maintenance.

Domestic Wastewater

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Email: etahumboldt@gmail.com

Domestic Wastewater

Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy and shall not represent a threat to surface water or groundwater.

Wastewater is generated using one toilet and 2 sinks, that are in one bathroom and one kitchen area in the residence.

The wastewater is contained into a septic tank

Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy and shall not represent a threat to surface water or groundwater.

Light Pollution Control Plan

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Light Pollution Control

The only light applicant uses is supplemental light for immature plants. Immature plants located in the processing building. Area is well maintained and inspected for light leaks every day that plants are under this light. The light is small supplemental light 30-40 22w light bulbs. All doors and windows of processing shed are blacked out with black plastic to prevent light leaks. Applicant guarantees that there are no light leaks coming from the processing shed.

Energy Generation and Consumption Plan

Mayers Flat Farm, LLC
October 21st, 2021

The applicant, Mayers Flat Farm LLC cultivates cannabis in greenhouses, using light deprivation cultivation techniques. There is a small amount of supplemental lighting in the propagation greenhouse, that is in use February through June. Propagation Greenhouse lighting, water and air pumps, atomizer (for foliage feeding and pest/disease), fans, power tools, surge protectors, dehumidifiers, cannabis trimming machine and all electrical supplies and equipment as well as all domestic power in the residence is sourced from one 25kw diesel generator at this time. There is an additional 45kw generator that is used for emergency back-up purposes. Generator is always monitored by someone at site while in operation.

Energy conservative method are employed throughout the property. Domestic generator purposes limited to actual use time and generators are never left running without power loads. Domestic generator use is year-round, from the residence daily in the morning and at night,

Cultivation activities and cultivation with light deprivation will occur seasonally with 2 harvests. The following energy information describes the current project as it is, while on generators. Lights are only used in the propagation greenhouse to supplement natural light and keep plants in a vegetative state. Drying and processing activities consume power but are executed quickly in an efficient manner to minimize time of generator use.

Generator #1 is 25kw and is used primarily for all domestic purposes and cannabis activities. See chart below for monthly rates.

Generator #2 is a 45kw Diesel Generator that is only used for emergency back-up purposes. If the 45kw generator is used, it is only used short term, until repairs can be made on primary generator.

Current power requirement for propagation greenhouse is 460 watts of power. Supplemental lighting fixtures in propagation greenhouse are small, two sets of string lights with ten 23watt bulbs each for a total of 460 watts. Each light deprivation greenhouse contains several industrial fans. The drying shed also has fans and dehumidifiers.

Cultivation occurs in two cycles. Cycle one begins in late February of every year and cultivation ends in early July. Cycle two begins in May and ends in late Oct/ early Nov depending on Cannabis strain choices. Propagation Space is utilized from Feb through April and vegetative plants are moved into flowering greenhouses in April. New vegetative plants are started in the propagation greenhouses in May and moved into Flowering Greenhouses in July.

Flowering greenhouses do not receive light assistance. Fans and dehumidifies are used frequently in these greenhouses year-round and powered by the 25kw generator.

OSHA requirements have been met by the applicant and Hazmat training will be completed by the end of 2022. All hazmat materials are removed from site immediate and not stored in amounts that exceed threshold hold requirements for CUPA.

Plans for Photovoltaic solar system consisting of 16 250w photovoltaic panels and 16 deep cycle batteries with invertor is in progress. Applicant anticipates that all solar equipment installed and operational by 2026. At that time only one generator will stay on-site as a back up power source in cases of bad weather and low solar output

Energy Consumption Table

Type of Power Use	Hours per month												
Generator	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
25 kw Diesel Cannabis Operations (Hours in use while no domestic)	0	112	124	180	186	60	129	60	180	128	124	0	1,283 hours
Total hours of energy generation Cannabis	**0**	**112**	**124**	**180**	**186**	**60**	**129**	**60**	**180**	**128**	**124**	**0**	**1,283 hours**
Type of Power Use	Hours in operation per month												
Generator	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
25 kw Diesel Domestic Operations	196	178	196	190	196	190	196	196	190	196	190	196	
Total hours of energy generation Domestic	**196**	**178**	**196**	**190**	**196**	**190**	**196**	**196**	**190**	**196**	**190**	**196**	**2,310 hours**
Total hours of energy generation Property	**196**	**290**	**320**	**370**	**382**	**250**	**386**	**256**	**370**	**324**	**314**	**196**	**3,654 total hrs/yr**

Energy calculations include fans, dehumidifiers, and trim machines. Trim machines only used during harvest in July, October, and November.

February through June propagation greenhouse will require an additional 4 hours a day of power.

In July, October and November drying and harvesting as well as processing will occur. Power usage will increase by 4 hours a day on 25kw domestic use generator.

Domestic Calculations based on 2 hours in the morning and 4 hours in the evening of generator use for domestic purposes. Additional 10 hours of emergency use added per month.

Water Irrigation and Storage Plan

Mayers Flat Farm LLC
Location: 13360 Dyerville Loop Rd. Meyers Flat CA 95554
APN: 211-372-006
Address: P.O. Box 2114 Redway, CA 95560

Water Storage and Usage Water Storage and Usage

Projected Water use for this site and homestead is approximately 397,693.75-gallons. The projected water use for the cannabis is approx. 379,443.75-gallons. Domestic water use is expected to be approx. 18,250-gallons. This water use is an estimate to the best of my knowledge. Domestic water is sourced from Domestic Use Spring, S028042. The applicant also has a Small Irrigation Use Right H508360/H505233 to use water for irrigation at this time. We will be rescinding the SUIR right after the reporting date of April 1, 2022. The primary irrigation water source for this operation will be solely rainwater catchment pond. The water stored in the pond will be pumped to the storage tanks until they meet capacity during the rainy season. The pond will be able to fill again (please see additional rainwater catchment report) that has a capacity of approximately 350,000-gallons. There are currently 3 (three) 3,000-gallon HDPE water storage tanks and one 1,100-gallon HDPE water storage tank that are used to store the water from the pond. An additional 40,000 gallons of storage is being added currently to the site to fill now for the upcoming year. All of the new tanks are less than 5,000 gallons and do not require any additional permitting in Humboldt County. They will be located outside all of the unusable zones of this property. Applicant will be adding approx. qty 10 3,200-gallon tanks and 2 4,800-gallon water tanks.
The rainwater stored in the tanks and pond from rain catchment only will be more than enough water for all seasonal irrigation uses.

