



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

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

Hearing Date: May 18, 2017

To: Humboldt County Planning Commission

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

Subject: **Rainmaker Properties, LLC Conditional Use Permit and Special Permit**
Application Number 10235
Case Numbers CUP 16-006 and SP 16-185
Assessor's Parcel Numbers (APNs) 104-261-006 and 105-021-011
25725 Old Mattole Road, Petrolia area

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Please contact Joshua Dorris, Planner, at 707-268-3379 or by email at jdorris@co.humboldt.ca.us if you have any questions about the scheduled item.

AGENDA ITEM TRANSMITTAL

Hearing Date May 18, 2017	Subject Conditional Use Permit and Special Permit	Contact Joshua Dorris
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Project Description: The Rainmaker Properties, LLC seeks approval of a Conditional Use Permit and Special Permit in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical Marijuana Safety and Regulation Act (MMRSA) for existing mixed-light commercial cannabis cultivation and ancillary processing activities.

The existing mixed-light cultivation occurs in ten (10) greenhouses with a total cultivation area of 20,976 square feet (SF) located in three (3) cultivation areas. The proposal is to relocate six (6) greenhouses located in two (2) areas to an environmentally superior area on the same parcel, and remediate and restore the retired cultivation sites. The Special Permit is for remediation activities that will occur within the 100-foot Streamside Management Area of McNutt Gulch and a decommissioned road area containing an "other wet area". The third cultivation area containing four (4) greenhouses totaling 10,800 SF is proposed to remain.

Six (6) greenhouses with a total cultivation area of 10,176 SF are proposed to be relocated to a Greenhouse Relocation Area in the eastern portion of the parcel.

Water for the cultivation irrigation and ancillary processing activities will be provided via three (3) existing, onsite permitted wells, and by a proposed 250,000 gallon rainwater storage pond. Surface water diversion from McNutt Gulch will be discontinued.

Project Location: The project is located in Humboldt County, in the Petrolia area, on both sides of Old Mattole Road, approximately 1,187 feet northwest from the intersection of Mattole Road and Old Mattole Road, on the property known as 25725 Old Mattole Road and the property known to be in Section 29, Township 01 South, Range 02 West.

Present Plan Land Use Designations: Agriculture/Grazing (AG), Timber Production (T), Density: 160 to 20 acres per dwelling unit, Slope Stability: Low Instability (1) and Moderate Instability (2)

Present Zoning: Agriculture Exclusive (AE), Timberland Production (TPZ)

Case Numbers: CUP 16-007 and SP 16-185

Application Number: 10235

Assessor's Parcel Numbers: 104-261-006 and 105-021-011

Applicant
Rainmaker Properties, LLC
Attn.: David Brite
321 South Main Street
Sebastopol, CA 95472

Owner
Rainmaker Properties, LLC
321 South Main Street
Sebastopol, CA 95472

Agent
Harrison Tendlador Hungerford & Johnson
Attn.: Bradley B. Johnson
980 9th Street, Suite 1400
Sacramento, CA 95814

Environmental Review: The existing and proposed cultivation project is exempt from environmental review pursuant to Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA) Guidelines. The restoration and remediation are exempt from environmental review pursuant to Class 15333 (Small Habitat Restoration Projects) of the CEQA Guidelines.

State Appeal Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Major Issues: None.

RAINMAKER CONDITIONAL USE PERMIT AND SPECIAL PERMIT
Case Numbers CUP 16-006 and SP 16-185
Assessor's Parcel Numbers 104-261-006 and 105-021-011

Recommended Commission Action

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

Find the project exempt from environmental review pursuant to Sections 15301, 15304, and 15333 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report and adopt the Resolution approving the Rainmaker Properties, LLC project subject to the recommended conditions.

Executive Summary:

The Rainmaker Properties, LLC Medical Marijuana Cultivation Project (Project) owned and operated by Rainmaker Properties, LLC seeks approval of a Conditional Use Permit and Special Permit in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical Cannabis Regulation and Safety Act (MCRSA) for existing mixed-light commercial medical cannabis cultivation and ancillary processing activities. The Project site is comprised of one parcel consisting of APN 104-261-006 (135 acres) and APN 105-021-011 (25 acres). These APNs comprise one legal parcel per the Notice of Lot Line Adjustment and Certificate of Subdivision Compliance, recorded July 14, 1999 as Instrument No. 1999-20022-3, Humboldt County Official Records.

The existing mixed-light cultivation occurs in ten (10) greenhouses with a total cultivation area of 20,976 square feet (SF), located in three (3) cultivation sites (Remediation Site 1, Remediation Site 2, and Existing Cultivation Area). Conditional Use Permits for existing cultivation areas this size are subject to CMMLUO Section 314-55.4.8.2.2. The Project proposes to relocate existing Remediation Sites 1 and 2, consisting of six (6) greenhouses with a cultivation area of 10,176 SF, out of the TPZ-zoned area of the parcel and onto a graded area (the Greenhouse Relocation Area or GRA) within an AE-zoned area, in accordance with CMMLUO Department Policy Statement No. 16-002 regarding onsite relocation of existing commercial medical cannabis cultivation sites in existence prior to January 1, 2016. The Project proposes to remediate Remediation Sites 1 and 2 in accordance with the CMMLUO. Additionally, a third area in the northeastern portion of the parcel where no cultivation is occurring would be remediated (Remediation Site 3). The proposed GRA, located in the eastern portion of site, would include the six (6) relocated greenhouses totaling approximately 10,176 SF. The GRA would include grading of an approximately 10,176 SF level pad for installation of the greenhouses. The Existing Cultivation Area, which is proposed to remain, consists of four (4) greenhouses totaling 10,800 SF. Ancillary processing of the cultivated cannabis would be conducted onsite in existing outbuildings by up to ten (10) seasonal employees.

The water source for the existing cultivation is obtained via three (3) permitted onsite wells and via direct diversion of the perennial stream McNutt Gulch and is then pumped via a generator to storage consisting of eight (8), 2,500 gallons each tanks located at the northern boundary of the parcel. From the storage tanks water is gravity fed for domestic and agricultural uses. Under the Project, the applicant would discontinue diversion from McNutt Gulch and then remove and remediate the area including any associated diversion infrastructure. Proposed water for the

Project would be provided by 20,000 gallons of hard tank storage (eight (8), 2,500 gallon tanks) and a 250,000-gallon rainwater storage pond. The three (3) existing onsite wells are also proposed to be used for cultivation activities.

Consistent with Humboldt County Code (314-55.4.14), the Restoration Plan for the site prepared by Mattole Restoration Council details remediation measures, including removal of all cultivation-related materials, equipment and improvements, regrading to preexisting conditions, reseeding with native vegetation, reforestation, habitat restoration, and minimize sediment and erosion to the restoration areas within Remediation Sites 1, 2 and 3.

Remediation Site 1 is a flat terrace located approximately 80 feet east above an intermittent unnamed tributary to McNutt Gulch and approximately 240 feet northwesterly from the main stem of McNutt Gulch. The site was a historic logging landing where vegetation removal took place by previous landowners between 1942 and 1965. Approximately 2,756 SF of vegetation was removed. The site was previously used for cultivation but is not currently. This cultivation site containing two (2) greenhouses totaling approximately 2,688 SF will be relocated to the GRA. This site, including any associated water diversion infrastructure, will be restored with native plant materials.

Remediation Site 2 is flat and located approximately 500 feet west from the main stem of McNutt Gulch. The site is dominated by annual and perennial grasses and surrounded by native trees and shrubs, including Douglas fir and coyote brush. Approximately 10,155 SF of vegetation was removed by previous landowners, and two (2), 20 foot by 126 foot greenhouses were constructed by the current landowner. During construction, two (2), 20 foot by 126 foot by 0.25 foot asphalt pads were installed on the floor of the greenhouses. These greenhouses will be relocated to the GRA. Asphalt will be removed from this site and disposed of or utilized for other onsite construction activities. The site will be restored using native seed and container plant materials.

Remediation Site 3 is a decommissioned road on a hilly slope located approximately 1,100 feet east from McNutt Gulch. One (1), 30-foot by 500-foot road and one (1), adjoining 30-foot by 160-foot road were constructed in the spring of 2016 using 5 inch–6 inch diameter rock. During construction approximately 16,000 SF of vegetation was removed or impacted by construction activities. After assessments of the site by Pacific Watershed Associates, it was determined that the road construction directly impacted a small wetland and wetland vegetation. The road was decommissioned following this finding by removing rock and grading back to the original grade. Erosion control and mitigation measures, including seeding of native grasses, installation of native plants, and installation of native grass straw were used. The site will have additional road decommissioning and mitigation activities through fill removal and installation of native plant materials. The applicant has applied for a Special Permit (SP 16-185) for remediation activities that will encroach into the setback of the Streamside Management Area ("other wet area" as defined by Zoning Interpretation No. 03-01), in accordance with Humboldt County Streamside Management Ordinance (Humboldt County Code 314-61.1.5).

The proposed restoration and mitigation activities in the Restoration Plan are consistent with the requirements of the County's Streamside Management Area Ordinance Mitigation and Monitoring Plan (Humboldt County Code 61.1.18). Monitoring and maintaining plants for a five (5) year period will occur on all three (3) Sites.

The Public Works Department is requiring driveway improvements as noted in the Conditions of Approval and the Public Works Memo.

Environmental review for this Project was conducted and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the Project can be considered a "Minor Alteration to Land" as defined by Section 15304 of the California Environmental Quality Act (CEQA) Guidelines because it consists of "minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes." Additionally, relocating the existing greenhouses to the GRA may be considered an "Existing Facility" as defined by Section 15301 of the CEQA Guidelines. Finally, as Lead Agency, the Department has determined that the Special Permit for remediation within the SMA is Categorically Exempt as defined by Class 15333, Small Habitat Restoration Projects, of the CEQA Guidelines. Additionally, the applicant submitted a CEQA Initial Study which provided further evidence that the proposed Project will have a less than significant impact on the environment. The Initial Study is on file at with the Planning Division.

There is no substantial evidence of potentially significant adverse environmental effects resulting from the permitting of a recognized legal agricultural use (cultivation of medical marijuana) on property zoned AE, with slopes less than 15%, and a source of irrigation with documented appropriate water right, or other permitted non-diversionary source.

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

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

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As Lead Agency, the Department has determined that the Project is Categorically Exempt under the three Exemption Classes stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 17-**

**Case Numbers CUP 16-006 and SP 16-186
Assessor's Parcel Numbers: 104-261-006 and 105-021-011**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Rainmaker Properties, LLC Conditional Use Permit and Special Permit.

WHEREAS, Rainmaker Properties, LLC submitted an application and evidence in support of approving a Conditional Use Permit for an existing commercial medical cannabis mixed-light cultivation operation and ancillary processing activities;

WHEREAS, Rainmaker Properties, LLC submitted an application and evidence in support of approving a Special Permit to perform restoration and remediation activities that will encroach into a Streamside Management Area or Other Wet Area; and

WHEREAS, CUP 16-006 is assigned the following cultivation areas (sites) shown on the approved plot plan and the CUP and SP Site Detail Map in the staff report:

CUP #	Application	APN	Square Footage By Map Site Number	Total Square Footage (<E>/<N> sf)	Leased (Y/N)
16-006	10235	104-261-006	#1 (10,800 sf <E>) #2 (5,088 sf <relocated from>)	15,888 <E>	N
		105-021-011	#2 (5,088 sf <relocated to>)	5,088 <E>	N

WHEREAS, the County Planning Division has reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is exempt from environmental review per Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), and Class 15333 (Small Habitat Restoration Projects) of the CEQA Guidelines; and

WHEREAS, Attachment 3 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP 16-006) and Special Permit (Case Number SP 16-185); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on May 18, 2017.

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. The Planning Commission finds the proposed project is exempt from environmental review; and
2. The Planning Commission further makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers CUP 16-006 and SP 16-185 based on the submitted substantial evidence; and
3. The Planning Commission approves the Conditional Use Permit Case Number CUP 16-006 and Special Permit Case Number SP 16-185 as conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on May 18, 2017.

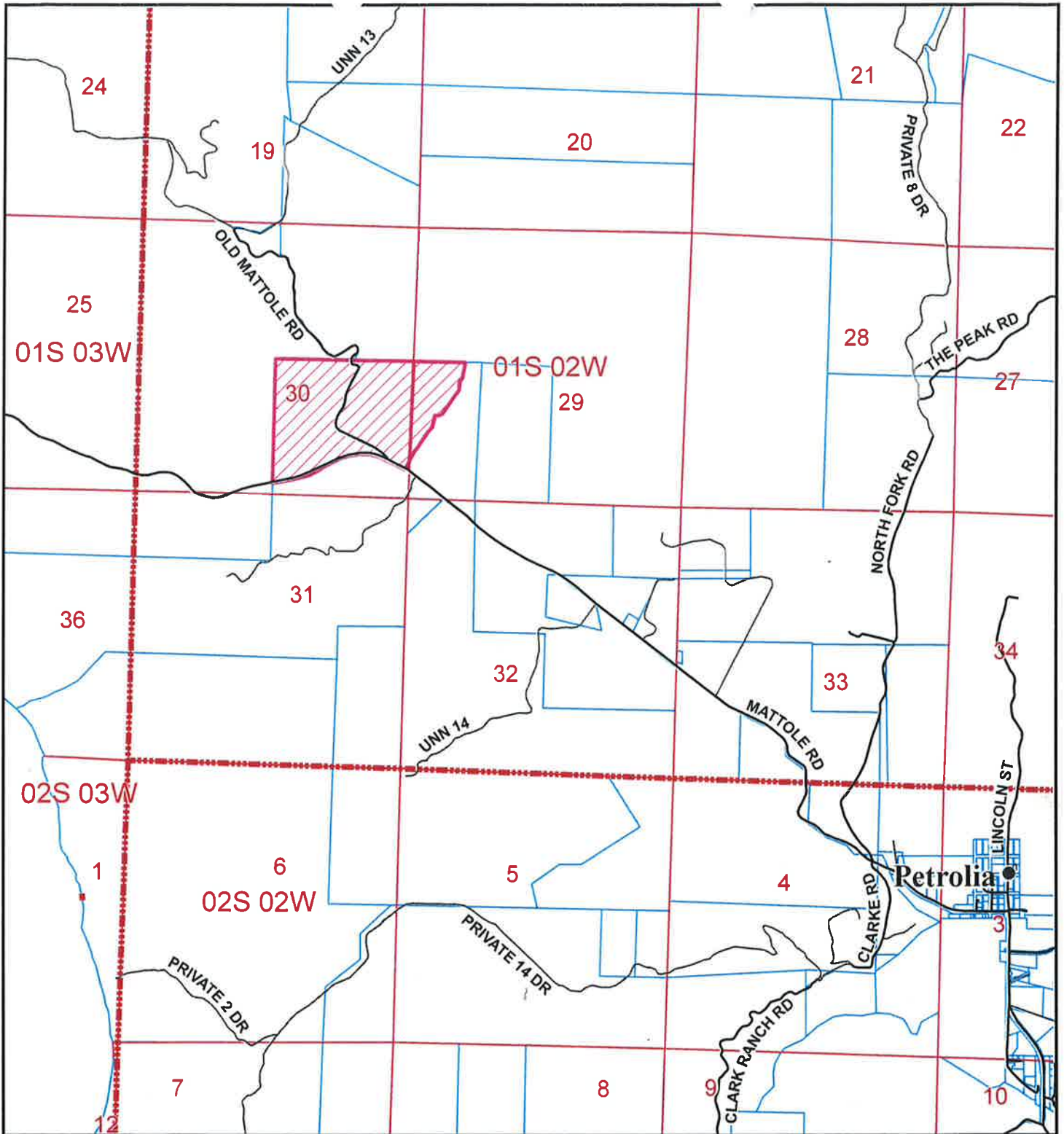
The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