Water Discharge

Water storage is separate from cannabis feeding tank. Feeding tank is at least 200 ft from nearest water source and on flat ground. Mulched organic matter is spread on topsoil to help with evaporation and runoff. Heavy amounts of peat moss and coco coir are also amended into soil periodically to help with runoff of fertilizer. No run-off from cultivation watering flows into the ground. Cannabis cultivation occurs at least 200 feet away from the Class II watercourse. All poly-flex irrigation water lines are anchored, located up and out of drainages, and sited in a responsible way so as not to impede water flow through stream channels.

Monthly Water Use Table

Month	Cannabis Use in Gallons	Domestic Use
January	0	1,550
February	0	1,400
March	33,533.75	1,550
April	41,000	1,500
May	45,000	1,550
June	51,000	1,500
July	53,500	1,550
August	53,500	1,550
September	51,500	1,500
October	50,400	1,550
November	0	1,500
December	0	1,550
Total	**379,443.75**	**18,250**

I have read and keep a copy in my binder of the "Best Management Practices of Waste Resulting from Cannabis Cultivation and Associated Activities or operations with Similar Environmental Risk", "Performance Standards for all CMMLUO Cultivation and Processing Operations" and the "Legal Pest Management practices for Marijuana Growers in California". I intend to practice the guidelines set forth by these documents to help ensure my compliance with laws. I also intend to be flexible with county and state officials, make changes as necessary and upgrade my property to comply. Please feel free to contact me for any more information.

Rainwater Catchment Diversion Plan

Permittee: Mayors Flat Farm

Rainwater Catchment Structure Location: 40.06413977, -123.9934734

Rainwater Catchment Design: 5,400sqft area of existing rainwater catchment pond with 21,400sqft of sheet flow potential.

Project Name: Mayors Flat Rainwater Catchment

Project Description: The applicant is planning to collect rainwater from an existing rain water catchment pond. Applicant plans to fill the pond to its entirety of 350,000 gallons, and pump excess flows to a collection of water storage tanks.

Water Storage: The primary water storage structure for this project consists of a 350,000-gallon rainwater catchment pond. The applicant currently has two 3,000-gallon water tanks and is proposing to install 40,000 gallons of additional hard tank storage.

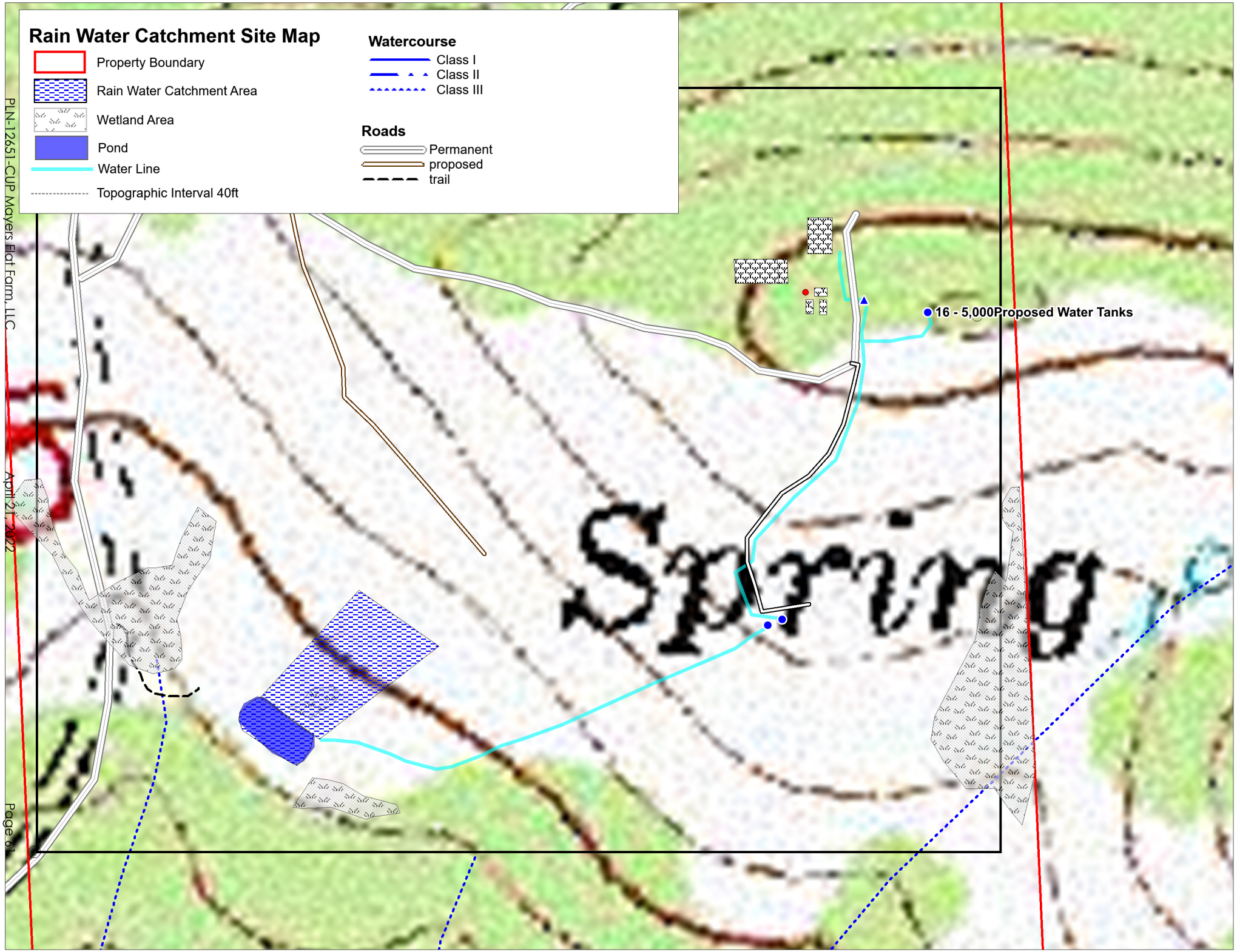
Rainwater Catchment Estimates

Rainwater catchment estimates are based on the square footage of the existing pond surface and the hillside directly above the pond. The pond surface is approximately 100ft by 54ft. Sheet flow area above the pond is estimated utilizing one topographic interval spanning 40ft of elevation difference with a length of 214ft and a width of 100ft.

The surface area of the existing pond is approximately 5,400sqft. The hillside directly above has an unimpeded sheet flow area of approximately 21,400sqft. Sheet flow is expected to be collected after the ground is saturated during rain events allowing for rainwater to be captured by the pond. The pond is lined and excess flows are conveyed by an overflow. Total area used for estimated rainfall capturing is 26,800sqft. The total amount of water collected throughout the year is estimated to be 804,098 gallons. The pond is estimated to be at full capacity by the end of march of with excess flows of 46,000 gallons to be pumped to the collection of storage tanks. Excess flows will be pumped by means of gasoline powered water pump to the two holding tanks uphill in an eastern direction. Rainwater estimations are predicted by utilizes average rainfall estimates from the past ten years. See attached Site Plan and diagram for reference.