Robert Morris, Chair

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

Suzanne Lippre, Clerk



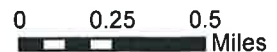
LOCATION MAP

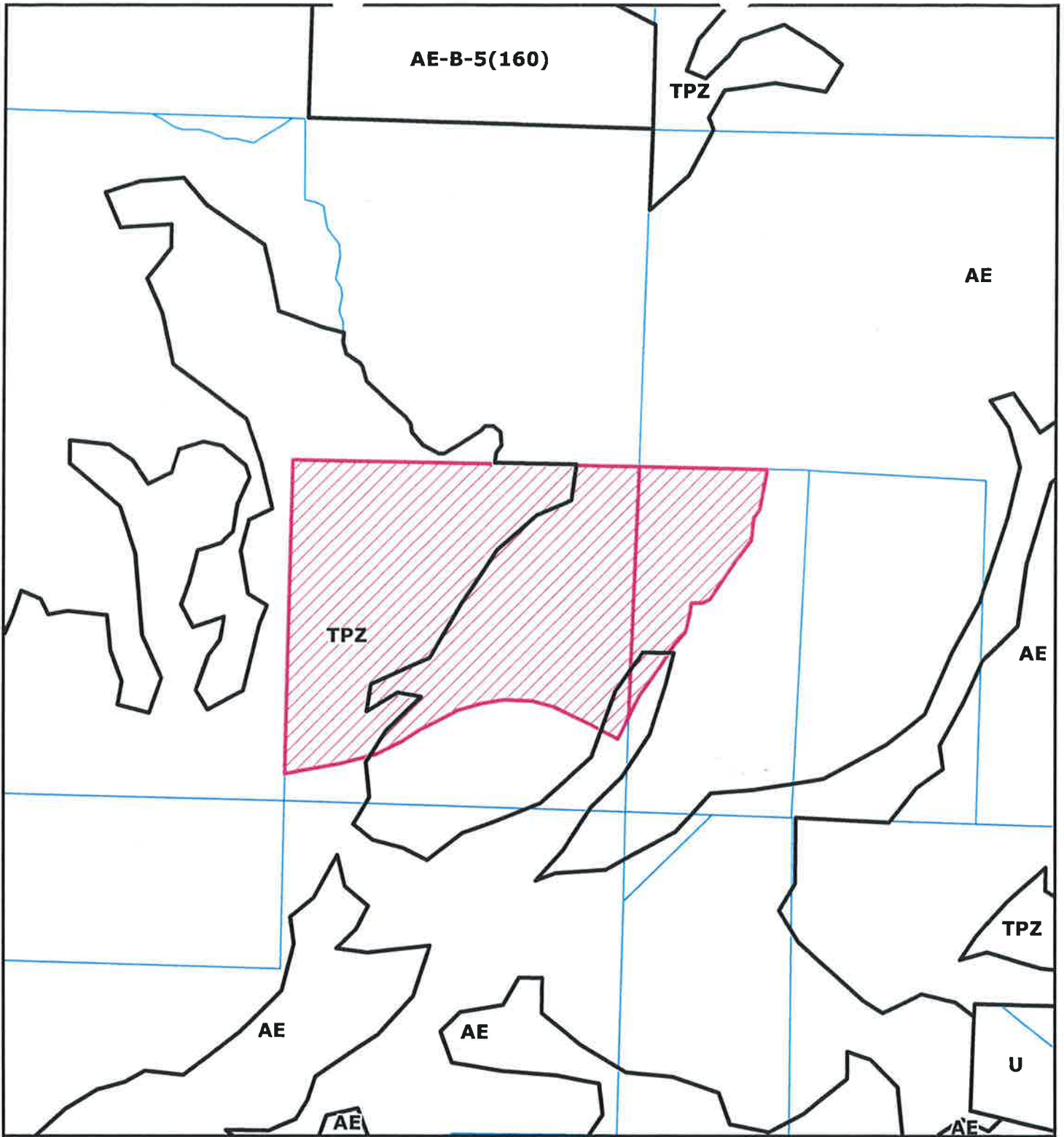
**PROPOSED RAINMAKER PROPERTIES LLC
 CONDITIONAL USE PERMIT
 PETROLIA AREA
 CUP-16-006**

**APN: 104-261-006, 105-021-011
 T01S R02W S29-30 HB&M (Petrolia)**

Project Area = 

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





ZONING MAP

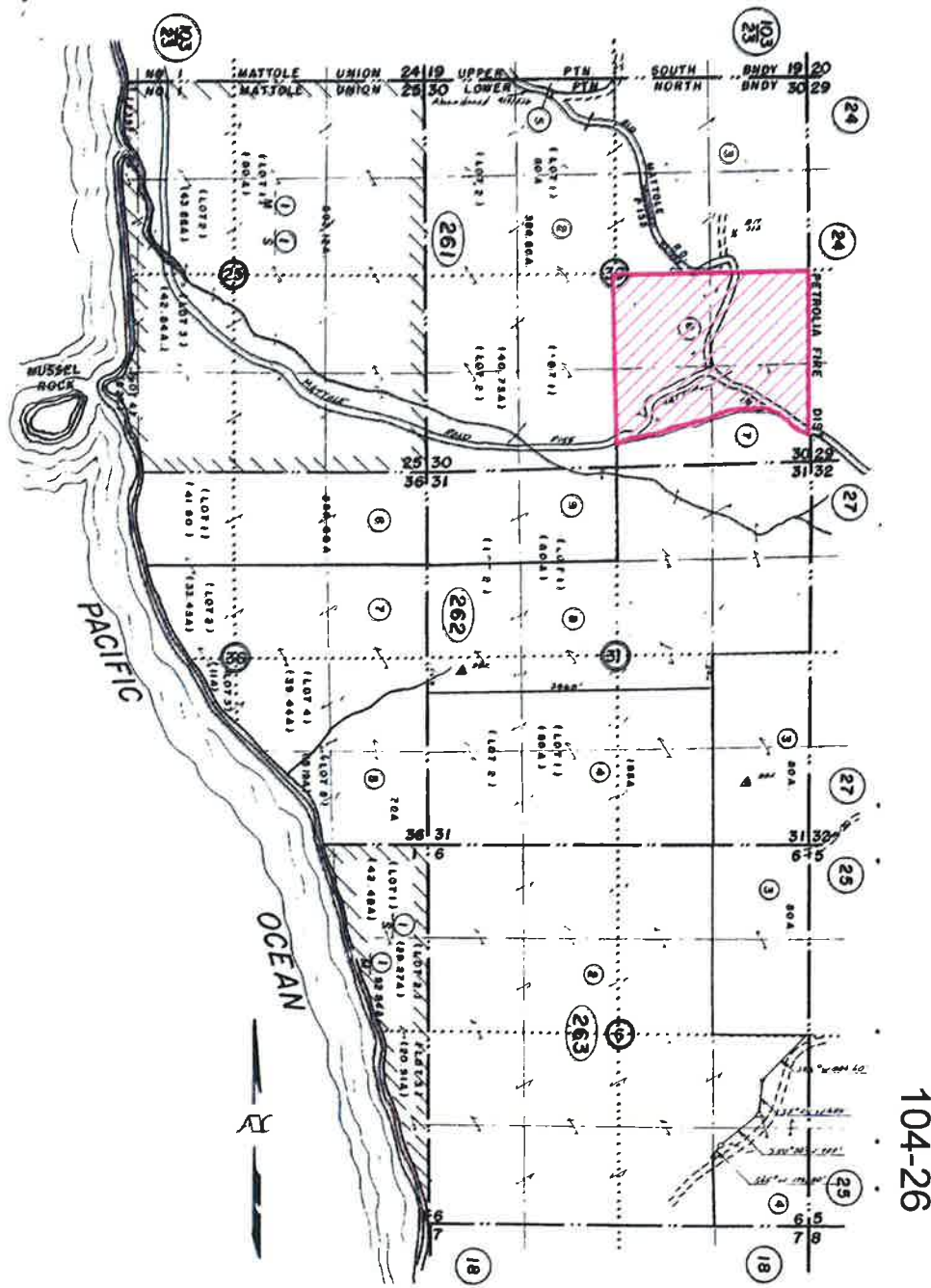
**PROPOSED RAINMAKER PROPERTIES LLC
 CONDITIONAL USE PERMIT
 PETROLIA AREA
 CUP-16-006**

**APN: 104-261-006, 105-021-011
 T01S R02W S29-30 HB&M (Petrolia)**

Project Area = 

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





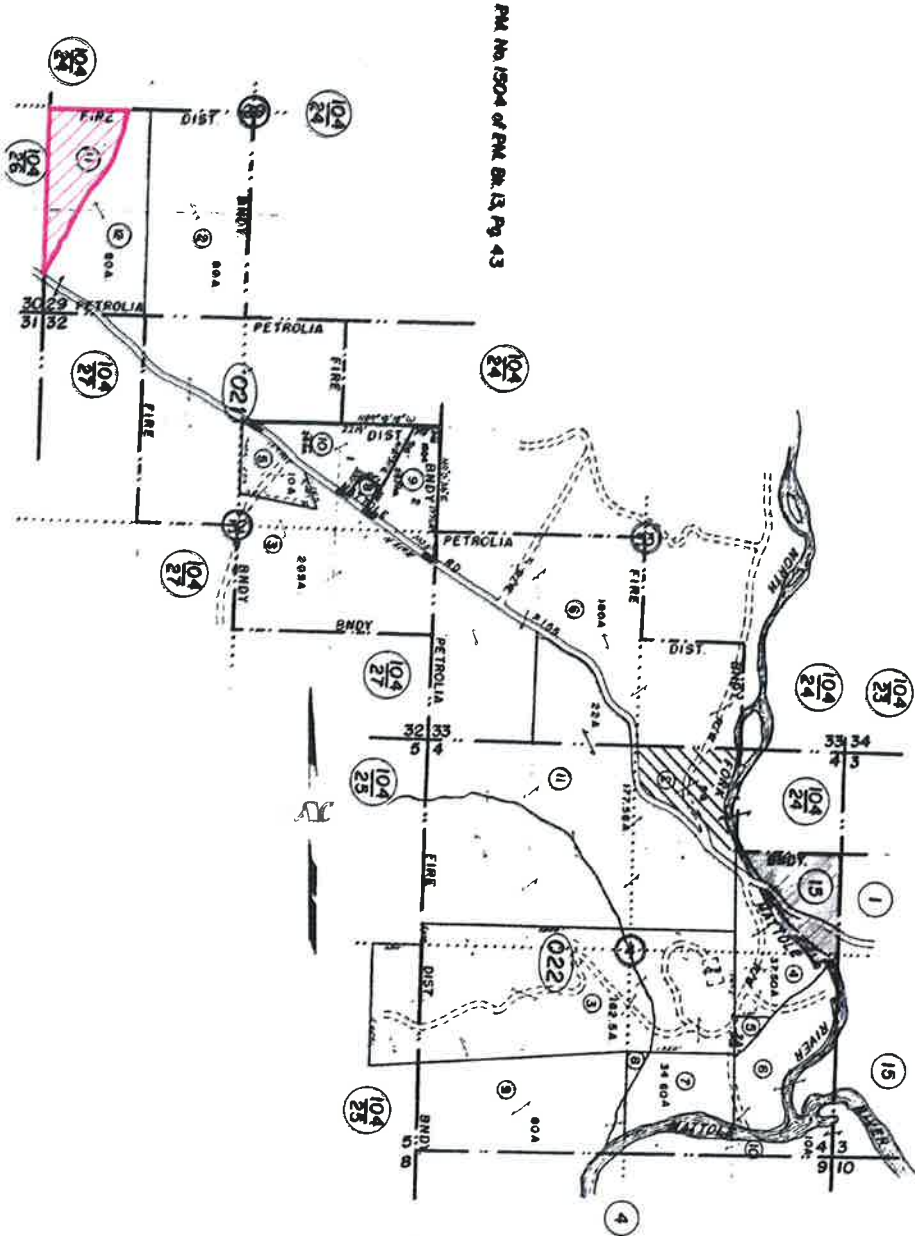
104-26

T.C.A.
1" = 120'

PROJECT SITE = 

ASSESSOR PARCEL MAP
PROPOSED RAINMAKER PROPERTIES LLC
CONDITIONAL USE PERMIT
PETROLIA AREA
CUP-16-006
APN: 104-261-006, 105-021-011
T01S R02W S29-30 HB&M (Petrolia)

MAP NOT TO SCALE



PLAN NO. 15004 OF PLAN OR. 13, PG. 43

T1S R02W S29-30 HB&M (Petrolia)

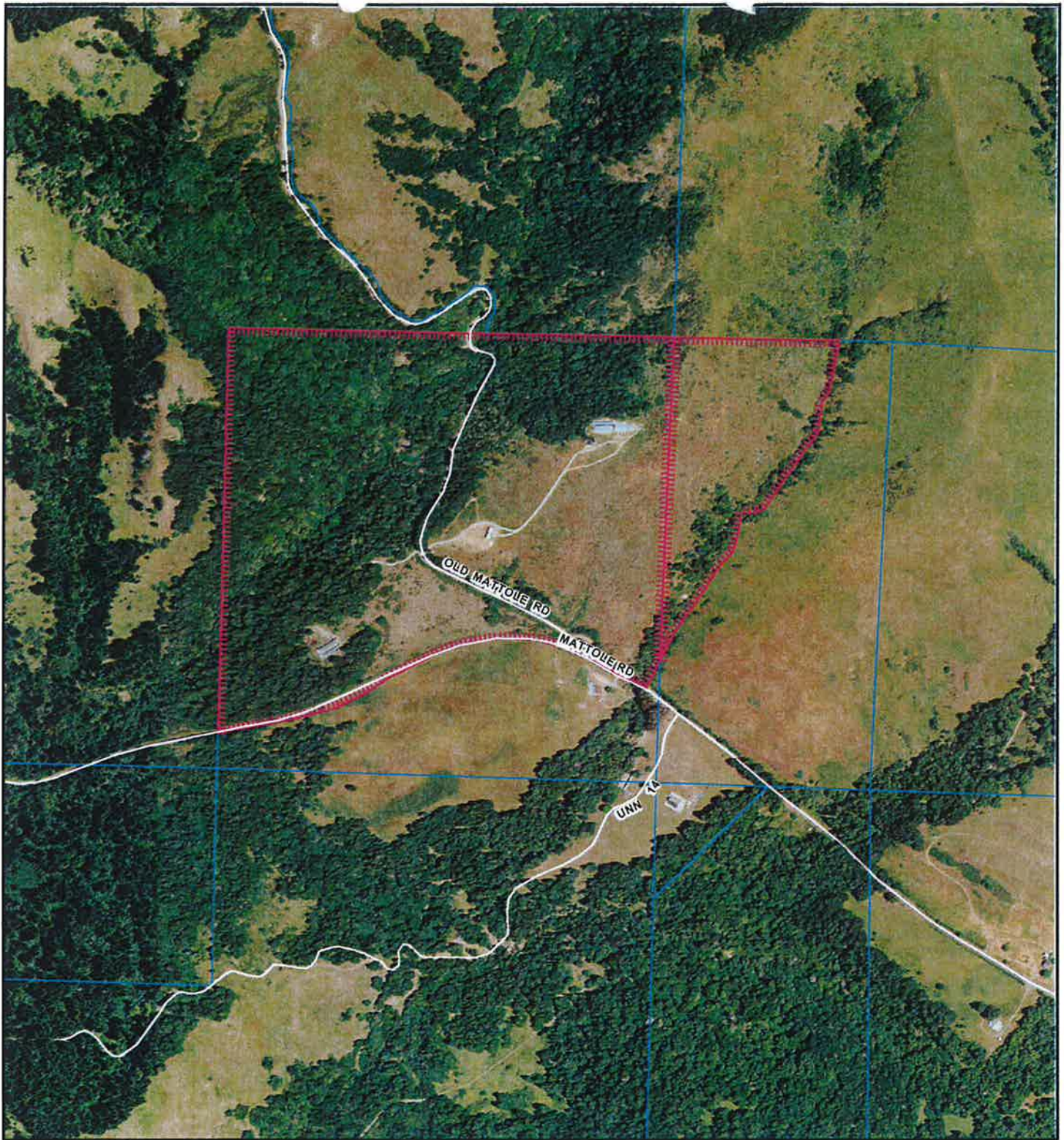
105-02

IUG-02
TCA
1:12500'

PROJECT SITE = 

ASSESSOR PARCEL MAP
PROPOSED RAINMAKER PROPERTIES LLC
CONDITIONAL USE PERMIT
PETROLIA AREA
CUP-16-006
APN: 104-261-006, 105-021-011
T01S R02W S29-30 HB&M (Petrolia)

MAP NOT TO SCALE



AERIAL MAP


**PROPOSED RAINMAKER PROPERTIES LLC
CONDITIONAL USE PERMIT
PETROLIA AREA
CUP-16-006**

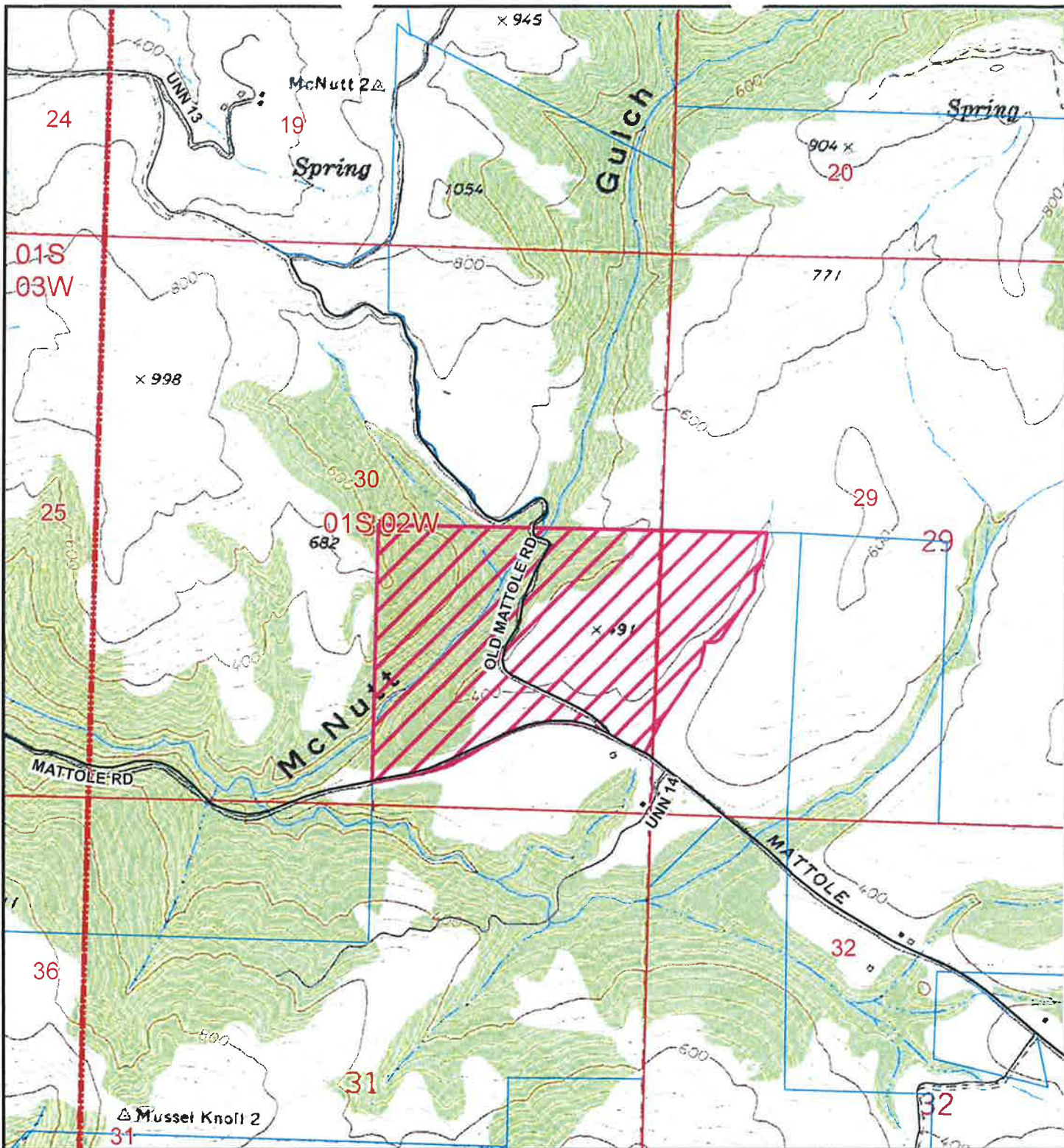
**APN: 104-261-006, 105-021-011
T01S R02W S29-30 HB&M (Petrolia)**

Project Area = 

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



0 250 500 750 1,000
 Feet



TOPO MAP

**PROPOSED RAINMAKER PROPERTIES LLC
CONDITIONAL USE PERMIT
PETROLIA AREA
CUP-16-006**

**APN: 104-261-006, 105-021-011
T01S R02W S29-30 HB&M (Petrolia)**

Project Area = 

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



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Approval of the existing cannabis cultivation, proposed relocation of cannabis cultivation and other commercial cannabis activity is conditioned on the following terms and requirements which must be satisfied before the provisional cannabis cultivation permit can be finalized.

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 –10. 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.
2. Within ten (10) days of the effective date of the Conditional Use and Special Permits, the applicant shall remove the travel trailer to an approved location. Conformance with this requirement shall be verified by the Building Inspection Division.
3. The applicant shall secure permits for all unpermitted structures related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
4. The applicant shall improve the driveways' entrances along Old Mattole Road to the satisfaction of the Department of Public Works (DPW). A letter or similar communication from DPW verifying that all their requirements have been met will satisfy this condition.
5. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the RWQCB verifying that all their requirements have been met will satisfy this condition.
6. In accordance with the Framework, Vol.1, General Plan, the applicant shall:
 - A. Maintain erosion control as specified in §3432(9) of the Framework Plan;
 - B. Implement "Best Management Practices" for erosion and sediment control during the construction phase of the project;
 - C. Use dust control techniques when excavating to minimize dust problems on adjacent dwelling(s).
 - D. Reseed/gravel disturbed areas prior to winter rain; and
 - E. Take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties.

This condition shall appear as an information note on the building permit and grading permit plot plans.
7. The applicant shall secure permits and install an on-site sewage disposal system and restroom facility for the processing operation to the satisfaction of the Division of Environmental Health. Portable toilet and handwashing facilities may be utilized during the construction of these permanent improvements. A letter or similar communication from DPW verifying that all their requirements have been met will satisfy this condition.
8. The applicant shall submit to the Planning Director annual follow-up reports prepared by a qualified biologist that verifies whether or not: a) the mitigations recommended in the Restoration Plan prepared by Mattole Restoration Council (dated March 10, 2017) were adhered to, and b) to assess the success of the restoration goals as set forth in Section 7.1; Restoration Goals and Performance

Standards. Surveys shall be conducted for a period of 5 years after construction. The report shall prescribe any additional measures required to insure appropriate recovery. The monitoring reports shall be submitted for the Planning Director's review and acceptance. A written contract for services and cost estimate for this monitoring work shall be provided to the Department prior to initiation of work. A performance bond may be required by the Planning Director.

9. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
10. The outlet from the proposed 250,000 gallon rainwater catchment pond shall be designed to the satisfaction of the California Department of Fish and Wildlife and the Building Division.
11. The property owner shall execute and file with the Planning Division the statement titled "*Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County*" as required by Section 314-43.2 of the Humboldt County Code. Contact the Planning Division for a copy of the required form.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, Cultivation Plan, Restoration Plan 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.
2. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.
3. Site visibility must be maintained at the driveway approach in conformance with County Code Section 341-1 et seq.
4. 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 & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
5. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MMRSA, as applicable to the permit type.
6. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MMRSA, and regulations promulgated thereunder, as soon as such licenses become available.
7. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, 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.
8. Confinement of the area of cannabis cultivation and processing to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious

Worship, Public Park, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

9. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
10. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
11. 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 – Friday, 9:00 am – 5:00 pm, excluding holidays).
12. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
13. Pay all applicable application and annual inspection fees.
14. Water is to be sourced locally (onsite) and trucked water shall not be allowed, except for emergencies. For purposes of this provision, "emergency" is defined as: "a sudden, unexpected occurrence demanding immediate action." Permittee shall maintain a record of date(s), nature of the emergency, and the amount of trucked water delivered to demonstrate compliance with this standard.
15. The noise produced by a generator used for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
16. Storage of Fuel. Fuel shall be stored handled in compliance with applicable state and local laws and regulations, and in such a way that no spillage occurs.
17. 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and 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 NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.
18. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

20. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

21. Pursuant to the MMRSA, 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."
22. 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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
23. Cultivators engaged in processing shall comply with the following Processing Practices:
- I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
24. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- i. 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.
 - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. 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.
 - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
25. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.

- iv. Employee Safety Practices.
- v. Toilet and handwashing facilities.
- vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- vii. Drinking water for employees.
- viii. Plan to minimize impact from increased road use resulting from processing.
- ix. On-site housing, if any.

26. Permit Duration. Any Commercial Cannabis Cultivation CUP issued pursuant to this section shall expire after 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, lessees, 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, lessees, or site do not comply with the conditions of approval, the inspector shall serve the CUP 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 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 non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Use 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.

27. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #26 above 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.

28. 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.

29. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
- (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- (3) The specific date on which the transfer is to occur; and
- (4) Acknowledgement of full responsibility for complying with the existing Permit; and
- (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

1. Pursuant to section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. **The applicant is hereby advised that Recreational Vehicles may not be used as residences except in a Special Occupancy Park or as permitted by Humboldt County Code Section 313-81.1. Reports of non-compliance with this requirement shall be subject to enforcement.**
3. 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 COA #1 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 Condition of Approval #26 and 27 of the On-Going Requirements /Development Restrictions, above.
4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

ATTACHMENT 2

Staff Analysis of the Substantial Evidence Supporting the Required Findings

Required Findings: To approve this project, the Planning Commission must determine that the applicant has submitted substantial evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Conditional Use Permit and Special Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

Staff Analysis of the Evidence Supporting the Required Findings: To approve this project, the Planning Commission must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Framework Plan (FRWK).