Monthly Rainwater Catchment Estimate

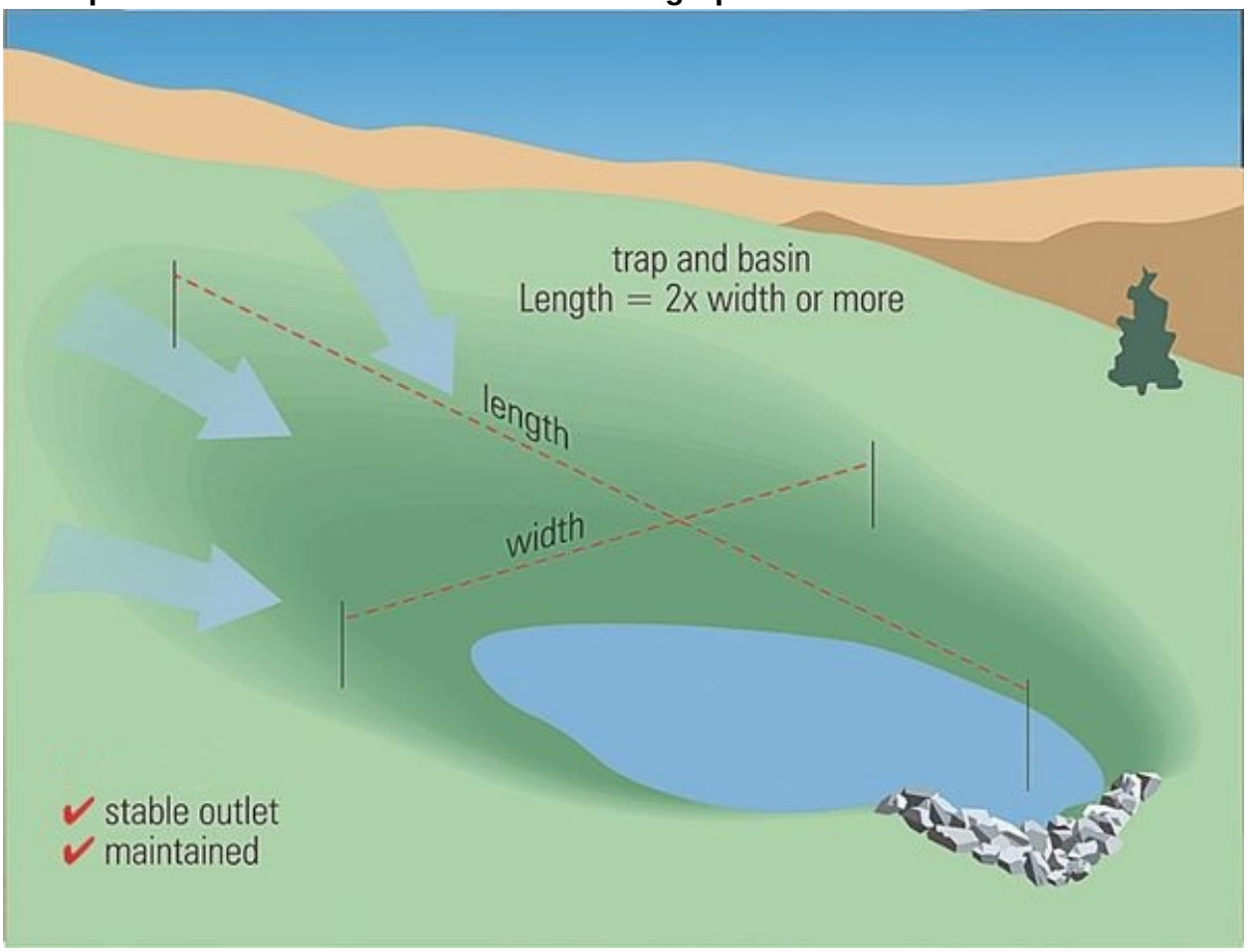
Month	Average Precipitation (Inches)	Total Rain Water Catchment (Gallons)
January	9.03	150,768
February	7.39	123,386
March	6.35	106,022
April	3.66	61,108
May	1.95	32,557
June	.83	13,858
July	.12	2,003
August	.12	2,003
September	.59	9,850
October	2.69	44,913
November	5.79	96,672
December	9.64	160,953
Total	48.16	804,098


Rain Water Catchment Site Map
Property Boundary
Rain Water Catchment Area
Wetland Area
Pond
Water Line
Topographic Interval 40ft
Watercourse
Class I
Class II
Class III
Roads
Permanent
proposed
trail
16 - 5,000Proposed Water Tanks
Spring

Photograph

Rainwater catchment pond point of collection.

Example Rainwater Catchment Basin Photographs – Not to Scale



October 12, 2020

Dejan Petrushevski
Mayers Flat Farm
Po Box 2114
Redway, CA 95560
deyanrim@gmail.com

Subject: **Notification of Lake or Streambed Alteration No. 1600-2018-0695-R1**
County Assessor's Parcel Number 211-372-006.

Dear Dejan Petrushevski:

On November 14, 2018, the California Department of Fish and Wildlife (CDFW) received your Notification of Lake or Streambed Alteration (Notification). Additional information was received on September 18, 2019. On October 18, 2019 your Notification was deemed complete due to the passage of 30 days with no action taken by CDFW to incomplete your Notification.

The Department is required to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you within 60 calendar days from the date the Notification is complete. Therefore, the Department had until December 17, 2019 to issue you a draft Agreement or inform you that an Agreement is not required. Due to current staffing limitations, the Department did not meet that date. As a result, by law, you may now complete the **project described in your notification** without an Agreement.

Please note that pursuant to Fish and Game Code (FGC) section 1602, subdivision (a)(4)(D), if you proceed with this project, **it must be the same as described and conducted in the same manner as specified in the notification and any modifications to that Notification received by CDFW in writing prior to the date of this letter.** This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify CDFW before you may begin your project. Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of FGC section 1602.

This letter does not retroactively permit any stream crossings, water diversions or other encroachments not described and included as projectsw within the notification received. Any additional projects would require the submittal of a new Notification.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws.

These include FGC sections 5650 and 5652 which make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials. A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, CDFW may impose civil penalties administratively against any person found by CDFW to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

Other statutes in the FGC that might apply to your activity, include, but not limited to the following sections: 2080 et seq. (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); 1908 (rare native plants); 3511, 4700, 5050, and 5515 (fully protected species); 3503 (bird nests and eggs); 3503.5 (birds of prey); 5901 (fish passage); 5937 (sufficient water for fish); and 5948 (obstruction of stream).