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use §2721 (FRWK)	Timber Production (T): Lands primarily suitable for the growing, harvesting and production of timber. Compatible uses include watershed management, management for fish and wildlife habitat, grazing and other agricultural uses.	The project entails three onsite relocation sites with two of the retired sites located within the "T" area. The remediation will include restoration of the native plants, which will benefit the wildlife as well as the watershed. These actions are consistent with these objectives.
Land Use §2723 (FRWK)	<p>Agriculture Grazing (AG): Lands which are not prime agricultural lands, but are in agricultural and compatible uses, and shall be planned for continued agricultural use.</p> <p>Density Range: One (1) dwelling unit per 160 acres to one (1) dwelling unit per twenty (20) acres, except parcels greater than forty (40) acres will be allowed two (2) single family farm dwellings.</p>	The MMRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The CMMLUO provides for the cultivation and processing of medical cannabis within the zoning districts where agriculture is a principally permitted use, with limits and in compliance with performance standards that will preserve space for more traditional agricultural activities that supply food and fiber contributing to a diverse economic base. The existing cultivation and proposed relocation of the existing cultivation areas is considered an agricultural use, and the processing facility and supportive infrastructure may be considered accessory to the agricultural use.
Cultural Resources §3500 (FRWK)	Protect cultural resources, including historic, archaeological, and scenic resources.	The applicant retained Roscoe and Associates (RA) for the preparation of a Cultural Resources Investigation for the Project site. RA conducted a records search, consulted with the Native American Heritage Commission, local Native American tribal representatives, and other interested parties; and an intensive pedestrian field survey of the entire Project area. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered a historic resource, exist in the limits of the project area. This report was provided to the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria, the Blue Lake Rancheria and the Wiyot Tribe. The Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe responded. The Bear River Band recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing §2400 (FRWK)	Encourage innovative designs that facilitate optimum use of sites.	The project does not involve residential development. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
Geologic Hazards §3210 (FRWK)	Goals: To reduce public exposure to natural and manmade hazards. To ensure the continuity of vital services and functions. To educate the community. Policy: Regulate land use to ensure that development in potentially hazardous areas will not preclude preserving and promoting public safety. Standards: Require geologic reports according to the Geologic Hazards Land Use Matrix as denoted in the Framework Plan.	The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The proposed new cultivation area occurs on slopes of 15% or less seismically classified low instability. Approximately 10,176 SF of grading is proposed to accommodate the greenhouses. Given the relatively mild slope where they are located, the proposed new use is not expected to be affected by geologic instability. The project also does not pose a threat to public safety related from exposure to natural or manmade hazards. The applicant must secure a grading permit and as part of the permit the applicant will, at a minimum, incorporate the standard erosion control measures enumerated in the Framework Plan. These measures are a condition of approval.
Hazards §3200 (FRWK) Flood §3220 (FRWK) Fire Hazards §3230 (FRWK)	New development shall minimize risk to life and property in areas of high flood and fire hazards.	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 1.7 miles distance from the coast and approximately 470 feet above mean sea level, is outside the areas subject to tsunami run-up.</p> <p>The subject property is located within the State Fire Responsibility Area for fire protection (Calfire). Calfire's comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The applicant is proposing development of a 250,000 pond which will provide fire protection in addition to cultivation needs. According to the applicant, during the peak season, the operation will employ up to ten (10) employees that will live offsite.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise §3240 (FRWK)	Conform with noise standards.	The subject parcel is not located in an area that requires special noise attenuation measures. The existing and proposed cultivation areas are mixed-light, and do not use electrical generators except for emergency backup power, so there will be minimal noise generated by the project. A generator is currently used to convey water from the creek diversion to storage tanks, which is proposed to cease under the project. Noise generated from the emergency backup generator shall comply with the standards set forth in Section 55.4.11(o) of the CMLLUO and Department Policy Statement #DPS-16-005. Electric power is supplied to the two (2) existing outbuildings by Pacific Gas and Electric Company.
Sewage Disposal §4530, 4531.5, 4531.6, 3361.2 (FRWK)	Goal: To ensure a safe means for waste disposal and protect the County's water resources for the public's health and safety. Policy: Septic systems shall not be permitted where the slope exceeds 30% or within 50 feet from an unstable land form. Policy: Sewage disposal systems placed on an existing lot must meet all of the requirements of the Humboldt County Department of Public Health and the North Coast Regional Water Quality Control Board. Policy: Regulate development that would pollute watershed areas.	The Water Resources Protection Plan (WRPP) states that the site has an existing Onsite Wastewater Treatment System (OWTS) that was not constructed properly to protect water quality and does not meet the NCRWQCB's Standard Condition 11 relating to OWTS. There is an existing travel trailer connected to the OWTS that will need to be removed prior to issuance of cannabis permits. An appropriately designed and sized OWTS will need to be sited and installed once pending application is approved by Humboldt County Planning and Building Department. These requirements have been incorporated as conditions of approval.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Biological Resources §3400 (FRWK)	<p>Goal: To maximize where feasible, the long term public and economic benefits from the biological resources within the County by maintaining and restoring fish and wildlife habitats. Policies: Maintain values of significantly important habitat areas by assuring compatible adjacent land uses, where feasible.</p>	<p>The applicant retained Streamline Planning Consultants (SPC) for the preparation of a Biological Assessment of the site. SPC conducted a survey of the site for potential wetlands, rare species and other environmentally sensitive habitat areas (ESHAs). The purpose was to identify areas with potential environmental resource values that would require protection. Three potentially sensitive areas were identified that took the form of gullies. All three gullies ran generally north to south. Current National Wetlands Inventory Mapping identifies these three locations. The landowner decided that these areas would best be treated as sensitive habitats with 100-foot no-build buffers. The remainder of the site was upland habitat typical of landforms in the region. The report further states that the site lacks the habitat required for cover, breeding or foraging for most species. No endangered or threatened species were noted. Based on the site assessment, SPC states that the landowner's plan to build outside of a 100-foot buffer protecting the three sensitive habitat areas should be sufficient to protect natural resources on this parcel.</p> <p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Pacific Watershed Associates (PWA) for the preparation of a WRPP. The WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. The highest priority "site" recommended for immediate action is the 800-foot decommissioned road located in the eastern portion of the site. The road is identified as Restoration Site 3 in the Remediation Plan which contains corrective actions to bring the site into compliance, as well as a five (5) year monitoring plan following remediation activities. Other sites identified in the WRPP have standard corrective actions as conditions of approval.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
§4220, 4237.7 (FRWK): Access	<p>Goal: To develop, operate, and maintain a well-coordinated, balanced, circulation system that is safe, efficient and provides good access to all cities, communities, neighborhoods, recreational facilities and adjoining areas.</p> <p>Policy: New Development shall only be approved which will not significantly create or aggravate safety, capacity or parking problems on County roads.</p>	<p>Access to the site is directly off a paved County-maintained public road (Old Mattole Road). Department of Public Works stated that the roadway serving the subject property is adequate to accommodate the proposed use.</p> <p>Conditions of approval require the driveways that connect to the County road to be improved to meet County visibility ordinance and encroachment permit ordinance standards.</p>

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:

The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
314-7.2	Agricultural Exclusive (AE): Intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use.	The site plan and attached zoning map shows the existing cannabis cultivation area and the Proposed Greenhouse Relocation area are located on portions of the property zoned AE consistent with the zoning ordinance. The former cultivation areas, Remediation Sites 1 and 2, will be relocated out of the TPZ-zoned areas into the AE -zoned area. Site 1 is a former log landing. Site 2 is a conversion area that will be fully restocked to restore timber productivity.
Min. Lot Size	Twenty (20) acres (AE) 160 acres (TPZ)	Approximately 160 acres
Min. Lot Width	100 feet	Greater than 100 feet wide
Max. Lot Depth	None specified	Average depth of approximately 2,500 feet
Max. Ground Coverage	35%	Given the parcel size, the existing coverage is far below the maximum allowed.
Setbacks	Firesafe setbacks of 30 feet from all property lines apply.	The existing greenhouse and other structures on the site are more than 30 feet from all property lines. The proposed Greenhouse Relocation Area will be more than 30 feet from all property lines.
Max. Building Height	None specified	The two (2) existing processing facilities are one story and less than 35 feet in height.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
<p>§314-61.1 Streamside Management Area Ordinance (SMAO)</p>	<p>Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) such as natural ponds, springs, vernal pools, marshes, and wet meadows (exhibiting standing water year-long or riparian vegetation) to implement the County's Open Space Element of the General Plan.</p>	<p>The applicant retained Streamline Planning Consultants (SPC) for the preparation of a Biological Assessment of the site. SPC conducted a survey of the site for potential wetlands, rare species and other environmentally sensitive habitat areas (ESHAs). The purpose was to identify areas with potential environmental resource values that would require protection. Three potentially sensitive areas were identified that took the form of gullies. All three gullies ran generally north to south. Current National Wetlands Inventory Mapping identifies these three locations. The landowner decided that these areas would best be treated as sensitive habitats with 100-foot no-build buffers. The remainder of the site was upland habitat typical of landforms in the region.</p> <p>Two remediation sites were identified associated with prior use of the property. The sites involve work within a SMA or OWA. Site 1 involved a surface water diversion from McNutt Gulch and a water tank, generator and water lines. Agricultural diversions and wells are development requiring a Special Permit under Section 314-61.9 of the SMAO. This agricultural diversion is being discontinued and all improvements removed. Site 3 involved a road constructed within a portion of a wetland. This road is being completely removed and the site replanted and restored. Restoration work is to be carried out in accordance with the restoration plan prepared by Mattole Restoration Council.</p> <p>The proposed 250,000 gallon rainwater catchment pond will require development of an overflow feeding into the Western Gully identified as an ESHA in the Biological Assessment. This feature is identified as wetland on the National Wetland Inventory Mapping by the US Fish and Wildlife Service. This work will occur within an OWA buffer and the project is conditioned to require California Department of Fish and Wildlife approval of the design of this overflow feature.</p>

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2.2 Existing Cultivation	Existing outdoor cultivation areas up to one acre in size are allowed on parcels zoned AE and TPZ provided they were in existence prior to January 1, 2016.	As shown on the site plan, two of the existing cultivation sites are within the TPZ-zoned areas, and the third existing cultivation site is within the AE-zoned area. Following relocation of the two sites, all cultivation will occur in the AE zoned area. The total cultivation area is 21,976 square feet (SF), which is below the permissible mixed-light square footage of 22,000 SF. Photo and aerial imagery documentation on file with the Department shows the existing cultivation areas were in use prior to January 1, 2016. The existing source of water for all cultivation areas is a diversion from the perineal stream in McNutt Gulch. The Project proposes to cease this diversion and then remediate the area. The applicant proposes to construct a 250,000 gallon rainwater catchment pond that will supply irrigation water. The existing permitted wells with 20,000 gallons of hard tank storage will be used to support the irrigation needs of the cultivation operation.
On-site Relocation Commercial Cannabis Cultivation Sites; Department Policy Statement No. 16-002	Allow onsite relocation of a cultivated area in existence prior to January 1, 2016 where necessary or more cost effective to achieve compliance with performance standards of the CMMLUO provided that the relocation will not result in more environmental harm.	The proposed Greenhouse Relocation Area will occur on the AE-zoned portion of the property. There is a Remediation Plan for two (2) remediation areas and one (1) decommissioned road area. Remediation area 3 (decommissioned road) is within 50 feet of a "wet area". The Remediation Plan is consistent with requirements of the Mitigation and Monitoring Plan of 314-61.1.18.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person ⁱ .	According to records maintained by the Department, the applicant holds no other cannabis activity permits, and is entitled to four.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	The existing processing facilities are shown on the site plan. The buildings will be used as cultivation processing facilities solely for product grown on-site. They will provide space for drying, curing, and processing cannabis grown on site. The project's conditions of approval include the requirement that the applicant secure any required building permits for the structures.

ⁱ "For purposes of this limitation, any natural person who owns or controls any interest, directly or indirectly, in a firm, partnership, joint venture, association, cooperative, collective, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, shall be collectively considered a single person with those entities."

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	The applicant submitted the required registration form.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant submitted the Use Permit and Special Permit applications on April 25, 2016.

4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use and 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.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design and the commercial cannabis operation will be conducted in accordance with the performance standards set forth in the CMMLUO. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The parcel was not included in the 2014 Housing Inventory due to the fact that it is zoned AE and TPZ. However, the project also does not preclude any residential development.

6. Environmental Impact:

Consistent with the California Environmental Quality Act, the project was evaluated for any potential adverse effects on the environment. Based on a site inspection, information in the application, a review of relevant references in the Department, and comments from affected agencies, staff has determined that there is no evidence before the Department that the project could have any adverse effect, either individually or cumulatively, on the environment.

Moreover, the project entails permitting existing cultivation operations, including relocating approximately 10,176 square feet to an environmentally superior site, and then remediating and restoring the two retired cultivation areas. The Remediation Plan specifies remediation measures and methods to be used for full environmental remediation.

Continuation of the existing cultivation area will not result in any alteration to the project site. The cultivation relocation area will not require construction of permanent structures, placement of permanent impermeable surfaces, significant importation of fill material, removal of trees, or other alterations of land that could be considered significant. The cultivation is also an agricultural activity that will occur in areas zoned AE. Accordingly, the project may be found to be exempt from environmental review per Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land) and 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) Guidelines.

In addition, staff could not find any evidence of potential significant adverse environmental effect from permitting the cultivation of a row crop agricultural product (medical marijuana) on soils with slopes less than 15% and non-diversionary source of irrigation water. The CEQA Guidelines Section 15061 states that such activities are exempt from CEQA by the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Permitting of existing cultivation and greenhouses is exempt from CEQA guidelines by Section 15301, the categorical exemption for permitting of existing facilities.

ATTACHMENT 3
Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not Applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) 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. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and 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. (Attachment 3A)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attachment 3A)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attachment 3B)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (On file)
9. If the source of water is a well, a copy of the County well permit, if available. (Attachment 3C)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-

FIRE. (Not applicable, to Site #1 - this landing was in existence from prior logging operations. Site #2 involved removal of approximately 20 trees used for large woody debris in an off-site stream restoration project activity. This removal is technically timberland conversion without the required permit; however, the restoration plan will fully restock this site to restore its timberland productivity.)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On-file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)

ATTACHMENT 3A
Cultivation and Operations Plan

C. Cultivation and Operations Plan

1.0 Purpose of the Cultivation and Operations Plan

Subsection (d) of Section 314-55.4.10 of the County Code sets forth the required elements of a cultivation and operations plan. These required elements are addressed below and include: Water Use, including water storage, irrigation and conservation; Water Quality, including drainage, runoff and erosion control; Watershed Protection, including protection of the watershed and habitat; and Materials Storage, including proper storage of fertilizers, pesticides, and other products used in cultivation.

Additionally, this Cultivation and Operations Plan addresses certain Performance Standards for Cultivation and Processing Activities specified in Subsections (s), (t) and (u) of Section 314-55.4.10 of the County Code. These Standards include: Processing Practices, including sanitation, quality control, and employee protections; and Employee Safety Practices, including emergency response and hazard prevention measures.

The Cultivation and Operations Plan also addresses security measures and protocols for safety and to prevent the diversion of cannabis for non-medical purposes.

2.0 Water Use

2.1 Water Use

Water is used onsite for crop irrigation and ancillary uses. Peak water demand for cultivation activities typically occurs between August and October. Throughout their life-cycle, individual plants are watered only by focused drip irrigation system. Drip-watering ensures maximal water use efficiency and that no runoff is created.

Although irrigation water for past cultivation operations was supplied by a direct diversion from McNutt Gulch, the main supply of water for the project will be provided by a 250,000-gallon rainwater storage pond and three on-site wells, which were constructed in April, May, and August of 2016. Each well casing has an outside diameter of five inches and is sealed to a depth of 20 feet. According to the completion logs, groundwater was encountered at distances of 7 and 18 feet below ground surface. These wells are not hydrologically connected to McNutt Gulch. It should be noted that under the Project, the Applicant will discontinue direct diversions from McNutt Gulch.

Total water use for mixed-light cultivation is estimated to be a maximum of 1 acre-foot (330,000 gallons) per year for two cultivation cycles. Water is presently stored in eight 2,500-gallon plastic tanks located at the northern boundary of Parcel 2. The Applicant has also applied for a

County permit to construct a pond with a 250,000-gallon capacity for additional rainwater storage. The pond would be located south of the private road approximately five hundred feet (500') north of Mattole Road. Once the pond is constructed, the majority of the water demand for the Project has the potential to be supplied by rainwater.

2.2. Water Storage

Currently, a total of eight 2,500-gallon water storage tanks provide approximately 20,000 gallons of water storage for irrigation on site. As noted, the Applicant has separately applied to the County for approval to construct an approximately 250,000-gallon rainwater catchment and storage pond.

2.3 Irrigation and Conservation

The Project currently utilizes drip irrigation systems to provide direct-to-root irrigation with minimal or no water waste. The Project will continue to utilize these systems, as well as other new water conserving techniques and equipment that will be utilized and tested to evaluate effectiveness and efficiency.