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site. Please note this letter is only valid until **December 17, 2024** which is 5 years from the date the Department was required to provide a Draft Agreement.

If you have any questions regarding this letter, please contact Andrew Orahoske, Environmental Scientist at Andrew.orahoske@wildlife.ca.gov.

Sincerely,

Cheri Sanville
Senior Environmental Scientist Supervisor

ec: Chris Carroll
Timber Resource Consultants carroll@timberlandresource.com

Andrew Orahoske
California Department of Fish and Wildlife, andrew.orahoske@wildlife.ca.gov

WETLAND DELINEATION

Dejan Petrushevski (APN: 211-372-006)

Humboldt County, CA

Prepared by:

Kyle Wear
Botanical Consultant
kyle_wear@suddenlink.net
(707) 601-1725

Prepared for:

Timberland Resource Consultants
165 South Fortuna Blvd.
Fortuna, CA 95540

Date:

January 2019

1. INTRODUCTION

The purpose of this study was to identify and delineate wetlands on APN: 211-372-006 near Miranda that could be impacted by commercial cannabis cultivation.

2. WETLAND DEFINITIONS

The Army Corps of Engineers defines wetlands as:

> "…areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

The State Water Board defines wetlands as:

> "An area that is covered by shallow water or where the surface soil is saturated, either year round or during periods of the year; Where that water coverage has caused a lack of oxygen in the surface soil; And has either no vegetation or plants of a type that have adapted to shallow water or saturated soil. Some examples are fresh water marshes, bogs, riparian areas, vernal pools, coastal mud flats and salt marshes."

3. PROJECT AREA DESCRIPTION

Location

The parcel is located at off Dyerville Loop Road approximately 2.5 northeast of Miranda (Section 25, T2S, R3E).

Vegetation

The vegetation in the study area includes non-native grasslands, emergent wetland dominated by and rushes (*Juncus* spp.), and Douglas-fir forest. Oaks (*Quercus* spp.) are often present.

Soil

The soil mapped in the study area is Yorknorth-Windynip complex (USDA, NRCS 2019). This loamy soil is derived from sandstone, mudstone, schist, and earthflow deposits.

Hydrology

The streams and wetlands on the parcel drain into Elk Creek a tributary to the South Fork Eel River.

4. METHODS

Four representative sample plots were evaluated for hydrophytic vegetation, hydric soil, and wetland hydrology using methods described in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual Western Mountains, Valleys, and Coast Region (Version 2.0)* (Army Corps 2010) and the *1987 Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987). The plots represented the variation in vegetation and topography within the wetland and adjacent upland habitat. The wetland determination field data forms are provided in Appendix A. A positive wetland determination is made when all three wetland parameters are present (hydrophytic vegetation, hydric soil, and wetland hydrology).

Field work was conducted by Kyle Wear, M.A., on December 21, 2018 and January 10, 2019. Mr. Wear is a professional botanist and is trained in wetland delineation by the Wetland Training Institute. Mr. Wear has been conducting wetland delineations for over ten years throughout northern California.

Hydrophytic Vegetation

The presence of hydrophytic vegetation in determined by recording the wetland indicator status of each plant species present using the *Western Mountains Valleys and Coast 2016 Regional Wetland Plant List* (Army Corps 2016). The indicator status of plants is based on the estimated probability of the species occurring in wetlands. The indicator status categories are:

Obligate Wetland Plants (OBL)	Almost always occur in wetlands	>99% frequency
Facultative Wetland Plants (FACW)	Usually occur in wetlands	67%-99%
Facultative Plants (FAC)	Equally occur wetlands and non-wetlands	33%-67%
Facultative Upland Plants (FACU)	Sometimes occur in wetlands	1%-33%
Obligate Upland Plants (UPL)	Rarely occur in wetlands	<1%

If more than 50% of the dominant plants across all vegetation strata (i.e. trees, shrubs, herbs) are OBL, FACW, or FAC, the vegetation is hydrophytic. Dominance of plants within the plots is determined using the “50/20” rule. This method involves estimating absolute cover of each plant in each vegetation stratum. Dominant plants include the plants with the highest cover that collectively, or individually account for 50% of the total vegetation cover. Additional plants are considered dominant if their cover is at least 20% of the total cover.

Hydric Soil

Indicators of hydric soil include, but are not limited to, a strong hydrogen sulfide (rotten egg) odor, redox concentrations, depleted matrix, and high organic matter content. Soil colors were determined by using a Munsell soil color chart (Gretag Macbeth 2000).

Wetland Hydrology

Indicators of wetland hydrology include, but are not limited to, surface water, high water table, soil saturation, sediment deposits, soil cracks, and oxidized root channels along living roots.

5. RESULTS AND DISCUSSION

Approximately 1.74 acres of emergent wetland were identified in the vicinity of the cannabis cultivation infrastructure (Figure 1). One wetland on the parcel is identified in the *National Wetlands Inventory* (USFWS 2019) and in the *Humboldt County Web GIS* application (Humboldt County 2019).

Hydrophytic Vegetation

Dominant plants in the wetlands include rushes (*Juncus patens* [FACW] and *J. effusus* [FACW]) and pennyroyal (*Mentha pelugium* [OBL]). The adjacent upland grasslands are often dominated by harding grass (*Phalaris aquatica* [FACU]), seaside barely (*Hordeum marinum* [FAC]), dogtail grass (*Cynosurus echinatus* [UPL]), and blue wild rye (*Elymus glaucus* [FACU]). Because of the timimg of the field work in winter, there were several grasses that were not identifiable and likely annual grasses and other herbaceous plants not detectable. The grasslands often include stands of bracken fern (*Pterideum aquilinum* [FACU]). The adjacent forests are often dominated by Douglas fir (*Pseudostuga menziesii* [FACU]) and canyon live oak (*Quercus chryoslepis* [UPL]).

Hydric Soil

Hydric soil observed in the wetlands met indicator F6 (Redox Dark Surface). Soils were generally 10yr 3/1 with approximately 10% 7.5yr 5/6 redox concentrations. Upland soils were generally 10yr 2/2 and lacked redox concentrations.

Wetland Hydrology

The study was conducted after a period of slightly lower that normal rainfall. Wetland hydrology indicators present in the wetlands included A1 (Surface Water), A2 (High Water Table), and A3 (Saturation). Upland areas lacked a water table or soil saturation within 12 includes of the surface. The culvert draining the roadside ditch onto the hillslope at Cultivation Site 1 was flowing onto the hillslope on January 10th..

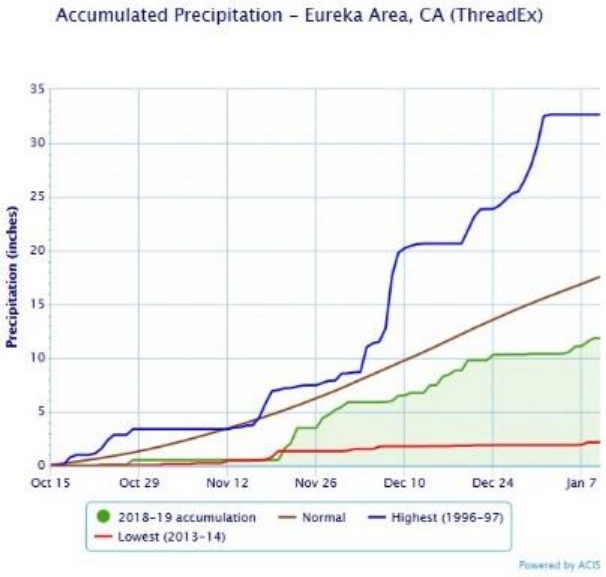


Figure 1. Wetland Delineation Map.

6. REFERENCES

Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual*. Technical Report Y-87-1. Vicksburg, MS: U.S. Army Engineer Waterways Experimental Station.

GretagMacbeth. 2000. *Munsell Soil Color Charts*. New Winsdor, NY

Humboldt County 2019. Humboldt County Web GIS
http://webgis.co.humboldt.ca.us/HCEGIS2.0/

U.S. Army Corps of Engineers (Army Corps). 2016. *Western Mountains, Valleys, and Coast 2016 Regional Wetland Plant List.* Lichvar, R.W., D.L. Banks, and N.C. Melvin. The National Wetland Plant List: 2016 Update of Wetland Ratings. Phytoneuron 2016-30: 1-17.

U.S. Army Corps of Engineers (Army Corps). 2010. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual. Western Mountains, Valleys, and Coast Region (Version 2.0)*, ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/El TR-10-3. Vicksburg, MS. Army Corps of Engineer Research and Development Center.

U.S. Fish and Wildlife Service (USFWS). 2019. National Wetlands Inventory.
https://www.fws.gov/wetlands/

United States Department of Agriculture, Natural Resource Conservation Service (USDA, NRCS). 2019. *Web Soil Survey.*
https://websoilsurvey.sc.egov.usda.gov

Appendix A. Field Data Forms.

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: APN 211-372-006 City/County: Humboldt Sampling Date: 12-21-18

Applicant/Owner: D. Petrushevski State: CA Sampling Point: 1

Investigator(s): K. Wear Section, Township, Range: 25, T2S, R3E

Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): 10

Subregion (LRR): A Lat: E 433262.5 Long: N 4457148.6 Datum: NAD83

Soil Map Unit Name: Yorknorth - Windynip NWI classification: —

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____	No X	**Is the Sampled Area within a Wetland?** Yes _____ No X
Hydric Soil Present?	Yes _____	No X	
Wetland Hydrology Present?	Yes _____	No X	

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	_____ = Total Cover		
Sapling/Shrub Stratum (Plot size: _____)			
1.			
2.			
3.			
4.			
5.			
	_____ = Total Cover		
Herb Stratum (Plot size: 10'-radius)			
1. [redacted]			
2.			
3. Pteridium aquilinum	20	Y	FACU
4. Elymus glaucus	20	Y	FACU
5. Cynosurus echinatus	20	Y	UPL
6. Rumex crispus	10	N	FAC
7. Circium vulgare	2	N	FACU
8. Hypericum perforatum	5	N	FACU
9. other non-flowering/non	10	N	?
10. Idable-grasses			
11.			
	_____ = Total Cover		
Woody Vine Stratum (Plot size: _____)			
1.			
2.			
	_____ = Total Cover		

% Bare Ground in Herb Stratum _____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

- ___ 1 - Rapid Test for Hydrophytic Vegetation
- ___ 2 - Dominance Test is >50%
- ___ 3 - Prevalence Index is ≤3.0[1]
- ___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ___ 5 - Wetland Non-Vascular Plants[1]
- ___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes _____ No X

Remarks:

SOIL

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-12	10YR 2/2							

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: APN 211-372-006 City/County: Humboldt Sampling Date: 12-21-18

Applicant/Owner: D. Petrusheyski State: CA Sampling Point: 2

Investigator(s): K. Wear Section, Township, Range: 25, T2S, R3E

Landform (hillslope, terrace, etc.): ~~3~~ Local relief (concave, convex, none): _____ Slope (%): 2

Subregion (LRR): A Lat: E 433296.6 Long: N4457126.7 Datum: NAD 83

Soil Map Unit Name: Yorknath - Windynip NWI classification: PEMA 1B

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X No _____	**Is the Sampled Area within a Wetland?** Yes X No _____
Hydric Soil Present?	Yes X No _____	
Wetland Hydrology Present?	Yes X No _____	

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	_____ = Total Cover		
Sapling/Shrub Stratum (Plot size: _____)			
1.			
2.			
3.			
4.			
5.			
	_____ = Total Cover		
Herb Stratum (Plot size: 10'-radius)			
1. Juncus patens	20	Y	FACW
2. Carex sp. (looks like	20	Y	FACW
3. C. gynodynama)			or OBL?
4.			
5. Mentha pulegium	20	Y	OBL
6. Phalaris aquatica + other	20	N	?
7. dead grasses			
8.			
9.			
10.			
11.			
	_____ = Total Cover		
Woody Vine Stratum (Plot size: _____)			
1.			
2.			
	_____ = Total Cover		

% Bare Ground in Herb Stratum _____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

- X 1 - Rapid Test for Hydrophytic Vegetation
- ___ 2 - Dominance Test is >50%
- ___ 3 - Prevalence Index is ≤3.0[1]
- ___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ___ 5 - Wetland Non-Vascular Plants[1]
- ___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No _____

Remarks:

SOIL

Sampling Point: 2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-12	10YR 3/1	90	7.5YR 5/6	10	C	M	CL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- X Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes X No ____

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- X Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes X No ____ Depth (inches): (1)

Water Table Present? Yes X No ____ Depth (inches): ____

Saturation Present? (includes capillary fringe) Yes X No ____ Depth (inches): ____

Wetland Hydrology Present? Yes X No ____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Areas of ~~standing~~ shallow surface water + areas with ground water + saturation at the surface in plot.