3.0 Water Quality and Watershed Protection

3.1 Water Quality

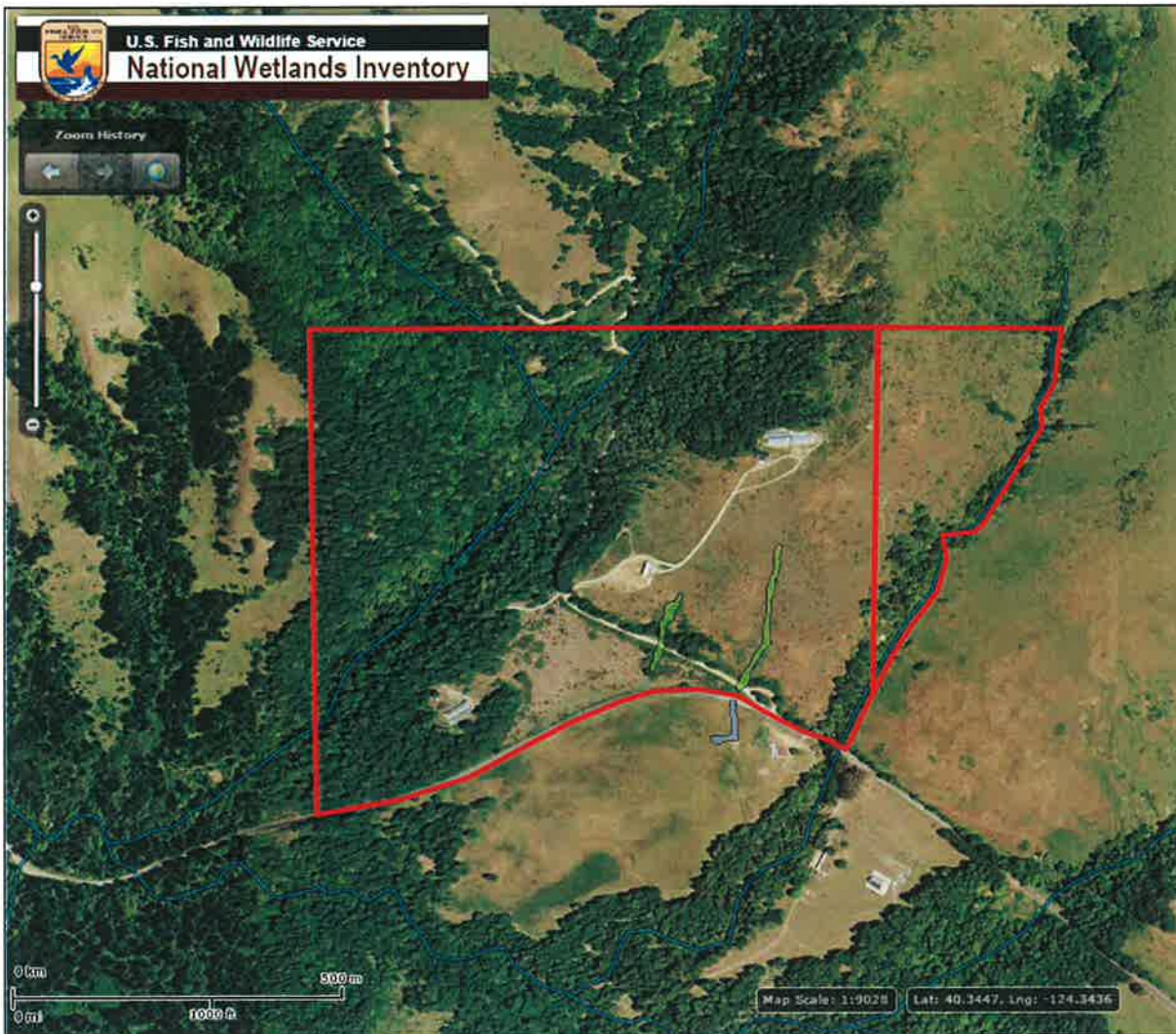
The Property consists of timberland areas (i.e., forested) and agricultural areas (i.e., gently sloped or flat areas predominated by natural grasses, access roads, and/or existing structures or cultivation). As detailed in the Project description, the Project entails continued use of an existing cultivation area within the agricultural portion of the property and relocation of two existing cultivation areas out of the wooded portion of the Property and on to the agricultural portion of the Property. This change alone presents a significant reduction in the Project's potential risk to water quality.

All marijuana cultivation occurs in greenhouses in areas which are level (less than 2% slope). All irrigation is maintained inside greenhouses and applied at agronomic rates so that runoff is not created.

3.2 Watershed Protection

The Property contains McNutt Gulch in the western, timberland portion, as well as two minor unnamed drainage courses in the agricultural portion. The Property is additionally bounded along its eastern boundary by a larger unnamed drainage to McNutt Gulch. These features are depicted in **Figure 1** below.

Figure 1. NWIM Map



All cultivation occurs at least six hundred feet (600') from any water feature; the relocated cultivation area is more than three hundred feet (300') from the closest drainage feature and from the unnamed drainage to McNutt Gulch along the Property's eastern border. McNutt Gulch is more than 800 feet from the closest cultivation area. As discussed above, careful irrigation practices prevent any discharge of water; in conjunction with greenhouses, the Project will result in no discharge of agricultural water to any of the water features on or near the Property.

Moreover, both Parcel 1 and Parcel 2 are enrolled under the North Coast Regional Water Quality Control Board's (Regional Water Board) Order No. 2015-0023, Waiver of Waste Discharge and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects (Order). Enrollment is managed through Pacific Watershed Associates (PWA), a registered Third Party authorized by the Regional Board to facilitate implementation of the Order. Parcel 2,

which comprises approximately 25 acres, is enrolled under Tier 1 of the Order, which means that project activities on Parcel 2 pose a lost risk to water quality.

Parcel 1, which comprises approximately 135 acres, and on which all existing cultivation and processing under the project will occur, is enrolled under Tier 2 of the Order. Pursuant to the Order, PWA has prepared a Water Resource Protection Plan (WRPP), which describes and addresses the required elements and compliance with the Order. The WRPP establishes actions the project applicant must take to ensure compliance with the Order's water quality protection measures.

3.3 Materials Storage

Standard agricultural food-crop fertilizer and natural pest deterrent products are used in cultivation, which are citrus or neem-seed based and permitted for use in organic farming. These materials are kept in the outbuildings on the Property and are returned to storage immediately after use. All persons applying pesticides are provided full protective suits with gloves, face protection and ventilation.

4.0 Cultivation Practices

Cultivation activities typically commence in May when plants are started in 4-inch pots. Soil is amended with organic nutrients. After June 1 the plants are transplanted into 2-5 gallon pots. In July the plants are transplanted into final containers (25-65 gallon pots). The most intense growing period is between August and October. Harvest typically occurs mid- to late-October. Plants are irrigated, as described above, by drip system at agronomic rates to avoid runoff.

5.0 Processing Plan

5.1 Summary of Processing Practices and Location

Upon maturation, harvested plants are immediately placed in bins, sealed and closed. Bins are taken to one of the two outbuildings on the Property where the cannabis is trimmed and hung to dry. The outbuildings have been equipped with air conditioning and dehumidification for proper curing and elimination of conditions that promote mold. After drying, the cannabis is further processed, cured and sorted. All work surfaces and equipment are maintained in a clean and sanitary condition. Protocols to prevent contamination of cannabis product with mold and mildew are strictly followed. Curing takes place in an air conditioned environment. The finished product is kept in a secure location.

5.2 Employees

The Project, as noted, proposes the continued use of an existing cultivation area and relocation of existing cultivation areas out of the timberland portion of the Property and onto agricultural areas. The Project does not propose new or expanded cultivation or processing operations.

Accordingly, the number of employees will remain the same as under existing conditions. Up to ten (10) seasonal employees participate in harvest and processing of cannabis in the fall for a period of approximately thirty (30) days. Employees are local residents and do not require on-site housing.

5.3 Employee Safety Practices

Employee safety is ensured through training and appropriate protective equipment. All employees, including seasonal employees, receive training on safety and processing protocols. All employees involved in processing cannabis are required to wear gloves. Face masks are provided. Information is posted in the processing area specifying contact information for the onsite manager, emergency responders and poison control center. Access to first aid kits is provided for employees in the processing areas. An eye wash station is provided.

5.4 Employee Sanitation and Hydration

Restroom facilities and hand wash facilities are provided via portable units. Restrooms are serviced on a scheduled basis by a service company. Drinking water is provided from a water cooler.

5.5 Road Use

As noted, the Project does not propose new or expanded cultivation or processing operations. Road use will remain the same under the Project as under existing conditions. As is current practice, the Applicant maintains on-site access roads through grading and gravel application.

5.6 On-Site Housing

The Project does not include any on-site housing.

6.0 Security Measures

The Project site is located in a rural, remote area west of Petrolia. The site is not visible from high-traffic public roads, and no high-density residential, commercial, school, or other uses are located near the Project site. All cultivation and processing areas on the Property are monitored around the clock. Security cameras are maintained near greenhouses and processing areas. Finally, all greenhouses and processing areas are securely locked in order to prevent unauthorized access.

* * *

ATTACHMENT 3B

**Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast
Regional Water Quality Control Board**

NMA

**ENROLLMENT NOTICE OF INTENT FORM
FOR
WAIVER OF WASTE DISCHARGE REQUIREMENTS
ORDER NUMBER R1-2015-0023**

Submission of this Notice of Intent (NOI) to the North Coast Regional Water Quality Control Board (Regional Water Board) or an approved third party constitutes notice that a discharger, identified in Section I of this form, requests and receives authorization to discharge pursuant to the Waiver of Waste Discharge Requirements Order number R1-2015-0023. Upon submittal of the NOI, waste discharges are authorized pursuant to the conditions of the Order. Order coverage is required for existing Tier 1, 2, and 3 cultivation sites by February 15, 2016. Dischargers who begin operations after the effective date of this Order must file an NOI prior to commencement of cultivation operations.

To obtain authorization, dischargers must submit a complete and accurate NOI form, encompassing sections I and II, as well as complete the MRP in Appendix C of the Order. Any additional documentation required by the Order, such as a water resource protection plan, must be completed and secured on-site, to be made available upon inspection by the Regional Water Board. This NOI form must be submitted upon enrollment and the discharger shall amend and resubmit the NOI within 30 days if there is a change in Tier status based upon changed site conditions.

Completed forms shall be signed and submitted to the Regional Water Board or an approved third party.

Forms submitted to the Regional Water Board shall be submitted electronically to northcoast@waterboards.ca.gov. If electronic submission is infeasible, hard copies can be submitted to: North Coast Regional Water Quality Control Board 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

I. Discharger Information

First Name, Middle Initial

D a v i d

Last Name

B r i t e

Mailing Address:

Street

3 2 1 S o u t h M a i n S t r e e t

City

S e b a s t a p o l

State

C A

ZIP

9 5 4 7 2

Phone Number:

7 0 7 - 4 6 8 - 7 8 8 3

Email:

r a i n m a k e r p r o p e r t i e s @ o u t l o o k . c o m

II. Site Information

Site Address:

Street

2 5 7 2 5 o l d M a t t o l e R o a d

City

p e t r o l i a

State

C A

ZIP

9 5 5 5 8

Assessor's Parcel Number (APN)

1 0 4 - 2 6 1 - 0 0 6

Please check the Box from the following options to state which Tier you are registering as:

Tier 1

Tier 2

Tier 3

Under Tier 2, water resource protection plans must be developed within 180 days of submittal of this NOI form. Under Tier 3, cleanup and restoration plans must be submitted to the Regional Water Board within 45 days of submittal of this NOI form.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information contained in this document and all attachments is, to the best of my knowledge and belief, true, accurate, and complete. I agree to monitor my site in compliance with the Waiver Monitoring and Reporting Program; complete Sections I and II, above; keep the NOI, the annual monitoring and reporting documents and, if applicable, the water resource protection plan and cleanup and restoration plan document(s) on site, and make them available to Water Board staff upon request.

If there is a change in Tier status based on changed site conditions, the changes must be documented, appended to this document, and resubmitted to either the Regional Water Board or, if applicable, an approved third party.

Print name: David Brite

Signature: 

Date: 2-4-16

ATTACHMENT 3C
County Well Permit

*The free Adobe Reader may be used to view and complete this form. However, software must be purchased to complete, save, and reuse a saved form.

File Original with DWR

State of California
Well Completion Report

Page _____ of _____
 Owner's Well Number _____
 Date Work Began 04/30/2016 Date Work Ended 5/7/2016
 Local Permit Agency Humboldt County Environmental Health Dept.
 Permit Number 13/14-0037 Permit Date 12/10/13

DWR Use Only - Do Not Fill In

State Well Number/Site Number _____

Latitude _____ N _____ W
Longitude _____

APN/TRS/Other _____

Geologic Log		
Orientation <input checked="" type="radio"/> Vertical <input type="radio"/> Horizontal <input type="radio"/> Angle Specify _____		
Drilling Method <u>Direct Rotary</u> Drilling Fluid <u>Bentonite mud</u>		
Depth from Surface		Description
Feet	to Feet	Describe material, grain size, color, etc.
0	3	Brown Topsoil
3	10	Brown Clay
10	25	Brown Sandy Clay
25	35	Grey Sandy Clay
35	45	Weathered Shaley Bedrock
45	50	Sand & Gravel
50	70	Grey Sandy Clay with Weathered Bedrock
70	100	Weathered Shaley Bedrock
RECEIVED MAY 9 2016 HUMBOLDT COUNTY ENVIRONMENTAL HEALTH DEPT.		
Total Depth of Boring <u>100</u> Feet		
Total Depth of Completed Well <u>100</u> Feet		

Well Owner

Name Rainmaker Properties LLC
 Mailing Address 321 Main Street
 City Sebastopol State CA Zip 95472

Well Location

Address 25725 Old Mattole Road
 City Petrolia County Humboldt
 Latitude _____ N Longitude _____ W
 Datum _____ Dec. Lat. _____ Dec. Long. _____
 APN Book 104 Page 261 Parcel 006
 Township _____ Range _____ Section _____

Location Sketch
 (Sketch must be drawn by hand after form is printed.)

North

West

East

South

* well

Mattole Rd.

Indicate or describe distance of well from roads, buildings, fences, rivers, etc. and attach a map. Use additional paper if necessary. Please be accurate and complete.

Activity

New Well
 Modification/Repair
 Deepen
 Other _____
 Destroy
 Describe procedures and materials under "GEOLOGIC LOG"

Planned Uses

Water Supply
 Domestic Public
 Irrigation Industrial

Cathodic Protection
 Dewatering
 Heat Exchange
 Injection
 Monitoring
 Remediation
 Sparging
 Test Well
 Vapor Extraction
 Other _____

Water Level and Yield of Completed Well

Depth to first water 12 (Feet below surface)
 Depth to Static _____
 Water Level 7 (Feet) Date Measured 05/07/2016
 Estimated Yield 3 (GPM) Test Type Constant Rate
 Test Length 4.0 (Hours) Total Drawdown 60 (Feet)
 *May not be representative of a well's long term yield.

Casings							
Depth from Surface	Borehole Diameter	Type	Material	Wall Thickness	Outside Diameter	Screen Type	Slot Size
Feet to Feet	(Inches)			(Inches)	(Inches)		If Any (Inches)
0	20	9"	Blank	PVC Sch. 40	SDR-21 5"		
20	100	9"	Screen	PVC Sch. 40	SDR-21 5"	Milled Slots	0.050

Annular Material			
Depth from Surface	Fill	Description	
Feet to Feet			
0	20	Bentonite	Bentonite Chips
20	100	Filter Pack	3/8" Pea Gravel

Attachments

Geologic Log
 Well Construction Diagram
 Geophysical Log(s)
 Soil/Water Chemical Analyses
 Other _____

Attach additional information if it exists.

Certification Statement

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

Name Mitchell Drilling Environmental Corp.
 Person, Firm or Corporation
7900 Myrtle Ave. Eureka CA 95503
 Address City State Zip
 Signed _____ Date Signed 5/09/2016 672617
 C-57 Licensed Water Well Contractor C-57 License Number

The free Adobe Reader may be used to view and complete this form. However, software must be purchased to complete, save, and reuse a saved form.

File Original with DWR

State of California

Well Completion Report

Refer to Instruction Pamphlet
No. **e0309779**

Page _____ of _____

Owner's Well Number _____

Date Work Began 04/30/2016

Date Work Ended 5/7/2016

Local Permit Agency Humboldt County Environmental Health Dept.

Permit Number 13/14-0037

Permit Date 12/10/13

DWR Use Only - Do Not Fill In

State Well Number/Site Number _____

Latitude _____ N _____ W
Longitude _____

APN/TRS/Other _____

Geologic Log		
Orientation <input checked="" type="radio"/> Vertical <input type="radio"/> Horizontal <input type="radio"/> Angle Specify _____		
Drilling Method <u>Direct Rotary</u> Drilling Fluid <u>Bentonite mud</u>		
Depth from Surface	Feet to Feet	Description
Describe material, grain size, color, etc		
0	3	Brown Topsoil
3	10	Brown Clay
10	25	Brown Sandy Clay
25	35	Grey Sandy Clay
35	45	Weathered Shaley Bedrock
45	50	Sand & Gravel
50	70	Grey Sandy Clay with Weathered Bedrock
70	100	Weathered Shaley Bedrock
RECEIVED MAY 9 2016 HUMBOLDT COUNTY ENVIRONMENTAL HEALTH DEPT.		
Total Depth of Boring <u>100</u> Feet		
Total Depth of Completed Well <u>100</u> Feet		

Well Owner

Name Rainmaker Properties LLC

Mailing Address 321 Main Street

City Sebastopol State CA Zip 95472

Well Location

Address 25725 Old Mattole Road

City Petrolia County Humboldt

Latitude _____ N _____ W
Longitude _____

Datum _____ Dec. Lat. _____ Dec. Long. _____

APN Book 104 Page 261 Parcel 006

Township _____ Range _____ Section _____

Location Sketch
(Sketch must be drawn by hand after form is printed.)

North

West

East

South

well

Mattole Rd.

Illustrate or describe distance of well from roads, buildings, fences, etc. and attach a map. Use additional paper if necessary. Please be accurate and complete.

Activity

New Well
 Modification/Repair
 Deepen
 Other _____
 Destroy

Describe procedures and materials under "GEOLOGIC LOG"

Planned Uses

Water Supply
 Domestic Public
 Irrigation Industrial

Cathodic Protection
 Dewatering
 Heat Exchange
 Injection
 Monitoring
 Remediation
 Sparging
 Test Well
 Vapor Extraction
 Other _____

Water Level and Yield of Completed Well

Depth to first water 12 (Feet below surface)

Depth to Static _____

Water Level 7 (Feet) Date Measured 05/07/2016

Estimated Yield 3 (GPM) Test Type Constant Rate

Test Length 4.0 (Hours) Total Drawdown 60 (Feet)

*May not be representative of a well's long term yield.

Casings						
Depth from Surface	Borehole Diameter	Type	Material	Wall Thickness	Outside Diameter	Screen Type
Feet to Feet	(Inches)			(Inches)	(Inches)	Slot Size If Any (Inches)
0	20	9"	Blank	PVC Sch. 40	SDR-21 5"	
20	100	9"	Screen	PVC Sch. 40	SDR-21 5"	Milled Slots 0.050

Annular Material			
Depth from Surface	Fill	Description	
Feet to Feet			
0	20	Bentonite	Bentonite Chips
20	100	Filter Pack	3/8" Pea Gravel

Attachments

Geologic Log
 Well Construction Diagram
 Geophysical Log(s)
 Soil/Water Chemical Analyses
 Other _____

Attach additional information, if it exists.

Certification Statement

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

Name Mitchell Drilling Environmental Corp.
Person, Firm or Corporation

7900 Myrtle Ave. Eureka CA 95503
Address City State Zip

Signed [Signature] Date Signed 5/09/2016
C-57 Licensed Water Well Contractor C-57 License Number

DWR 186 REV. 1/2008

IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM

*The free Adobe Reader may be used to view and complete this form. However, software must be purchased to complete, save, and reuse a saved form.

File Original with DWR

State of California
Well Completion Report
Made to Instructions Prescribed
No. XXXXXXX

Grid Use Only - Do Not Fill In

State Well Number/Title Number

Latitude Longitude

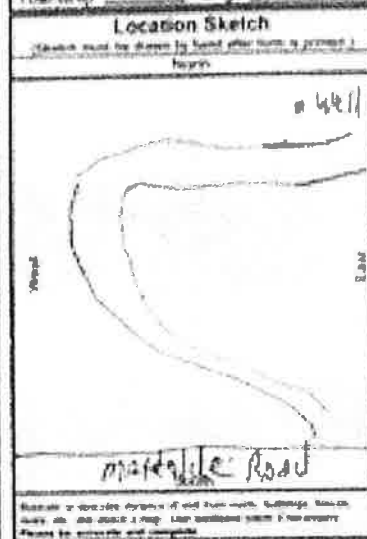
Altitude/Sea Level

Well Number _____ of _____
Date Work Began _____ Date Work Ended _____
Local Permit Agency Humboldt County Env. Health Dept
Permit Number 13714-0037 Permit Date 12-10-13

Geologic Log		
Orientation	Drilling Method	Description
<input checked="" type="radio"/> Vertical <input type="radio"/> Horizontal <input type="radio"/> Angle <td><u>Mud Rotary</u></td> <td><u>Benbowite</u></td>	<u>Mud Rotary</u>	<u>Benbowite</u>
Depth from Surface	Foot to	Foot
0	3	Topsoil
3	10	Brown Clay
10	15	Brown Sandy Clay
15	20	Grey Clay
20	25	Gravel
25	32	Gravel & Rock
32	45	Weathered bedrock
Total Depth of Boring <u>45</u> Feet		
Total Depth of Completed Well <u>40</u> Feet		

Well Owner
Name Rainmaker Properties LLC
Mailing Address 321 S. Main St.
City Sebastopol State CA Zip 95472

Well Location
Address 25725 Old Platte Rd
City Petaluma County Humboldt
Latitude _____ N Longitude _____ W
Datum _____ Dec. Lat. _____ Dist. Long. _____
NPN Box 104 'age 261 Parcel 016
Township _____ Range _____ Section _____



Activity

New Well
 Modification/Repair
 Deepen
 Other _____
 Destroy

Planned Uses

Water Supply
 Domestic Public
 Irrigation Industrial
 Cathodic Protection
 Desalting
 Heat Exchange
 Injection
 Monitoring
 Remediation
 Sparging
 Test Well
 Vapor Extraction
 Other _____

Water Level and Yield of Completed Well

Depth to first water 18 (Feet below surface)
Depth to Static _____
Water Level 18 (Feet) (Date Measured _____)
Estimated Yield 2 (GPM) Test Type A/C/W/T
Test Length 4 (Hours) Total Drawdown N/A (Feet)
*May not be representative of a well's long term yield.

Casings							Annular Material			
Depth from Surface	Borehole Diameter	Type	Material	Wall Thickness	Outside Diameter	Screen Type	Slot Size	Depth from Surface	FTB	Description
0	20	Blank	PVC	SDR-21	5"			0	20	Benbowite Benite Chips
20	40	Screen	PVC	SDR-21	5"	millidash	1/8"	20	40	FILTERPAK Pro Gravel

Attachments

Geologic Log
 Well Construction Diagram
 Geophysical Log(s)
 Soil/Water Chemical Analyses
 Other _____

Certification Statement

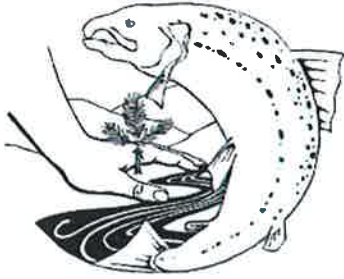
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

Name Edward M. Farrell WATER WELL DRILLING
7900 MYSTIC AVE. EUREKA, CA 95503
Signed Edward M. Farrell Date Signed 8/15/16 C-57 License Number 303670

For additional information, if it exists
REV 08/15/2008

IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM

ATTACHMENT 3D
RESTORATION PLAN



Mattole Restoration Council

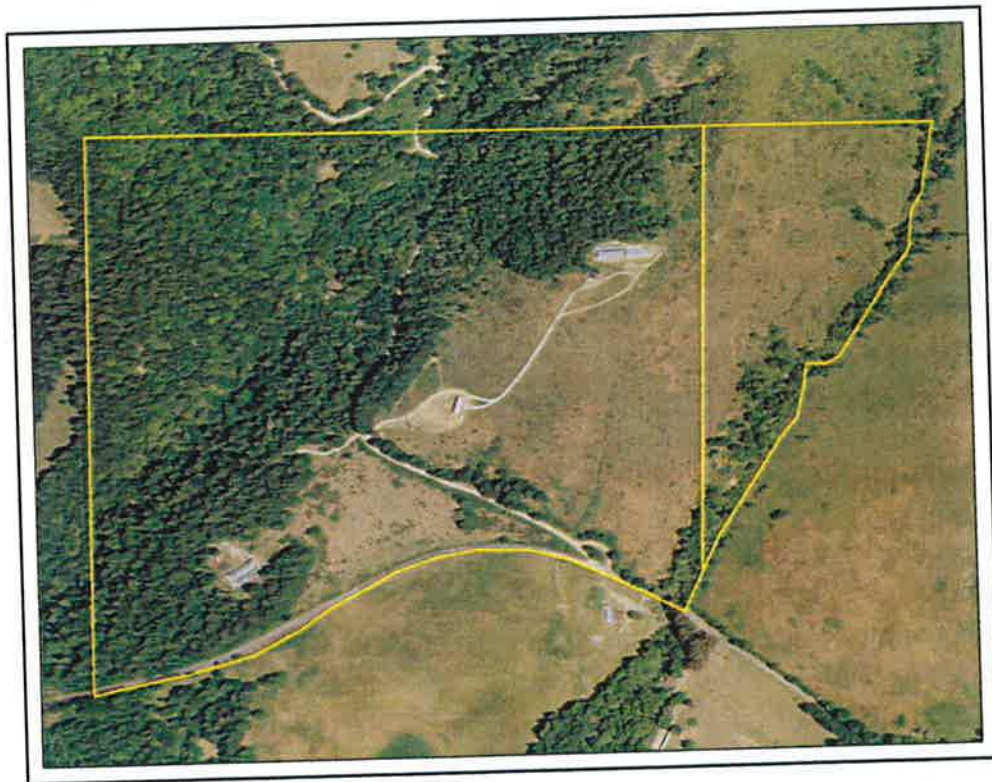
Main Office
PO Box 160, Petrolia, CA 95558
Ph: (707) 629-3514
Fax: (707)629-3577
mrc@mattole.org

Upriver Office
PO Box 223, Whitethorn, CA 95589
Ph: (707) 986-1078
Fax: (707) 986-7374
upriver@mattole.org

Restoration Plan

for:

Rainmaker Properties, LLC
25725 Old Mattole Road, Petrolia CA 95558
APN 104-261-006



Prepared By:
Mattole Restoration Council
for submission to:
Humboldt County Planning Department
825 5th Street
Eureka CA, 95501

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Maps and Attachments

Map 1. Vicinity Map

Map 2. Project Site - Aerial Photo

Map 3. Project Site - Topographical Map

Map 4. Project Site 1 - 1965 Aerial Photo

Attachment 1. Site Plan

Attachment 2. Site Photos

Attachment 3. Monitoring Form

Attachment 4. Site 3 Mitigation Report

Rainmaker Properties
Restoration Plan
Mattole Restoration Council, March 10, 2017

1. Introduction

This Restoration Plan ('plan') is being prepared for the Humboldt County Planning Department, by Mattole Restoration Council, on behalf of Rainmaker Properties, LLC's application for a conditional use permit (the "Application") under the County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO"). The project site ('project site') is located at 25725 Old Mattole Road, near Petrolia, CA, in Humboldt County. The Project site includes APN 104-261-006 and APN 105-021-011 (Map 1, Map 2, Map 3 and Attachment 1). Vegetation removal and greenhouse construction were conducted at two locations ('Site 1' and 'Site 2') and road construction and decommissioning were completed at one site ('Site 3) within the project site (Map 2).

A Restoration Plan was requested by the County to detail methods to be used for the full environmental remediation of Site 1, Site 2 and Site 3. The goal of this Restoration Plan is to specify remediation measures, including removal of all cultivation related materials, equipment and improvements, regrading to preexisting contours, reseeding with native vegetation, reforestation, habitat restoration, and minimize sediment and erosion to the restoration areas within Sites 1, Site 2 and 3 (Map 2).

The County also requested a Streamside Management Area permit for the remediation of Site 1, Site 2, and Site 3, if necessary based on whether remediation of either site would occur within a County-mapped Streamside Management Area. "Streamside Management Areas", as defined in County ordinance, are those areas within 100 feet on either side of a perennial stream, and within 50 feet on either side of intermittent streams. McNutt Gulch is an intermittent stream. From field measurements and aerial photo analysis, it was concluded that all remediation work on Site 1, Site 2, and Site 3 would be outside the Stream Management Area as defined in the Humboldt County Streamside Management Ordinance Section 314-61.1. No separate Streamside Management Area permit is required under the County ordinance.

Site 1 was a historic logging landing, where vegetation removal took place by previous landowners between 1942 and 1965. Air photo analysis shows that this site was used for logging activities sometime before the 1965 air photo was taken (See Map 4). Approximately 2,756 sq.ft. of vegetation was removed at this site. The site was previously utilized for cultivation, but is currently not. This cultivation site will be relocated to a new greenhouse relocation area that will exist on both APN 104-261-006 and APN 105-021-011 (Attachment 1). This site will be restored with native plant materials. See Map 1 and 2 for project site and Attachment 2, Photos 1-2 for photos of Site 1.

Vegetation removal and greenhouse construction were conducted at Site 2 in the fall of 2015. Approximately 10,155 sq.ft. of vegetation was removed by previous landowners and two 20 ft. by 126 ft. greenhouses were constructed by the current landowner. During construction, two 20 ft. by 126 ft. by 0.25 ft. asphalt pads were installed on the floor of the greenhouses. These greenhouses will be relocated to a new greenhouse relocation area that will exist on both APN 104-261-006 and APN 105-021-011. Asphalt will be removed from this site and disposed of. Site 2 will be restored using native plant materials. See Attachment 1, Photos 3-4 for photos of Site 2.

A road was constructed at Site 3 in the spring of 2016. Approximately 16,000 sq. ft. of vegetation was removed. One 30 ft. by 500 ft. road and one adjoining 160 ft. by 30 ft. road were constructed using 5 in. - 6 in. diameter rock. After an assessment of the site by Pacific Watershed Associates, it was determined that the road construction directly impacted a small wetland and wetland vegetation. The road was decommissioned following this finding and is no longer used. In April of 2016, the landowner contracted the Mattole Restoration Council to perform erosion control and mitigation projects on Site 3, including seeding of native grasses, installation of native plants, and installation of native grass straw. This site will have additional road decommissioning and mitigation activities through fill removal and installation of native plant materials. See attachment 4 for photos of Site 3.