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: APN 211-372-006 City/County: Humboldt Sampling Date: 12-21-18

Applicant/Owner: D. Petrushevski State: CA Sampling Point: 3

Investigator(s): K. Wear Section, Township, Range: 25, T2S, R3E

Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): 2

Subregion (LRR): A Lat: 432965.8 Long: 4457155.4 Datum: NAD83

Soil Map Unit Name: Yorknarth - Windynip NWI classification: —

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X No _____	**Is the Sampled Area within a Wetland?** Yes X No _____
Hydric Soil Present?	Yes X No _____	
Wetland Hydrology Present?	Yes X No _____	

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	_____ = Total Cover		
Sapling/Shrub Stratum (Plot size: _____)			
1.			
2.			
3.			
4.			
5.			
	_____ = Total Cover		
Herb Stratum (Plot size: 10'-radius)			
1. Juncus effusus	30	Y	FACW
2. Juncus patens	30	Y	FACW
3. Mentha pulegium	10	N	~~FAC~~ OBL
4. Phalaris aquatica	5	N	FACU
5. Madia sp ?	5	N	?
6.			
7.			
8.			
9.			
10.			
11.			
	_____ = Total Cover		
Woody Vine Stratum (Plot size: _____)			
1.			
2.			
	_____ = Total Cover		

% Bare Ground in Herb Stratum _____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

- X 1 - Rapid Test for Hydrophytic Vegetation
- ___ 2 - Dominance Test is >50%
- ___ 3 - Prevalence Index is ≤3.0[1]
- ___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ___ 5 - Wetland Non-Vascular Plants[1]
- ___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No _____

Remarks:

SOIL

Sampling Point: 3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-12	10yr 3/1	90	7.5yr 5/6	10	C	M	CL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- X Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes X No ___

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- X Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes X No ___ Depth (inches): 1"

Water Table Present? Yes X No ___ Depth (inches): ± surface

Saturation Present? (includes capillary fringe) Yes X No ___ Depth (inches): ± surface

Wetland Hydrology Present? Yes X No ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: APN 211-372-006 City/County: Humboldt Sampling Date: 12-21-18

Applicant/Owner: D. Petrusheuski State: CA Sampling Point: 4

Investigator(s): K. Wear Section, Township, Range: 25, T3S, R3E

Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): 5

Subregion (LRR): A Lat: 432985.9 Long: 4457170.6 Datum: NAD83

Soil Map Unit Name: Yorknarth - Windynip NWI classification: —

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____	No X	**Is the Sampled Area within a Wetland?** Yes _____ No X
Hydric Soil Present?	Yes _____	No X	
Wetland Hydrology Present?	Yes _____	No X	

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	_____ = Total Cover		
Sapling/Shrub Stratum (Plot size: _____)			
1.			
2.			
3.			
4.			
5.			
	_____ = Total Cover		
Herb Stratum (Plot size: 10'-radius)			
1. Phalaris aquatica	20	Y	FACU
2. Hordeum marinum	20	Y	FAC
3. Elymus glaucus	10	Y	FACU
4. Cynosurus echinatus	10	Y	UPL
5. Rumex acetosella	5	N	FACU
6.			
7.			
8.			
9.			
10.			
11.			
	_____ = Total Cover		
Woody Vine Stratum (Plot size: _____)			
1.			
2.			
	_____ = Total Cover		

% Bare Ground in Herb Stratum _____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: ~~4~~ 1 (A)

Total Number of Dominant Species Across All Strata: 4 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 25% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

- ___ 1 - Rapid Test for Hydrophytic Vegetation
- ___ 2 - Dominance Test is >50%
- ___ 3 - Prevalence Index is ≤3.0[1]
- ___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ___ 5 - Wetland Non-Vascular Plants[1]
- ___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes _____ No X

Remarks:

SOIL

Sampling Point: 4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0-12	10YR 2/2	100					CL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

PURPOSE: The *Road Evaluation Report* is intended as a way for an applicant to document the condition of the access road(s) serving the subject property for cannabis projects that require a Conditional Use Permit (CUP), Special Permit (SP), or Zoning Clearance Certificate (ZCC). This report is not intended to be used for any other type of Planning & Building Department permit application. This will enable Public Works staff to determine if the existing roadway network [excluding on-site driveway(s)] is suitable to accommodate the proposed use on the subject property.

In rural areas, a category 4 road is usually adequate for most uses. If the road is paved and has a centerline stripe it is considered by the Department to be a category 4 road. In urban and suburban areas, the road may also need to accommodate other road users (pedestrians, bicycles, equestrians, etc.). When roads meet or exceed this standard, the roadways can typically accommodate increased traffic. This evaluation is accomplished by the applicant completing Part A of the *Road Evaluation Report*.

When the roadways do not meet a category 4 standard, there is a question that road may not be able to accommodate traffic from the proposed use. The goal is to evaluate roads that do not meet road category 4 standards in order to determine if the roads can accommodate increased traffic. This evaluation is accomplished by the applicants engineer completing Part B of the *Road Evaluation Report*.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. A neighborhood traffic management plan may include (but is not limited) the following elements: restricting the times that project traffic will use the road to off-peak hours; combining trips to reduce the volume of project traffic; carpooling to reduce the volume of project traffic; the use of signs and CB radios to coordinate traffic using the road(s); etc. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, and other cannabis projects using the road, etc.); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report.*

There may be other cannabis projects that use the same access road(s) as your project. Part B of the *Road Evaluation Report* needs to address the cumulative impacts from your project and all other cannabis projects that will also use the same road(s). There may be benefits of applicants collectively working together with one engineer to complete the *Road Evaluation Reports* for all of the projects.

(continued on next page)

REFERENCES:

- Humboldt County *Road Design Manual*, Chapter 7, Design Standards for Roadway Categories.
- American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400).*
- American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets* (AKA "Green Book")
- Institute of Transportation Engineers (ITE) *Trip Generation*

INSTRUCTIONS: The *Road Evaluation Report* consists of two parts. The first part (Part A) *may* be completed by the applicant. If the second part (Part B) is needed, it *must* be completed by a Civil Engineer licensed by the State of California. The .pdf version of this document provides fields that can be filled in.

A separate *Road Evaluation Report* is required for each road. **Save Time: before completing these forms consult with the Land Use Division at 707.445.7205 to make sure you are evaluating all of the necessary roads for your project; that other cannabis projects in the vicinity have been included; and to make sure that you understand what is needed.**

Special instructions to the applicant's Civil Engineer in completing Part B:

- Engineer will need to contact the Department for a list of other cannabis projects that may be using all or some of the same roads in the roadway network.
- Engineer will need to determine which of these projects utilize the roads within the same roadway network by personally reviewing the cannabis project applications at the Planning & Building Department. Many of the cannabis project applications are incomplete; therefore the engineer may need to directly contact other applicants to determine how these other cannabis projects will utilize the roads in question.
- Engineer may propose a master plan in which any required roadway improvements are incrementally divided among several cannabis projects. However, the master plan must be designed so that improvements to the road(s) will be adequate when constructed incrementally.