2. Background

At the request of the landowner, Mattole Restoration Council (MRC) staff performed site assessments on January 21, 2017 and February 12, 2017. During the site assessments, MRC staff collected data on native species composition adjacent to the two sites, assessed potential sediment impacts to McNutt Gulch, collected site measurements, discussed vegetation removal and greenhouse construction activities with landowner, and photographed the remediation sites. Additionally, air photo analysis was used to determine dates of vegetation removal, measure distance from streams, and assess historic vegetation composition.

3. Location and Site Conditions

The project site is located to the north of Mattole Road, west of Petrolia, CA. The main stem of McNutt Gulch runs through the northwest corner of APN 104-261-006, and seasonal tributaries to McNutt Gulch run through the property. The project areas of the three restoration sites comprise approximately 0.67 acres of the 125.5 acre parcel.

Site 1 is a flat terrace located above an intermittent tributary to McNutt Gulch. The site is dominated by the perennial non-native grasses velvet grass (*Holcus lanatus*) and orchard grass (*Dactylis glomerata*). Native and non-native forbs present on the site include poison hemlock

(*Conium maculatum*), Italian thistle (*Carduus pycnocephalus*), Scotch broom (*Cytisus scoparius*), *Stachys* sp., and *Juncus* sp. The site is surrounded by native trees including, buckeye (*Aesculus californica*), big leaf maple (*Acer macrophyllum*), and bay laurel (*Umbellularia californica*), shrubs including, coyote brush (*Baccharis pilularis*), and forbs including blackberry (*Rubus ursinus*) and ocean spray (*Holodiscus discolor*). Buckeye is the dominant tree species surrounding the site. One arroyo willow (*Salix lasiolepis*) is located adjacent to the site. Rainfall is approximately 80 inches per year. The site is located at longitude -124.334279 and latitude 40.352324, at an elevation of 280 ft. It is approximately 80 ft. from an unnamed intermittent tributary to McNutt Gulch and 240 ft. from the main stem of McNutt Gulch. An analysis of aerial photos between 1942 and 2014 (Map 4) shows that this site was historically used as a logging landing. Most logging activities adjacent to this parcel took place between 1942 and 1965.

Site 2 is flat site dominated by annual and perennial grasses (unable to identify at time of site visit) and surrounded by native trees and shrubs, including Douglas fir (*Pseudotsuga menziesii*) and coyote brush. Rainfall is approximately 80 inches per year. Site 2 is located at longitude -124.335602 and latitude 40.347591, and at 360 ft. elevation. It is located 500 ft. from the mainstem of McNutt Gulch. An analysis of aerial photos between 1942 and 2014 shows that this site was historically forested, and was likely dominated by Douglas fir. Currently the site has two 20 ft. by 126 ft. greenhouses on it that will be relocated to the greenhouse relocation area.

Site 3 is a decommissioned road on a hill slope and is dominated by non-native grasses and native rushes (*Juncus* spp.) and surrounded by coyote brush and Douglas-fir. The site also has some native grasses present including, blue wildrye (*Elymus glaucus*), California brome (*Bromus carinatus*) and California fescue (*Festuca californica*) that were planted in the spring of 2016 by the Mattole Restoration Council. Rainfall is approximately 80 inches per year. Site 3 is located at longitude -124.328781 and latitude 40.352238 and at 440ft. in elevation. It is located approximately 1,100ft. from McNutt Gulch and includes an intermittent stream in the western corner of the project site.

4. Conditions to be Remediated

Historic disturbances by previous landowners to Site 1 include vegetation removal to create a landing for logging operations (Map 4). Native vegetation was removed and areas were then colonized by non-native grasses. Based on local conditions, vegetation removed from this site most likely consisted of buckeye, big leaf maple, Douglas fir, and bay laurel. Current plant species on this site include an assemblage of non-native grass covering approximately 80% of the site. The site was previously used for cultivation, but currently it is not. Further, based on

field review, the site has not been graded by the current owner, and the current grade is consistent with surrounding grades.

Recent disturbances to Site 2, include vegetation removal in July of 2011, when the previous landowner at that time donated approximately 20 whole Douglas fir and grand fir (*Abies grandis*) to the Mattole Salmon Group for an in-stream habitat enhancement project. The trees were removed by tipping whole trees with an excavator and removing trees with a logging truck. Once trees were removed, the site was restored back to original grade and mulched. Two greenhouses with asphalt floors was built on the site in 2015. The Douglas fir and grand fir removed from the site varied in size from 18" - 24" dbh and were approximately 60 ft. to 80 ft. tall. It is not known what the dominant understory vegetation was, but based on nearby assemblages, it likely included shrubs such as coyote brush, and poison oak (*Toxicodendron diversilobum*), as well as native and non-native grasses. Currently the site is dominated by non-native grasses, and total vegetative cover is approximately 80%. Further, based on field review, the site has not been graded by the current owner, and the current grade is consistent with surrounding grades.

In the spring of 2016, a road was constructed at Site 3 consisting of one 30 ft. by 500 ft. road segment and one adjoining 160 ft. by 30 ft. road segment. The site was rocked with 5 - 6 in. diameter road rock and bare soils were mulched. During construction approximately 16,000 sq. ft. (0.37ac) of vegetation was removed or impacted by construction activities. After assessments of the site by Pacific Watershed Associates, it was determined that construction activities impacted a small wetland and wetland species. The landowner hired a contractor to decommission the road by removing rock and grading back to original grade, however some of the rock still remains on-site. The landowner contracted Mattole Restoration Council to implement erosion control and native plant restoration activities after decommissioning of the road. In May of 2016, MRC installed 750 native plants (650 *Juncus* divisions from on-site sources and 100 plugs of California fescue), distributed 20 lbs. of blue wildrye and California brome grass seed, and distributed 15 bales of native grass straw. A summary of this work, as well as a map detailing the extent of mitigation activities can be found in Attachment 4. A survey of the site was conducted by staff from California Department of Fish and Wildlife in November of 2016 and they suggested that construction activities lead to the spread of non-native thistles and displacement of native plants. An assessment of the site by MRC staff in February of 2017 confirmed that there was significant amounts of an unidentified thistle, likely bull thistle (*Cirsium vulgare*), invading the project site. MRC did not conduct thorough monitoring of plant survivorship for native plants installed, but a visual assessment in February 2017 found that many of the *Juncus* plants that were installed were alive. However much of the seeding areas did not show signs of growth of blue wildrye and California brome. MRC also

observed that some of the rock that was used to build the road was still present on-site and potentially impacting recruitment of vegetation and hydrology. Assessing undisturbed, existing vegetation adjacent to the project site, and some existing vegetation within the project sites, MRC determined that the site was most likely dominated by non-native grasses, native rush species (likely common rush, *Juncus effusus*) and coyote brush.

5. Recommendations

To ensure that Site 1, Site 2 and Site 3 are remediated as required under the CMMLUO, and to mitigate for any erosion, we recommend the following measures be implemented:

- Deconstruct and re-locate greenhouses;
- Remove and dispose of asphalt;
- Remove and relocate fill materials from Site 3
- Site preparation for installation of native plants;
- Installation of native trees, grasses, and sedges or rushes through container plant installation, as well as direct seeding;
- Installation of native grass straw or similar straw for erosion control
- Remove invasive plants from project sites; and
- Monitor and maintain plants for a five year period.

As noted above, all cultivation-related disturbance of Site 1, Site 2 and Site 3 occurred outside of County-mapped Streamside Management Areas, and all remediation of that disturbance will similarly occur outside of any Streamside Management Area.

6. Sediment Control Plan

The delivery of sediment from Site 1, Site 2 and Site 3 under current conditions is minimal. Vegetation surrounding the sites creates an ample buffer from intermittent and perennial streams. Immediately following site preparation and grading of these sites, mulch straw should be added to protect surface soils and to mitigate sediment delivery. Site preparation should take place in late summer or early fall when impacts of heavy rainfall are minimal. Native plant installation activities should take place soon after site preparation to allow native perennial grasses to germinate and allow for root growth during the winter. If soil moisture is inadequate during the plant establishment period, overhead irrigation is recommend to allow for proper germination of native grasses.

7. Restoration Procedures

7.1 Restoration Goals and Performance Standards

The goal of these restoration activities is to achieve 75% plant survival for container planting, 80% native grass cover for seeding areas, and 90% vegetative cover (non-native and native) after a 5 year plant establishment period. These target percentages will achieve adequate cover to mitigate sediment delivery, provide ample site stability, and provide habitat for wildlife species.

7.2 Restoration Methodology & Standards

7.2.1 Removal and Disposal of On-site Materials

Prior to any restoration work, remove all materials from project sites including greenhouse and any supplies. All asphalt shall be removed and recycled, or disposed of at local waste management facility. All cultivation-related equipment and materials shall be removed.

7.2.2 Site Preparation

Prior to native plant installation, Sites 1 and 2 shall be ripped to 6" below grade in areas of heavy compaction to prepare seed bed for broadcast seeding areas. No further regrading is necessary to return either site to pre-existing contours. At Site 3, remove road rock and fill material by hand or with equipment, avoiding native vegetation as much as possible, and relocate materials to existing roads. Upon completion of rock removal, site shall be graded to original grade, or in a way that allows for proper flow of surface and subsurface water.

7.2.3 Plant Materials

All native plant materials shall be sourced from local native plant nurseries that are able to provide seed or plants with seed collected within the 390 seed zone, or from sites with similar climate within 50 miles. Container plants shall be root tight upon delivery and show no sign of disease or pests. For native seeding projects, seed shall be free of weeds and show no sign of mold or rot. All plant materials shall be inspected by plant installation project manager prior to installation.

7.2.4 Native Plant Installation

Individual planting sites will be chosen by the Project Manager. Planting locations will be chosen based on distribution of species on reference sites. Micro-site selection will be used to provide the most appropriate planting site for each individual species. The Project Manager will flag planting sites prior to plant installation using color coded pin flags to differentiate between species. Plant installation will take place between October 1, or after soil moisture is adequate for planting and December 31. Prior to seeding, the site shall be ripped and disked in the late summer or early fall to prepare compacted soils for seeding and planting. Once soil is prepared,

seeding shall be distributed by hand at a rate of 25 lbs. per acre. Seeding should take place prior to, or immediately after, a significant rainfall that will increase soil moisture to levels adequate for planting. Upon completion of broadcast seeding, the site shall be harrowed in to increase soil contact with seed. Once harrowing is complete, native grass straw or a similar straw containing no noxious weeds should be applied to the site at a rate of 50 bales per acre. Planting of container stock shall take place after adequate soil moisture is reached. Plants shall be installed by hand with a planting shovel or hoedad depending on plant size. All vegetation will be cleared to bare ground within 2 ft. of planting hole prior to planting. After plant installation, a shallow basin measuring 2 ft. in diameter will be installed to aid in water collection from irrigation. Each planting basin will be mulched with native grass straw, or other on-site materials, to assist in maintaining soil moisture. Trees will be spaced at 10 ft. on center. The project manager will determine the most appropriate time for planting. Container plant installation specifications can be found below.

A total of 1.5 lbs. of native grass seed composed of a 1:1 ratio of blue wildrye and California brome and 6 straw bales will be installed at Site 1. A total of 104 Douglas fir trees, 5.75 lbs of native seed composed of a 1:1 ratio of blue wildrye and California brome, and 12 straw bales will be installed at Site 2. A total of 9.25 lbs of native seed composed of a 1:1 ratio of blue wildrye and California brome, 3000 native grass and sedge plugs, and 10 straw bales will be installed at Site 3. A summary of treatments for Site 1, Site 2, and Site 3 can be found in Table 1 below.

Container and plug plant installation specifications:

1. Plant installation shall take place after first significant rainfall in late fall or early winter when soil moisture is adequate for planting. The Project Manager shall visit planting sites after significant rainfall and prior to installation to determine if soil moisture is adequate for planting;
2. Plants shall be transported to site no more than 3 days prior to installation to ensure proper care at the nursery until time of planting;
3. Non-native invasive plants shall be removed from site prior to plant installation;
4. Prior to planting, vegetation within 2 ft. of planting hole shall be cleared to bare soil;
5. Plants shall be installed by hand using a shovel or hoedad depending on plant container size;
6. Planting hole shall be no less than 1.5 times the size of container. For larger d-40 and tree pot size container plants, planting dimensions shall be at least 10" wide and 20" deep;
7. Plant shall be installed with soil level in container equal to soil level at grade;
8. A basin shall be installed at each planting location by creating a slight depression around planting hole measuring 24 inches in diameter;
9. Trees shall be planted on 5 ft. to 10 ft. centers and shrubs on 3 ft. to 5 ft. centers depending on species. Shrubs shall be planted in clusters of 3-5 individuals;

10. Chipped conifer mulch shall be installed in each planting basin for tree species. Shrubs will not be mulched;
11. Above ground irrigation shall be installed as needed to achieve survival rates; and
12. If browse is impacting health and survival of trees and shrubs, tree protection shall be installed. Tree protection shall be 3 ft. in height and 4 inches in diameter and be similar to Vexar Seedling Protection or similar. Tree protection should be installed with two (2) wood stakes that are 48 inches in length and 1 inch in diameter. Tree protection will be installed during the monitoring and maintenance phase.

Table 1. Treatment Summary for Sites 1, 2, and 3 at Rainmaker Properties, Petrolia, CA.

SITE ID	Area (Acres)	Treatment	Total seed (lbs.)	Total Container Plants	Total Straw Bales
SITE1	0.06	Task 1. Seeding: Rip and disk site to 6 inches; finish grade; broadcast seed a 1:1 mix of <i>Elymus glaucus</i> and <i>Bromus carinatus</i> at 25 lbs. per acre; Harrow in seed; Apply mulch at 25 bales per acre	1.5	0	2
SITE 2	0.23	Task 1 Seeding: Rip and disk site to 6 inches; finish grade; broadcast seed a 1:1 mix of <i>Elymus glaucus</i> and <i>Bromus carinatus</i> at 25 lbs. per acre; Harrow in seed; Apply mulch at 25 bales per acre. Task 2 Container Plant Installation: Install <i>Pseudotsuga menziesii</i> (contanier size D40, D25, OR 1 GAL) @ 450 Trees per acre	5.75	104	6
SITE 3	0.37	Task 1: Road rock and fill removal: Remove rock and restore original grade. Task 2: Seeding: Broadcast seed a 1:1 mix of <i>Elymus glaucus</i> and <i>Bromus carinatus</i> at 25 lbs. per acre; Harrow in seed; Apply mulch at 25 bales per acre. Task 3 Container Plant Installation: Install native grass and sedge plugs (Size SC7, SC10 or similar)consisting of a mix of tufted hairgrass (<i>Deschmpsia cespitosa</i>), Junegrass (<i>Koeleria macrantha</i>), common rush (<i>Juncus effusus</i>) or other similar species @ 10,000 plants per acre	9.25	3700	10

8. Monitoring and Maintenance

8.1 Reference Site Conditions, Species Selection, and Long Term Targets

The plant palette for this project was developed from site visits to nearby reference sites and analyzing monitoring data from previously planted sites to determine which species will have the highest survival rates. Species were chosen that will provide mature forests and the highest survival rate for existing site conditions. Existing native vegetation at nearby reference sites consists of big-leaf maple, bay laurel, buckeye, Douglas-fir, grand fir, black capped raspberry (*Rubus leucodermis*), thimble berry (*Rubus parviflores*), ocean spray, red-flowering current (*Ribes sanguinum*), as well as other non-native and native forbs and grasses. Because reference site conditions were void of native grasses, we selected a native grass palette that would have high success given the conditions at the restoration sites. Success of project will be determined by plant survival per species at Years 1, 2, and 5. Target survival rates per species and overall are Year 1: 90% survival; Year 2: 80% survival; Year 5: 75% survival. Achieving 75% survival at Year 5 will ensure that canopy cover, root biomass, site stability, and shade targets have been met. By Year 5, there is a high probability that most of the surviving trees will be well established and will reach maturity.

8.2 Monitoring and Replanting Methods

All project sites will be monitored three times during a 5 year period. Monitoring shall take place in the fall, after warmer weather but before leaves have dropped for trees and shrubs. This will provide for a more accurate assessment of plant survival due to the fact that if a plant survived through warmer summer months, mortality is unlikely in cooler, wetter, fall months. For grasses, monitoring shall take place in summer while plant is flowering to accurately identify plant species.

Individual trees and shrubs will be monitored for survival in Years 1, 2, and 5. Plants will be flagged with a color coded pin flag. At the time of monitoring, data will be recorded on plant health, stem diameter, tree height and any other pertinent information. Species with less than 90% survival after year one will be re-planted to bring survival percentage back to 90% and species with less than 80% survival after year two will be re-planted to bring survival percentage back to 80%. Species with less than 75% survival after year one will be re-planted to bring survival percentage back to 75%. Pre and post project photos will be taken for all sites.

Grass plug planting areas will be monitored for survival in Years 1, 2, and 5. These plants will be monitored by establishing 0.01 acre baseline monitoring plots within planting zone targeted at sampling a minimum of 10% of the planted population. Quantity of plants, by species, per plot will be recorded immediately after installation. Species with less than 90% survival after year

one will be re-planted to bring survival percentage back to 90% and species with less than 80% survival after year two will be re-planted to bring survival percentage back to 80%. Species with less than 75% survival after year one will be re-planted to bring survival percentage back to 75%. Pre and post project photos will be taken for all sites

Seeding areas will be monitored for cover in Years 1, 2, and 5. These plants will be monitored by establishing 0.01 acre baseline monitoring plots within seeding zone targeted at sampling a minimum of 3% of the planted area. Species with less than 90% cover after Year 1 will be re-planted to bring native cover percentage back to 90% and species with less than 80% survival after Year 2 will be re-planted to bring native cover percentage back to 80%. Species with less than 80 % cover after Year 5 will be re-planted to bring native cover percentage back to 80%. Pre and post project photos will be taken for all sites.

All container plants will be maintained for a period of 5 years or until Project Manager determines maintenance is no longer required. Maintenance activities are described below.

Plant Maintenance Specifications

1. Competing vegetation shall be removed from within 2 ft. of all planting sites until plants are fully established. Weeding will take place once per month during this time;
2. Non-native invasive plant sites shall be re-treated once per year;
3. If installed, irrigation lines shall be checked and repaired on a weekly basis; and
4. Mulch and tree protection shall be re-installed at planting sites as needed.

9. Project Timeline

Relocation of greenhouse and removal of asphalt from Site 2 - Fall 2017

Removal of road rock and fill material from Site 3 - Late Summer 2017

Site preparation of Site1, Site 2 and Site 3 - Fall 2017

Plant installation - After soil moisture is adequate for planting until December 31, 2017

Post planting site inspection - Winter of 2017/2018

Monitoring Year 1 - Fall 2018

Monitoring Year 2 - Fall 2019

Monitoring Year 5 - Fall 2022

10. Conclusions

After a thorough assessment of Site 1, Site 2, and Site 3, we believe that the recommendations outlined in this report can effectively mitigate for historic impacts, and address any future erosion issues. The recommended species composition and planting densities should provide adequate native plant cover for site stability and wildlife habitat enhancement. This plan

provides restoration practices that have the best likelihood of achieving the restoration goals of this project.

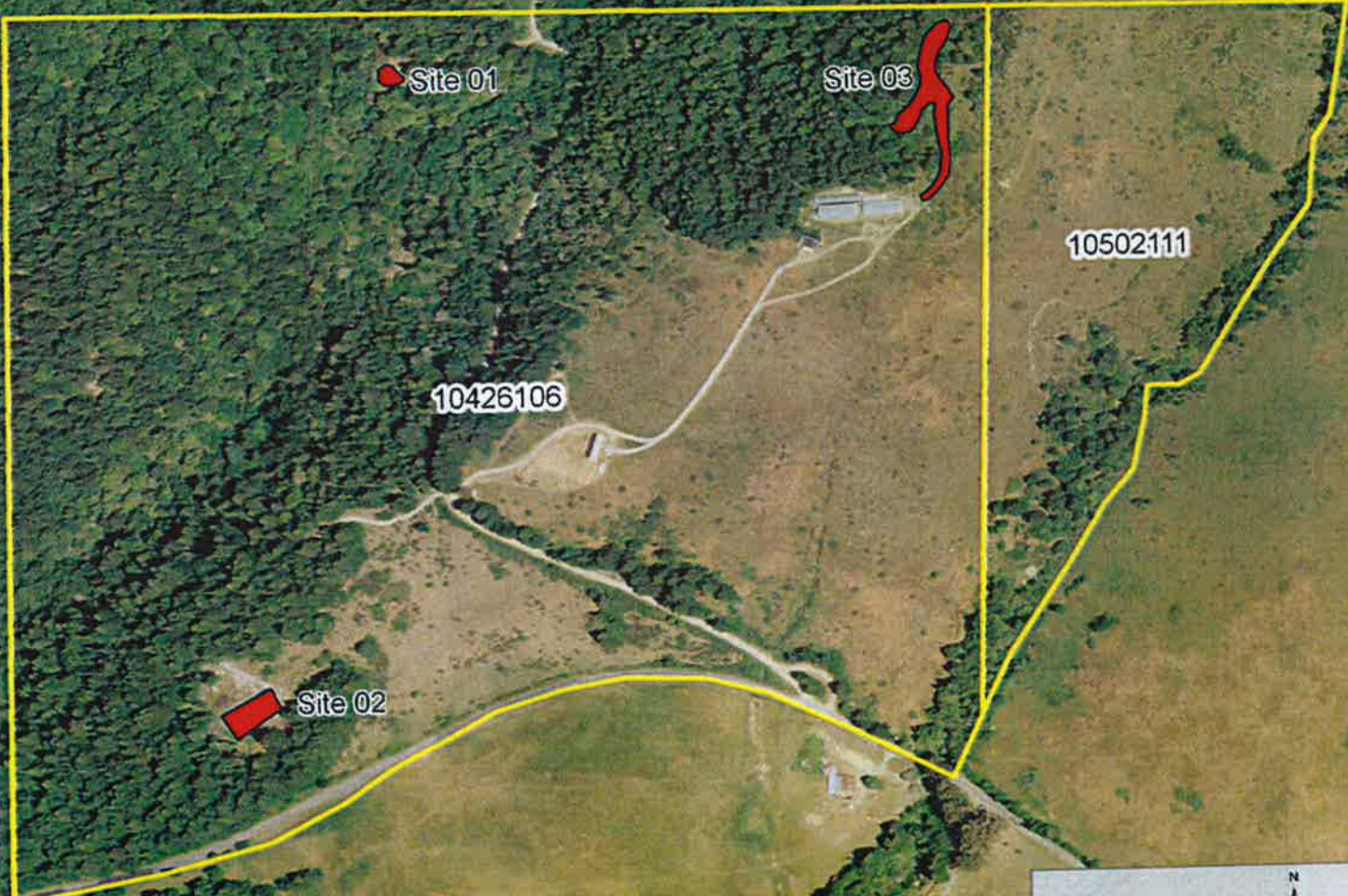
Rainmaker Properties, LLC 11
Restoration Plan
Mattole Restoration Council, March 10, 2017

Map 1: Vicinity Rainmaker Properties





Map created by: Mattole Restoration Council, 02/2017

Map 2. Project Site Rainmaker Properties NAIP Aerial Imagery 2014





Legend

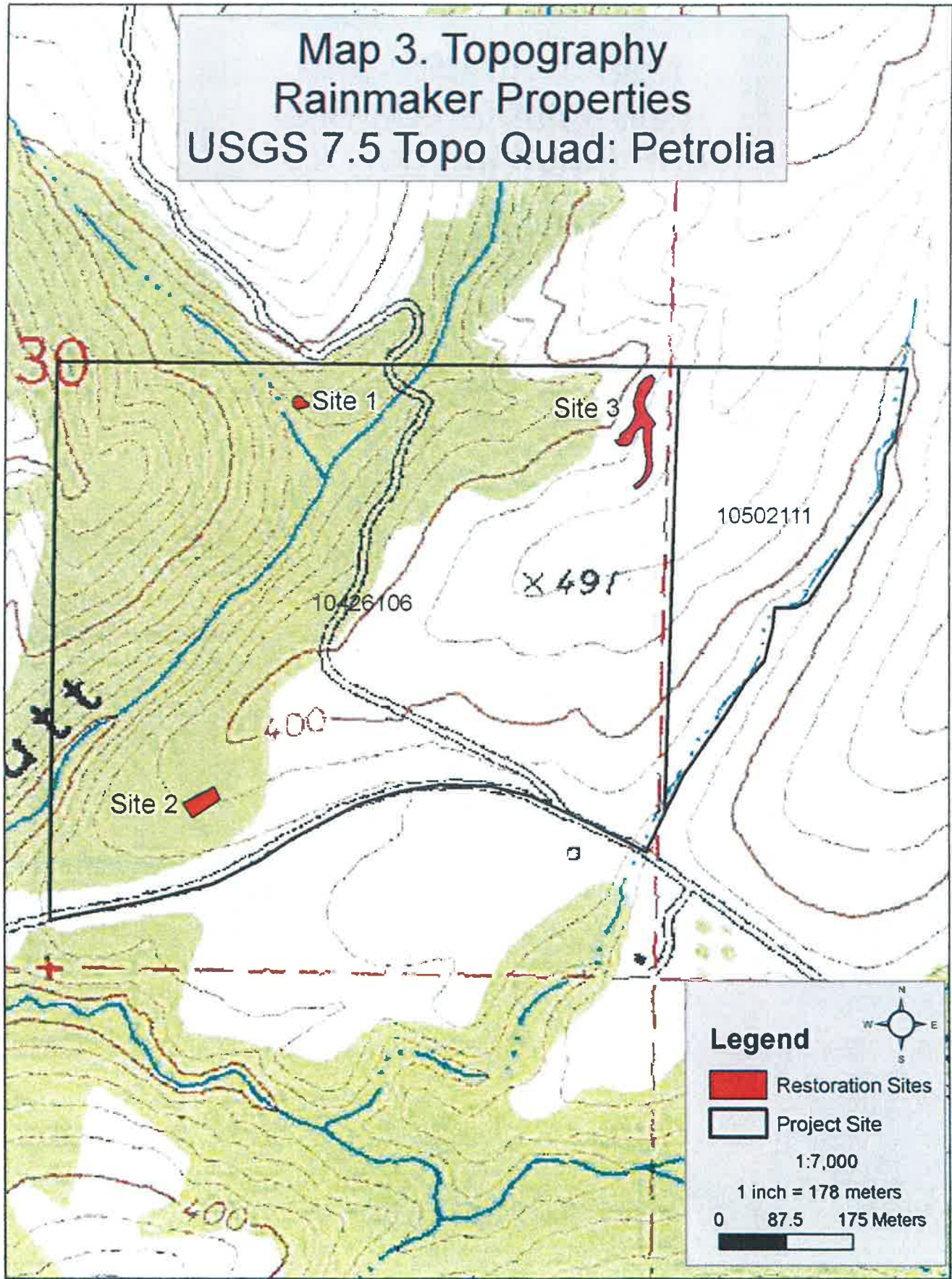
-  Restoration Sites
-  Project Site

1:5,649
1 inch = 143 meters

0 70 140 Meters



Map 3. Topography
Rainmaker Properties
USGS 7.5 Topo Quad: Petrolia



Map 4. Site 1 - 1965 Air Photo
Rainmaker Properties



Site 1

Attachment 2. Project Site Photos



Photo 1 and 2: Site 1 facing north



Photo 3 and 4: Site 2 facing South

Mattole Restoration Council

www.mattole.org



Main Office
PO Box 160, Petrolia, CA 95558
Ph: (707) 629-3514
Fax: (707)629-3577
mrc@mattole.org

Upriver Office
PO Box 223, Whitethorn, CA 95589
Ph: (707) 986-1078
Fax: (707) 986-7374
upriver@mattole.org

May 7, 2016

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To: Dave

RE: Project Dave - Erosion Control and Native Plant Installation

Dear Dave,

Below is a summary of project tasks completed on your property that were implemented to mitigate erosion and re-establish native plants.

Thank you for choosing the MRC to work on this project. Please let me know if you need any further information or assistance.

Sincerely,

A handwritten signature in cursive script that reads "Hugh McGee".

Hugh McGee
Program Director
Native Ecosystem Restoration
Mattole Restoration Council
hugh@mattole.org
707-629-3514 (office)
406-546-2053 (cell)

Dave - Erosion Control and Native Plant Installation

Project dates: 5/2/2016 - 5/3/2016

Completed Project Tasks:

- ❖ Create 650 divisions from salvaged common rush (*Juncus effusus*). Divisions were 3" in diameter and 6" in length
- ❖ Install 650 common rush divisions with hoedad on project sites where soil moisture was suitable. Plants were installed on 3' - 5' centers; Rocky and dry areas were not planted.
- ❖ Install 100 California fescue plugs on dryer sites
- ❖ Install 10 lbs. of blue wildrye (*Elymus glaucus*) and 10 lbs. California bromé (*Bromus californica*) on all bare soils, rake seed in.
- ❖ Install 15 bales of California melic (*Melica californica*) native grass straw

Future Recommendations:

Install overhead irrigation system and water seed and plants until grass seed germinates. Continue watering as needed through summer months.

Project Photos:



Photos Clockwise: Work station for making plant divisions; seed mix before installation; typical common rush planting site; crew installing divisions; straw layout prior to installation

Project Map



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	Recommendation	Location
Building Inspection Division	Conditional approval	On file with Planning
Land Use Division	Conditional Approval	On file with Planning
Division of Environmental Health	Conditional Approval	On file with Planning
Calfire	Conditional approval	On file with Planning
Department of Fish & Wildlife	Conditional Approval	On file with Planning
County Counsel	Approval	On file with Planning
NWIC	Recommended archaeological study.	On file with Planning
Bear River Band of the Rohnerville Rancheria	Condition of approval requires an inadvertent archaeological discovery protocol language.	On file with Planning
Wiyot Tribe	Approval	On file with Planning
Round Valley Tribe	No Response	
RWQCB	No Response	
District Attorney	No Response	
State Water Resources Control Board-Division of Water Rights	No response	
Petrolia Fire Protection District	Approval	On file with Planning