// END //

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Antonio Petrusevski- Mayers Flat Farms, LLC APN: 211-372-006

Planning & Building Department Case/File No.: PLN-12651-CUP

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

From Road (Cross street): Avenue of the Giants

To Road (Cross street): Dyerville Loop Road

Length of road segment: 1 Mile miles Date Inspected: 1/5/2021

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

Check one of the following:

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

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

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

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

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road. A map showing the location and limits of the road being evaluated in PART A is attached.

Antonio Petrusevski
Signature

01/17/2021
Date

Antonio Petrusevski
Name Printed

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

PART B: Only complete Part B if Box 3 is checked in Part A. *Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.*

Road Name: _____ Date Inspected: _____ APN: _____

From Road: _____ (Post Mile _____)

To Road: _____ (Post Mile _____)

Planning & Building Department Case/File No.: _____

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

   Number of other known cannabis projects included in ADT calculations:
   (Contact the Planning & Building Department for information on other nearby projects.) _____

   ADT: _____ Date(s) measured: _____

   Method used to measure ADT: ☐ Counters ☐ Estimated using ITE *Trip Generation* Book

   Is the ADT of the road less than 400? ☐ Yes ☐ No

   If **YES**, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400). Complete sections 2 and 3 below.*

   If **NO**, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)* for guidance.)

   A. Pattern of curve related crashes.
   Check one: ☐ No. ☐ Yes, see attached sheet for Post Mile (PM) locations.

   B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles
   Check one: ☐ No. ☐ Yes, see attached sheet for PM locations.

   C. Substantial edge rutting or encroachment.
   Check one: ☐ No. ☐ Yes, see attached sheet for PM locations.

   D. History of complaints from residents or law enforcement.
   Check one: ☐ No. ☐ Yes (☐ check if written documentation is attached)

   E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)
   Check one: ☐ No. ☐ Yes.

   F. Need for turn-outs.
   Check one: ☐ No. ☐ Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

   ☐ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

   ☐ The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (☐ check if a *Neighborhood Traffic Management Plan* is also required and is attached.)

   ☐ The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

(SEAL)

_____ _____

Signature of Civil Engineer Date

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

Dejan Petruski - Mayers Flat
Humboldt County Road Evaluation

Property Boundary

Road Evaluation Section

Road Sites

Watercourse

Class I

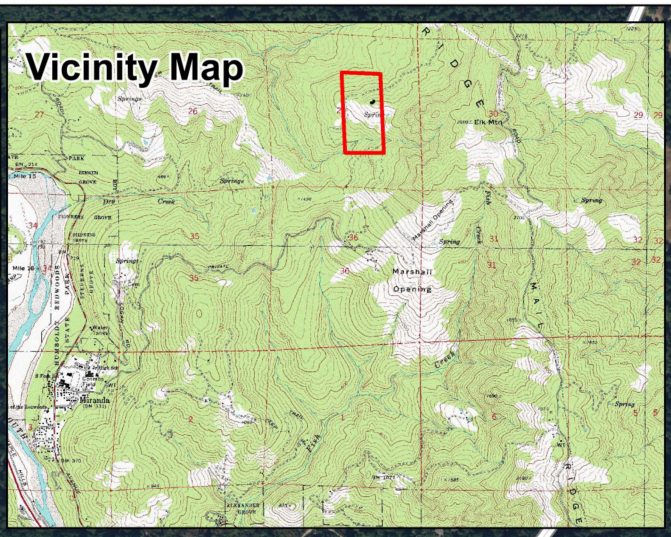
Class II

Class III

Road

Permanent

Seasonal



Dyerville Loop Road
Paved, County Maintained Road

211-372-006

Private Road Network
Rocked Surface
Width : 16- 20feet
Length : Approximitely 1 Mile
Turnouts : Approximitely 17 Turn outs where identified providing ample space for vehicles to pass.

N
W
E
S

Scale: 1" = 1000'

Road Evaluation Report for Private Road Located in

Fruitland, California

Prepared for:

Mayers Flat Farms, LLC

APN : 211-372-006

Prepared by:

ETA Humboldt

Contact Name: Vanessa Valare

Telephone: 707.923.1180/760.613.6520

Email: etahumboldt@gmail.com

Introduction:

The subject of this road evaluation is for Private Road located in Fruitland, CA. The evaluation of this access road leading to 211-372-006 was conducted by ETA Humboldt on January 5th, 2021. This road evaluation was undertaken to determine if the road network used to access the project site is at Humboldt County Road Category 4 standard or equivalent.

Background:

The site is located approximately 7 miles up Dyerville Loop Rd and private driveways located off of Dyerville loop Road as seen on the Road Evaluation Map, West of the south fork of the Eel River near Miranda. French Rd is gravel and dirt and is shared with neighbors and a locked gate. There are three culverts along the private road as well as rolling dips. the private drive is a permanent use access road shared by Six landowners and 7 parcels.

To access the site Via 101-From South Hwy 101 (Eureka), Take Exit Myers flat. Take a left onto Avenue of the Giants, from there take a left heading towards Dyerville loop road. From Dyerville loop travel for approximately 6-7 miles till you reach 40.272207° , -123.779959°. There is a locked gate and the one mile of private drive continues from here.

Findings:

The ADT for the private road is less than 30 vehicles per day. The width of the private road ranged from 14ft- 20ft. Multiple locations were observed and referenced on the site map to have adequate room for vehicles to pull over and or pass with good visibility. There are approximately 17 locations mapped and references as Road Sites that were approximately 20ft in width and or provided a location to pull a vehicle over. Travel way width along the private portion of the private road varies from 14-28 ft wide with 1 ft -2 ft shoulder and adequate turnouts. See Site Map for specified locations.

Drainage control on the private road was found to be functioning adequately with well defined and appropriately spaced rolling dips, push-outs, ditches and ditch relief culverts.

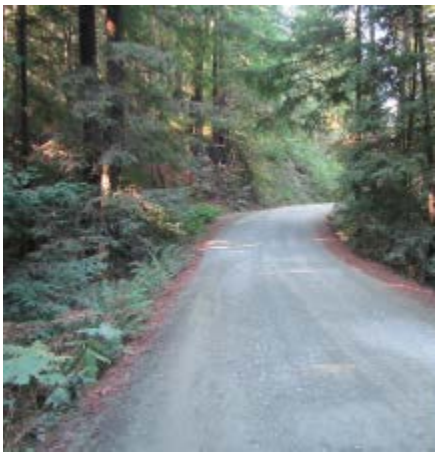
Assessment of culverts and/or stream crossings was not part of our access road evaluation.

No improvements are being recommended for the private road to function as a road category 4, provided that the road is adequately maintained. No significant sediment discharge sites were observed on this access road.

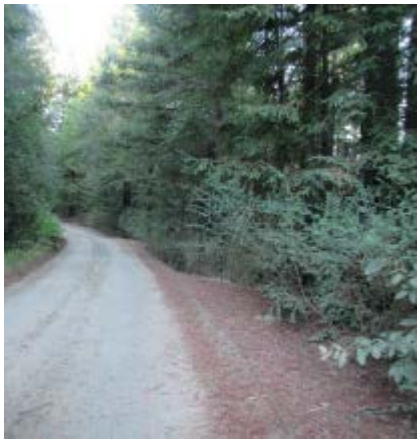
Conclusion:

The private road leading of Dyerville Loop Road to the applicant's property, Apn- 211-372-006 and is equivalent to Road Category 4 due to an adequate distribution of turnouts and low ADT.

Mile 0.0 (Private Road) Paved enough space for vehicles to pass each other.



Mile 0.2 (Private Road: Approximate road width is 18ft at this location. Good visibility.



Mile 0.2 (Private Road): Turnout at this location. Good visibility.

Mile .4 (Private Road): Good visibility and enough room for vehicles to pass.

Mile .5 (French Road): Good visibility. Approximate road width 16ft.

Mile .6: (Private Road)

Mile .7 (Private Road): Good Visibility and adequately dispersed pull outs.

Mile .8 (Private Road) : Before property entrance road is 18ft wide at this point with good visibility and room for cars to pull out.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No Response	
Division Environmental Health	✓	Conditional Approval	**Attached**
Public Works, Land Use Division	✓	Conditional Approval	**Attached**
CAL FIRE	✓	No comment	On file
California Department of Fish and Wildlife		No response	
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of Rohnerville Rancheria	✓	Conditional approval	Coordination meeting notes – on file.
Intertribal Sinkyone Wilderness Council		No Response	
Regional Fire Department, Miranda		No Response	
Regional School District, Southern Humboldt Joint Unified School District		No response	
County Counsel		No Response	
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	

PLN-12651-CUP

Mayers Flat Farm Inc. CUP existing outdoo...
Mayers Flat Farm, Inc. seeks Special Permi...

STATUS
> In Referrals
11/19/2021 by John Moredo

LOCATION
> None Provided

CONTACT
> Vanessa Valare

WORKFLOW
> 14 total Task
● 5 completed ○ 4 active

- Summary
- Project Description
- Workflow
- 1 Referral Assignments
- 2 Planning Information
- 3 GP / Zoning Information
- 4 CEQA
- 5 Cannabis
- Project Tracking
- 6 Referral Task Log (2)
- Fee (11)
- Payment

Cancel | Help

Task	Due Date	Assigned Date
Environmental Health	11/29/2021	11/19/2021
Assigned to Department	**Assigned to**	**Status**
Environmental Health	Joey Whittlesey	Approved with Conditions
Action by Department	**Action By**	**Status Date**
Environmental Health	Joey Whittlesey	11/19/2021
Start Time	**End Time**	**Hours Spent**
		0.0
Billable	**Overtime**	**Comments**
No	No	Processing activities must be supported by an approved onsite wastewater treatment system. Seasonal/outdoor cultivation sites may be supported by portable toilets. Applicant must obtain a permit for, and install, an approved onsite wastewater treatment system to support the processing location and either install approved septic systems or provide portable toilets to cultivation areas.
Time Tracking Start Date	**Est. Completion Date**	**In Possession Time (hrs)**
Display E-mail Address in ACA	**Display Comment in ACA**	**Comment Display in ACA**
No	☑	☑ All ACA Users
		☑ Record Creator
		☑ Licensed Professional
		☑ Contact
		☑ Owner
Estimated Hours	**Action**	**Workflow Calendar**
0.0	Updated	Workflow Blockout

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

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

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

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

LAND USE	445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Cliff Johnson, Supervising Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 07/21/2021

RE:

Applicant Name	**MAYERS FLAT FARM INC**
APN	**211-372-006**
APPS#	**PLN-12651-CUP**

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

☒ The Department's recommended conditions of approval are attached as **Exhibit "A"**.

☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**

☐ Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**

☒ *Road Evaluation Reports(s)* are required; ~~**See Exhibit "D"**~~

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

It appears that the submitted road evaluation report form has combined two roads (Elk Creek Road and Dyerville Loop Road) into one road evaluation. In addition, although the Applicant has submitted a road evaluation report, dated 07/1/18, with Part A –Box 1checked, certifying that the road is adequate for the proposed use without further review. (Note, both County maintained roads have a painted centerline stripe and therefore did not need a road evaluation report.) The applicant has unnecessarily completed Part B. This portion of the report states that ADT was measured on two dates but then checked the box stating they used the Trip Generation Book. It is unclear if the estimated ADT only takes in the additional traffic form this project.

Secondly, the road evaluation appears to have not included all the roads used starting from Dyerville Loop Road. The non-County access road from Dyerville Loop Road to the subject parcel appears to serve a minimum of three parcels.

Whether specifically addressed or not within the road evaluation report, per Section 1273.03 of State Fire Safe Regulations, California Code of Regulations (CCR), Title 14 Natural Resources, Division 1.5 Department of Forestry, Chapter 7 - Fire Protection, Subchapter 2 SRA Fire Safe Regulations, which have been established pursuant to California Public Resource Code Section 4290 et seq. *(a) At no point shall the grade for all roads and driveways exceed 16 percent; (b) The grade may exceed 16%, not to exceed 20%, with approval from the County of Humboldt Planning & Building Department with mitigations, such as paving, to provide for the same practical effect. Mitigation measures other than paving require an exception to be approved per Section 1270.06.* [Note: Fire Safe Regulations set forth in County Code Section 3111-1, et seq. have been superseded by the 01/01/2020 CCR since County Code has not been recertified by the Department of Forestry pursuant to Section 1270.04.]

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply) APPS #12651

☐ **COUNTY ROADS- PROXIMITY OF FARMS:**
Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.

☒ **COUNTY ROADS- FENCES & ENCROACHMENTS:**
All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

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

☐ **COUNTY ROADS- DRIVEWAY (PART 2):**
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. Applicant must apply for and obtain an encroachment permit from the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- **If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet (or to break in slope) where it intersects the County road.**
- **If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet where it intersects the County road.**
- **If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.**

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)**
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. Applicant must apply for and obtain an encroachment permit from the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing intersection culverts; minimum size is typically 18 inches.

- **If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet (or break in slope) where it intersects the County road.**
- **If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.**

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**
All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //