



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: February 20, 2020

To: Humboldt County Planning Commission

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

Subject: **Spruce Grove Farms, LLC, Conditional Use Permit, Special Permit, Lot Line Adjustment and Merger**

Record Nos.: PLN-12233-CUP & PLN-2019-15778

Assessor's Parcel Numbers: 216-081-010, 216-081-013, 216-082-002, 216-082-005, 216-082-006, 216-082-010, 216-134-011, 216-134-013, 216-135-015, 223-011-003 & 223-012-010

The project is located in the Harris area, on both sides of Bell Springs Road and the west side of Harris Road, on the property known as 1350 Bell Springs Road, 444 and 1200 Harris Road, also on the property known to be in Section 23, 24, 25, and 26 of Township 04 South, Range 04 East and Sections 19 and 30 of Township 04 South, Range 05 East, Humboldt Base & Meridian.

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E. Well Completion Report	Separate
F. Agricultural Soils Exploration Report	Separate

G. Road Evaluation Report

Separate

Attachment 5: Referral Agency Comments and Recommendations

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Please contact Keenan Hilton, Planner, at (707) 268-3722, or by email at khilton@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date February 20, 2020	Subject Conditional Use Permit, Special Permit, Lot Line Adjustment and Merger	Contact Keenan Hilton
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Project Description: A Conditional Use Permit for an existing outdoor cultivation operation totaling 22,000 square feet (sf) in size. A Special Permit for the after-the-fact permitting of instream diversions for irrigation. The applicant proposes a Lot Line Adjustment and Merger between 6 legal parcels known as APNs 216-081-010, 216-081-013, 216-082-002, 216-082-005, 216-082-006, 216-082-010, 216-134-011, 216-134-013, 216-135-015, 223-011-003 & 223-012-010 to consolidate parcels into more logical management units following Bell Springs Road, and to facilitate onsite relocation across currently existing legal parcel boundaries. The result will be 4 parcels of approximately 400 acres, 385 acres, 220 acres, and 198 acres. There are five existing cultivation areas, which are proposed to be relocated to one outdoor garden to avoid impacts on historic resources, allow more efficient use of the land, reduce impacts to roads, increase water quality and simplify security. Water is provided from a permitted well and a spring diversion. The applicant will install a rainwater catchment pond in the future. The applicant uses solar power and several Honda generators for power, and they have applied for a PG&E power connection to be developed in the future.

Resultant Parcel	Creation Document	Area Before LLA	Area After LLA
Parcel 1	Inst. 2017-005375	Parcel One: 173.8 acres +- Parcel Two: 163.4 acres +- Parcel Three: 167.5 acres +-	399.6 acres +-
Parcel 2	Inst. 2017-005372	300.3 acres +-	385.1 acres +-
Parcel 3	Inst. 2019-008923(J)	209.4 acres +-	220.2 acres +-
Parcel 4	Inst. 2019 2019-08924(K)	204.8 acres +-	198.3 acres +-

Project Location: The project is located in Humboldt County, in the Harris area, on both sides of Bell Springs Road and the west side of Harris Road, on the property known as 1350 Bell Springs Road, 444 and 1200 Harris Road, also on the property known to be in Section 23, 24, 25, and 26 of Township 04 South, Range 04 East and Sections 19 and 30 of Township 04 South, Range 05 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Agriculture Grazing (AG), 2017 General Plan, Density: 20-160 acres per unit; Slope Stability: High Instability (3)

Present Zoning: Agriculture Exclusive (AE), Special Building Site B-5(160)

Record Nos.: PLN-12233-CUP and PLN-2019-15778

Assessor Parcel Number: 216-081-010, 216-081-013, 216-082-002, 216-082-005, 216-082-006, 216-082-010, 216-134-011, 216-134-013, 216-135-015, 223-011-003 & 223-012-010

Applicant

Spruce Grove Farms, LLC
PO Box 991
Redway, CA 95560

Owner

Shanon Taliaferro, Casandra
Taliaferro & Trent Slate
PO Box 991
Redway, CA 95560

Agent

SL Consulting Services, Inc.
Steven Luu & Brittany Massaro
973 Dowler Drive
Eureka, CA 95501

Kevin Peak
PO Box 1951
Redway, CA 95560

Journey Aquarian
610 Dry Creek Road
Healdsburg, CA 95448

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

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

Major Issues: None.

SPRUCE GROVE FARMS, LLC

Record Nos.: PLN-12233-CUP and PLN-2019-15778

Assessor's Parcel Numbers (APNs): 216-081-010, 216-081-013, 216-082-002, 216-082-005, 216-082-006, 216-082-010, 216-134-011, 216-134-013, 216-135-015, 223-011-003 & 223-012-010

Recommended Planning Commission Action:

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

Find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit, Special Permit, Lot Line Adjustment and Merger based on evidence in the staff report and adopt the Resolutions approving the Spruce Grove Farms, LLC, Conditional Use Permit, Special Permit, Lot Line Adjustment and Merger as recommended by staff subject to the recommended conditions.

Executive Summary

The proposed Conditional Use Permit (CUP) would allow an existing outdoor cultivation area of approximately 22,000 square feet, and a 4,000-sf ancillary nursery to occur on a parcel created through Lot Line Adjustment (LLA) and Merger considered in this report (Parcel 1). The Special Permit would allow the continued use of diversion from Rancheria Creek which supplies water to meet some of the irrigation demand of the project. The LLA and Merger would consolidate the parcels into more logical management units, following Bell Springs Road, and allowing for the relocation of cultivation areas to protect sensitive receptors. All parcels involved in the LLA are under a Williamson Act Land Conservation Contract

Prior to 2016 there were four areas of the parcel with cultivation areas. As part of this project, all four gardens are proposed to be decommissioned and restored. The proposed consolidated relocation site occurs in the south-eastern portion of Parcel 1 along Bell Springs Road. Conditions of approval require the restoration of the historic garden sites consistent with the recommendations included in the Cultural Resource Survey and the recommendations made by the Bear River Band of the Rohnerville Rancheria. Conditions of approval require the preparation and implementation of a restoration plan for all retired cultivation sites including recommended measures for erosion control and replanting with native species where appropriate. Prior to implementation, the plan must be approved by both Planning Division staff and the Bear River Band of the Rohnerville Rancheria.

Total cultivation on the property would not exceed 22,000 square feet in hoop structures. Other cultivation-related buildings on the property include 4,000 sf of ancillary nursery hoop structures, an existing 1,200 sf shop structure used for nursery activities, drying and nutrient storage, a proposed shop for drying and processing, two yurts used for drying, one shed used for nutrient and pesticide storage, four 5,000-gallon tanks and ten 2,500-gallon tanks. Other structures on site include a cabin and a barn. Conditions of approval require the after-the-fact permitting of all structures over 120 sf that have a nexus to the cannabis cultivation operation.

The Division of Environmental Health (DEH) responded to Planning Division request for comment by confirming that the existing Onsite Wastewater Treatment System has a Tier 0 status. DEH recommends approval of the project.

The project would require approximately 316,000 gallons of water per year. There are currently two water sources for the project—a legal diversion from Rancheria Creek and a permitted well. Forbearance from the diversion pursuant to the terms of the final 1600 agreement (1600-2017-0288-R1) is an ongoing condition of approval. The applicant proposes the construction of an approximately 1,000,000-gallon rainwater catchment pond to provide irrigation water. Conditions of approval require that the applicant secure permits for the grading associated with the construction of the pond and include design features to minimize potential impacts on wildlife and water quality consistent with the recommendations of CDFW. Conditions of approval require that the applicant notify CDFW for all points of potential impact on watercourses on the new configuration of Parcel 1. Ongoing conditions of approval require that the applicant retain trees, snags and other elements of the overstory and implement erosion control measures consistent with the Streamside Management Area and Wetland Ordinance (SMAWO). By following the terms of the 1600 agreement and the conditions of approval, the approval of the Special Permit would have no significant adverse effect on the resources protected by the SMAWO.

Cultivation activities typically begin in April when the applicant initiates nursery activities in the existing shop structure. There would be two harvest cycles from the outdoor greenhouses (no artificial lights), one in July and the other in October. The applicant proposes the use of four structures as ancillary nursery space. One 2,000-sf greenhouse and one 1,200-sf shop structure are already constructed on the site; one 2,000-sf greenhouse and 1,200-sf shop are proposed for construction. The proposal totals 6,400-sf of nursery space—approximately 29% of the cultivation area. Conditions of approval require that the applicant revise the cultivation and operations plan and site plan to use the one existing greenhouse and one existing shop structure for ancillary nursery, totaling 3,200 sf—approximately 15% of the cultivation area. Since the intent of the CMMLUO is to permit pre-existing cultivation operations, it would be inconsistent with the code to allow for the construction of new buildings that were not required by the operation prior to 2016. Conditions of approval require compliance with the International Dark Sky Association Standard lighting zone 0. The applicant proposes onsite processing in a new shop building. Conditions of approval require that the structure meet a commercial standard with an ADA restroom or that processing occur offsite at a licensed facility.

The applicant prepared a Water Resource Protection Plan (WRPP) for the site. Conditions of approval require that the applicant submit substantial evidence that all recommended actions have occurred. Conditions of approval also require that the applicant submit a copy of the Site Management Plan and Notice of Applicability as evidence of successful enrollment and participation in the State Water Resource Control Board (SWRCB) Cannabis Cultivation Policy General Order.

According to an Engineering-Geologic Prime Agricultural Soils Exploration Letter-Report prepared by Lindberg Geologic Consulting, there are approximately 34.8 acres of Prime Agricultural Soils on Parcel 1. The CMMLUO limits new cultivation to occur on no more than 20% of the Prime Agricultural Soils on a parcel. This application is for existing cultivation, not for new cultivation. 22,000 square feet is approximately 1.5% of the total amount of Prime Agricultural Soils on the parcel.

The applicant proposes the addition of a PG&E power drop to provide power to the project. Until securing the on-grid power source, the applicant would continue to use three generators to provide electricity for the operation: one 2,000-Watt Honda EU generator, one 7,000-Watt Honda EU generator and one 25,000-Watt Multiquip generator. There are two projects within one mile of the project site that proposes continued use of generators as the primary power source, and two projects that propose generators as a backup power source. Ongoing conditions of approval require that the project produce no more than 60 dB noise levels when measured at the nearest parcel boundary, consistent with the CMMLUO. There is a documented Northern Spotted Owl

(NSO) observation approximately 1.5 miles from the project site. The nearest activity center is approximately 3.5 miles from the project site. The project occurs in a large open field typical of the area near the intersection of Alderpoint Road and Bell Springs Road. This is not habitat for NSO, and the project would not have a significant impact on that species.

CDFW responded to the project raising the following requests and concerns:

1. Request for a report prepared by a qualified biologist or botanist to assess potential impacts
2. Request for 1600 notification on the remainder of the subject parcel not described by APN 216-082-010.
3. Request that light be contained from 30 minutes prior to sunset until 30 minutes after sunset.
4. Request that the plans to construct the rainwater catchment pond incorporate the following elements:
 - a. The pond shall be designed to hold the water necessary to support cannabis cultivation on the parcel
 - b. The pond shall be designed with an overflow spillway that will withstand a 100-year flood event with a dispersal mechanism, or low-impact design that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the state. At a minimum, the spillway shall be designed for a minimum of two feet of freeboard.
 - c. The pond shall be designed with several wildlife exit ramps to prevent entrapment. Exit ramps shall be installed with no greater than a 2:1 slope, shall be securely fixed and shall be made of solid material (e.g. wood).
 - d. The applicant shall manage the pond in accordance with the standard CDFW Bullfrog Management Plan
 - e. The applicant shall not stock the pond with fish unless they acquire written permission pursuant to Section 6400 of the Fish and Game Code.
5. Request for prohibition of synthetic netting
6. Request for proper containment of all refuse
7. Containment of noise to 60 dB at 100 feet
8. Potential impact on several sensitive species

Compliance with state agencies including CDFW is an ongoing condition of project approval. The California Natural Diversity Database shows no listed plants within two miles of the project site. Also, the parcel has a long history of grazing and disturbance. The proposed relocation occurs as a result of the necessity to avoid impacts on known sensitive receptors at the historic garden sites. Given all of these factors, it was determined that biological scoping would not be required. Notification of potential impacts to lakes and streambeds on the new configuration of the subject parcel (Parcel 1) is a condition of approval. Ongoing conditions of approval require compliance with the International Dark Sky Association Standard Lighting Zone 0. Conditions of approval require that the listed design features be incorporated into the proposal for the rainwater catchment pond. Ongoing conditions of approval require that noise levels not exceed 60 dB when measured at the nearest property boundary consistent with the CMMLUO. Compliance with the standard Bullfrog Management Plan is an ongoing condition of approval. Further, conditions of approval require that the applicant refrain from use of monofilament netting, that the applicant appropriately store and dispose of waste, and that the applicant leave any wildlife encountered on the site unharmed.

The subject property is located in the Harris area, along the south-west side of Bell Springs Road. Bell Springs Road is a county-maintained, category 4 road. As a condition of project approval, the

applicant would improve the encroachment of the private drive onto the county road and ensure all gates and fences remain outside of the county right of way, consistent with the recommendations of the Department of Public Works.

The security plan includes a locked gate at the entrance to the property equipped with security cameras. A six-foot barbed-wire fence would be installed around the perimeter of the garden. A guard and security dogs would be on-duty seasonally. The applicant proposes the installation of shade cloth on the fence to obstruct the sightline from the roadway. The applicant proposes the use of soil spoils from the proposed pond to create a dirt berm, using landscaping to further shield the garden site from the county-maintained road. Employees and visitors to the site would sign in and wear security badges.

Environmental review for the proposed project as initially proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation project was previously analyzed in the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. The Lot Line Adjustment and merger is a change in the parcel boundaries to create more logical management units for cattle grazing and cannabis farming, and it enables the cultivation site to come into compliance with the CMMLUO. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas only.

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, Special Permit, Lot Line Adjustment and Merger.

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 potentially significant impacts. As Lead Agency, the Department has determined that the Project is consistent with the adopted Mitigated Negative Declaration prepared for the Commercial Medical Marijuana Lane Use Ordinance. 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 COMISSION

OF THE COUNTY OF HUMBOLDT

Resolution Number 19-

Record Nos.: PLN-12233-CUP & PLN-2019-15778

Assessor's Parcel Number: 216-081-010, 216-082-010, 216-134-011, 223-011-003 & 223-012-010

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Spruce Grove Farms, LLC, Conditional Use Permit & Special Permit..

WHEREAS, Spruce Grove Farms, LLC submitted an application and evidence in support of approving the Conditional Use Permit to permit an existing twenty-two thousand (22,000) square feet of existing outdoor cultivation and four thousand (4,000) square feet of ancillary propagation space;

WHEREAS, Spruce Grove Farms, LLC submitted an application and evidence in support of approving the Special Permit to permit the continued use of agricultural diversion infrastructure in the Streamside Management Area; and

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

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

WHEREAS, Attachment 2 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 and Special Permit (Record Nos.: PLN-12233-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on February 20, 2020.

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

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes all the required findings for approval in Attachment 2 of the Planning Division staff report for Record Nos.: PLN-12233-CUP based on the submitted substantial evidence; and
3. Conditional Use Permit, Special Permit: PLN-12233-CUP are approved as recommended and conditioned in Attachment 1.

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

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

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

John Ford, Director
Planning and Building Department



RESOLUTION OF THE PLANNING COMISSION

OF THE COUNTY OF HUMBOLDT

Resolution Number 19-

Record Nos.: PLN-12233-CUP & PLN-2019-15778

Assessor's Parcel Number: 216-081-010, 216-081-013, 216-082-002, 216-082-005, 216-082-006, 216-082-010, 216-134-011, 216-134-013, 216-135-015, 223-011-003 & 223-012-010

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Spruce Grove Farms, LLC, Lot Line Adjustment and Merger request.

WHEREAS, Spruce Grove Farms, LLC submitted an application and evidence in support of approving the Lot Line Adjustment to consolidate parcels into more logical management units; and

WHEREAS, Spruce Grove Farms, LLC submitted an application and evidence in support of approving the Notice of Merger; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Lot Line Adjustment and Merger (PLN-2019-15778); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on February 20, 2020.

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

4. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
5. The Planning Commission makes all the required findings for approval in Attachment 2 of the Planning Division staff report for Record Nos.: PLN-12233-CUP & PLN-2019-15778 based on the submitted substantial evidence; and
6. Lot Line Adjustment and Notice of Merger Record Nos.: PLN-12233-CUP & PLN-2019-15778 are approved as recommended and conditioned in Attachment 1.

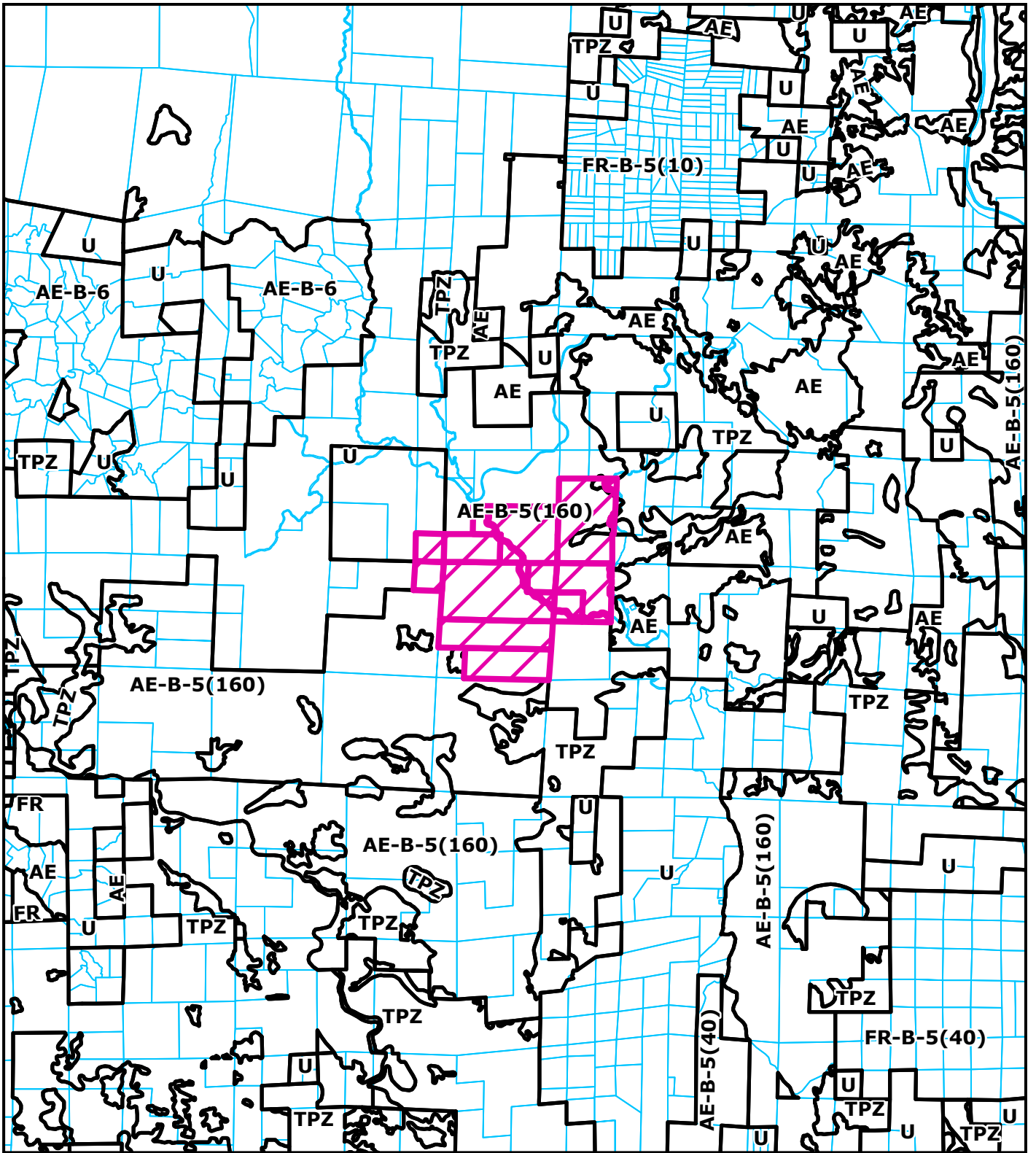
The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:

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

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

John Ford, Director
Planning and Building Department



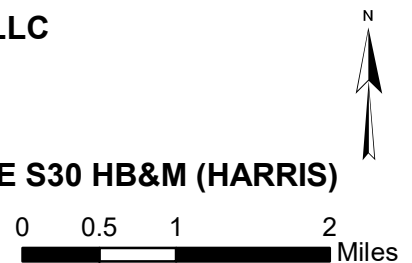
**ZONING MAP
 PROPOSED SPRUCE GROVE FARMS, LLC
 ALDERPOINT AREA
 PLN-12233-CUP**

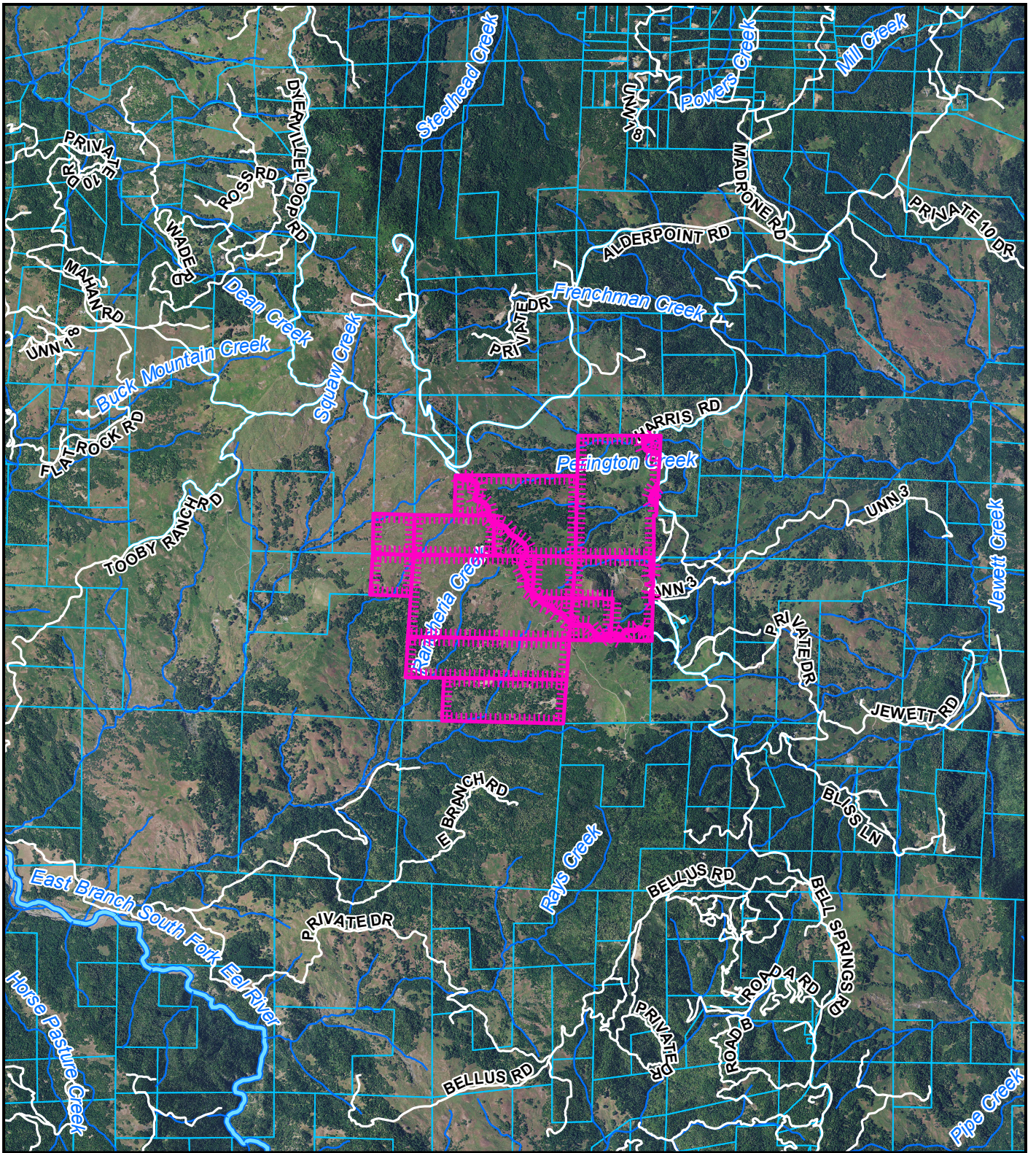
Project Area = 

APN: 216-134-011; ET AL.

T04S R04E S23; S24; T04S R05E S19; S26; S25; T04S R05E S30 HB&M (HARRIS)

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.





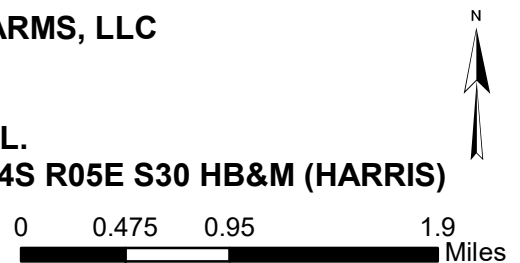
**AERIAL MAP
 PROPOSED SPRUCE GROVE FARMS, LLC
 ALDERPOINT AREA
 PLN-12233-CUP**

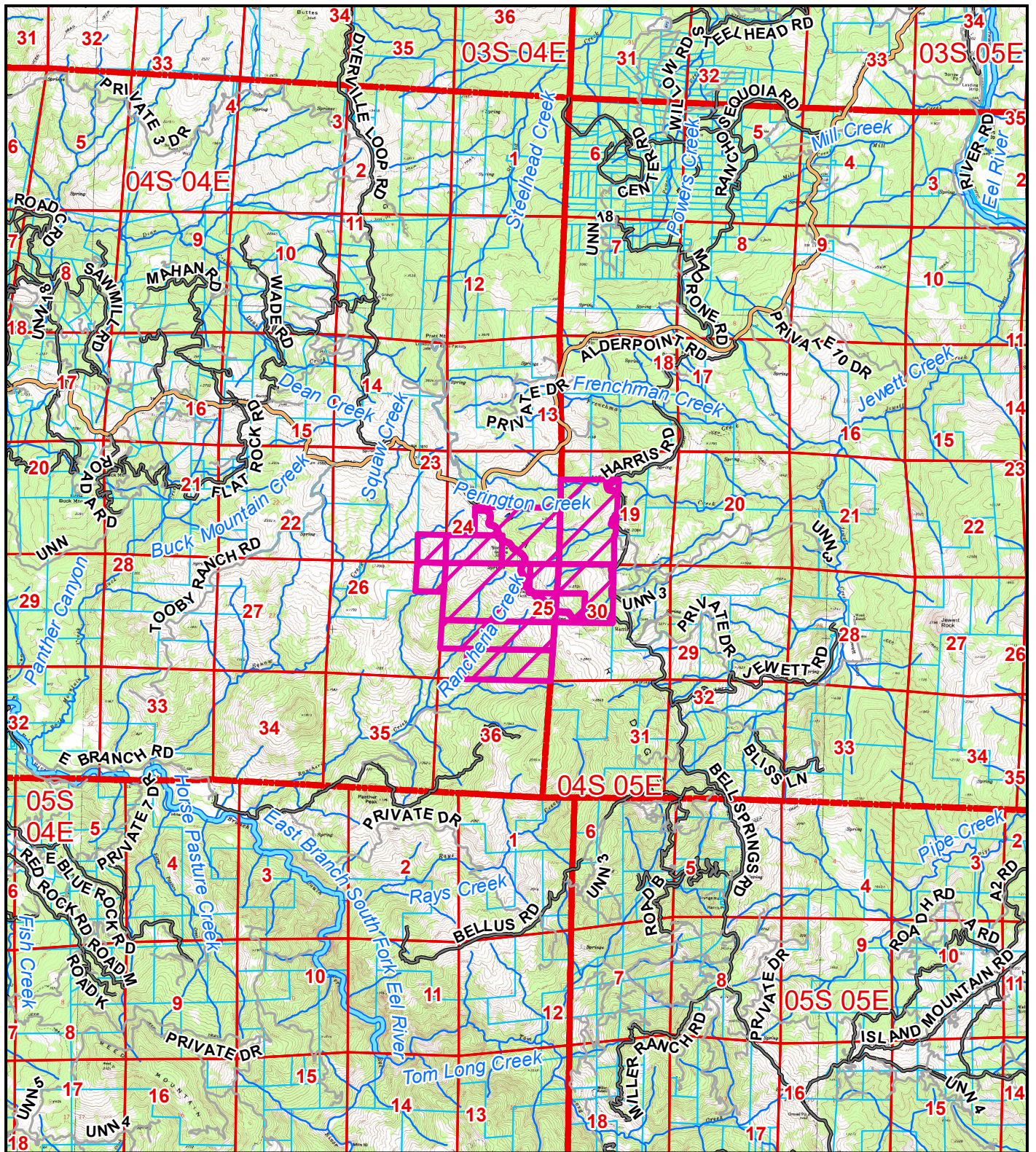
Project Area = 

APN: 216-134-011; ET AL.

T04S R04E S23; S24; T04S R05E S19; S26; S25; T04S R05E S30 HB&M (HARRIS)

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.





TOPO MAP
PROPOSED SPRUCE GROVE FARMS, LLC
ALDERPOINT AREA
PLN-12233-CUP

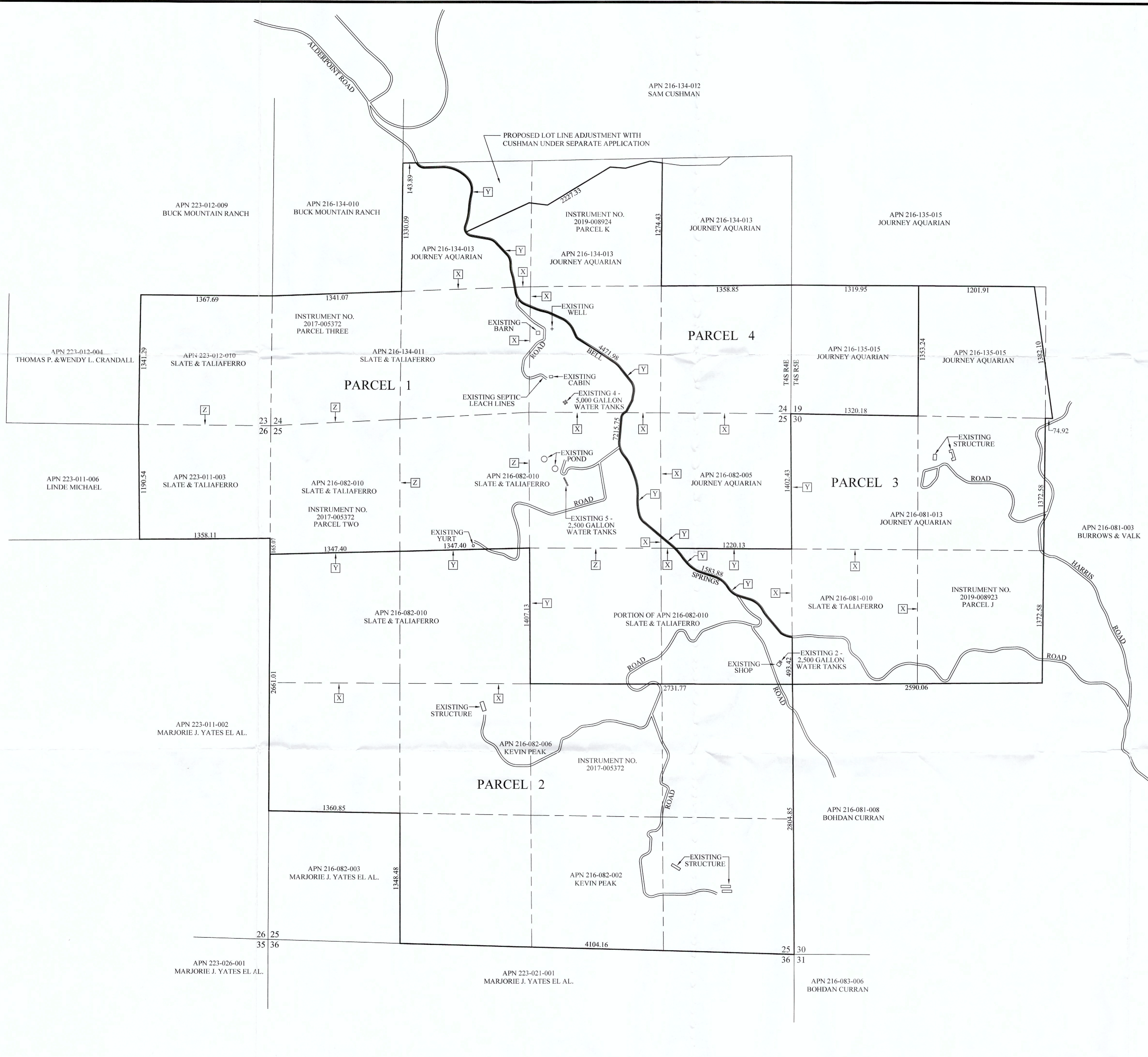
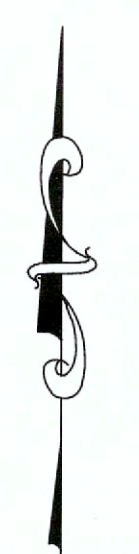
APN: 216-134-011; ET AL.

T04S R04E S23; S24; T04S R05E S19; S26; S25; T04S R05E S30 HB&M (HARRIS)

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.





NOTES

1. THIS TENTATIVE MAP PROPOSES A LOT LINE ADJUSTMENT AND MERGER BETWEEN 6 PARCELS RESULTING IN FOUR PARCELS
2. WATER: ON-SITE
SEWER: ON-SITE
3. NO TOPOGRAPHIC INFORMATION WAS COLLECTED OR SHOWN ON THIS MAP.
4. PROPERTY LINE INFORMATION: CALCULATED PROPERTY LINES ARE SHOWN. DIMENSIONS AND AREAS ARE APPROXIMATE.
5. PARCEL NUMBERS SHOWN HEREON ARE FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT INTENDED TO REPRESENT A SUBDIVISION OF LAND.
6. EXISTING BUILDINGS SHOWN HEREON ARE PER AERIAL MAP AND ARE APPROXIMATE.
7. THE PARCELS INVOLVED WITH THIS LOT LINE ADJUSTMENT HAVE RECORDED CERTIFICATES OF COMPLIANCE, AS NOTED HEREON.
8. THE PURPOSE OF THIS LOT LINE ADJUSTMENT IS TO CONSOLIDATE PARCELS INTO MORE LOGICAL MANAGEMENT UNITS.

LOT LINE ADJUSTMENT SUMMARY

- LINE TO BE DELETED BY LOT LINE ADJUSTMENT
- LINE TO BE ADDED BY LOT LINE ADJUSTMENT
- LINE TO BE DELETED BY MERGER

BEFORE LLA & MERGER		AFTER LLA & MERGER	
PARCEL	AREA	PARCEL	AREA
INST. 2017-005375		PARCEL 1	399.6 ACRES +/-
PARCEL ONE	173.8 ACRES +/-		
PARCEL TWO	163.4 ACRES +/-		
PARCEL THREE	167.5 ACRES +/-		
INST. 2017-005372	300.3 ACRES +/-	PARCEL 2	385.1 ACRES +/-
INST. 2019-008923 (J)	209.4 ACRES +/-	PARCEL 3	220.2 ACRES +/-
INST. 2019-008924 (K)	204.8 ACRES +/-	PARCEL 4	198.3 ACRES +/-
			(16 ACRES LLA TO CUSHMAN)

AGENT/SURVEYOR:
MICHAEL J. O'HERN
KELLY-O'HERN ASSOCIATES
3240 MOORE AVENUE
EUREKA, CA 95501
(707) 442-7283
kellyoherm@sbglobal.net

OWNER/APPLICANT:
APN 216-082-006
KEVIN PEAK
P.O. BOX 1951
REDWAY, CA 95560
(707) 223-1422
kevinpeak@gmail.com

OWNER/APPLICANT:
APN 216-081-010, 216-082-010
223-011-003, 223-012-010
SHANON & CASANDRA TALIAFERRO
TRENT SLATE
P.O. BOX 991
REDWAY, CA 95560
(707)

OWNER:
APN 216-081-013, 216-082-005
216-135-015
JOURNEY AQUARIAN, TRUSTEE
610 DRY CREEK ROAD
HEALDSBURG, CA 95448
(707) 889-6604
jaharrisenterprises@gmail.com

APN 216-081-010, -013
APN 216-082-002, -005, -006, -010
APN 216-134-011, 013
~~APN 216-135-015, -216-135-015~~
APN 223-011-003
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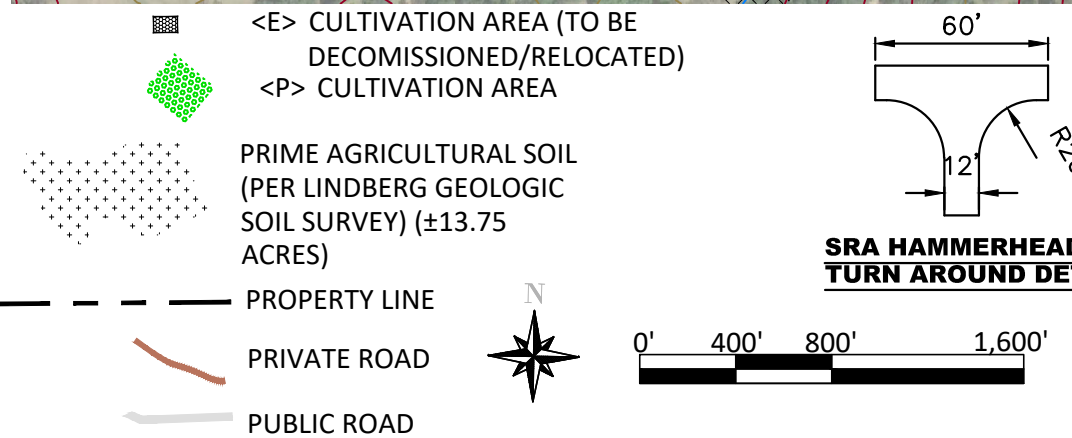
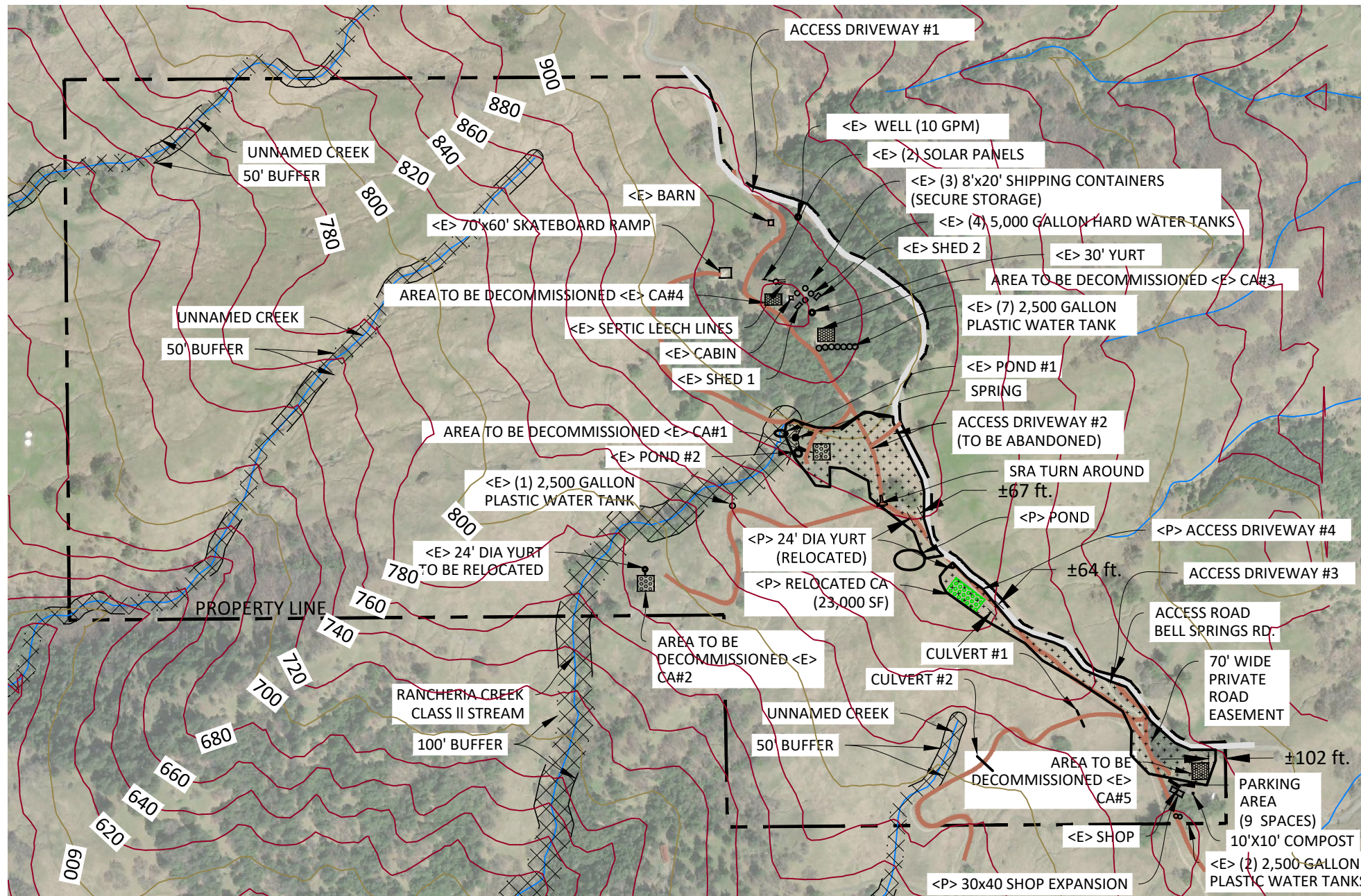
LOT LINE ADJUSTMENT & MERGER MAP
FOR
AQUARIAN, PEAK, SLATE AND TALIAFERRO
IN
SECTIONS 23, 24, 25 & 26 T4S, R4E, HUMBOLDT MERIDIAN
SECTION 19 & 30 T4S, R5E, HUMBOLDT MERIDIAN
IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY
APRIL 2019 SCALE 1" = 50'

HUMBOLDT COUNTY
STATE OF CALIFORNIA
KELLY-O'HERN ASSOCIATES
EUREKA, CALIFORNIA



PARCEL OVERVIEW

APN: 216-134-011, 216-081-010, 223-011-003,
223-012-010, 216-082-010



SURROUNDING BUILDINGS

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

CONFIRMED TRIBAL RESOURCES PRESENT ON-SITE BASED ON CULTURAL RESOURCE ASSESSMENT. A REPORT AND MITIGATION MEASURES ARE BEING DEVELOPED IN CONJUNCTION WITH TRIBAL AUTHORITIES.

THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.

CULTIVATION INFORMATION

EXISTING CULTIVATION AREA (CA) TO BE RELOCATED ONSITE
 CA #1 = 4,916 FT²
 CA #2 = 4,663 FT²
 CA #3 = 3,993 FT²
 CA #4 = 3,338 FT²
 CA #5 = 4,869 FT²

TOTAL AREA TO BE RELOCATED = 23,000 FT²
 CULTIVATION AREA (CA) SUMMARY (PHASE 1)
 EXISTING CA = 23,000 FT²

CULTIVATION BUILDINGS AND USE

BUILDING	USE	SIZE	YEAR	NUMBER
<E> SHOP	FERTILIZER/NUTRIENT STORAGE	30'x40'	2003	1
<P> SHOP	DRYING AND PROCESSING	30'x40'	PROPOSED	1
<E> YURT*	DRYING	24Ø	2003*	1
<E> YURT	DRYING	30Ø	2018	1
<E> SHED 1	NUTRIENT PESTICIDE STORAGE	8'X14'	2003	1
<E> CONTAINER	HARVEST STORAGE	8'X20'	2018	3
<P> GREENHOUSES	CULTIVATION	20'X100'	2019	11
<P> GREENHOUSES	CULTIVATION	20'X100'	2019	2

*TO BE RELOCATED IN 2019

DOMESTIC BUILDING AND USE

BUILDING	USE	SIZE	YEAR
<E> CABIN	TEMPORARY LIVING	24'x24'	2003
<E> BARN	STORAGE (LIVESTOCK)	30'x32'	2005
<E> SHED 1	STORAGE	20'X30'	2003
<E> SHED 2	STORAGE	12'X14'	2008

WATER STORAGE & USE

TYPE	NUMBER	TOTAL VOLUME
POND #1 (STOCK POND)	1	60,000 GALLONS
POND #2 (STOCK POND)	1	80,000 GALLONS
PLASTIC TANK (5,000 GALLONS)	4	20,000 GALLONS
PLASTIC TANK (2,500 GALLONS)	10	25,000 GALLONS

TOTAL AMOUNT OF WATER STORAGE = 185,000 GALLONS
 TOTAL AMOUNT OF WATER STORAGE FOR CANNABIS USE = 45,000 GALLONS

PROPOSED WATER STORAGE & USE

TYPE	NUMBER	SIZE
RAINWATER CATCHMENT POND	1	1,000,000 GALLONS

TOTAL AMOUNT OF PROPOSED WATER STORAGE = 500,000 GALLONS

WATERSOURCE

SPRING
 WELL - 10 GALLONS/MINUTE

POWERSOURCE

SOLAR PANELS
 2KW HONDA GENERATOR
 7KW HONDA GENERATOR
 25KW MULTIQUIP GENERATOR
 PGE APPLICATION SUBMITTED IN 2017, SERVICE DROP PENDING PROJECT APPROVAL

RACHERIA CREEK CLASS II STREAM WITH REQUIRED 100 FT BUFFER.
 UNNAMED CLASS III STREAM WITH REQUIRED 50 FT BUFFER.



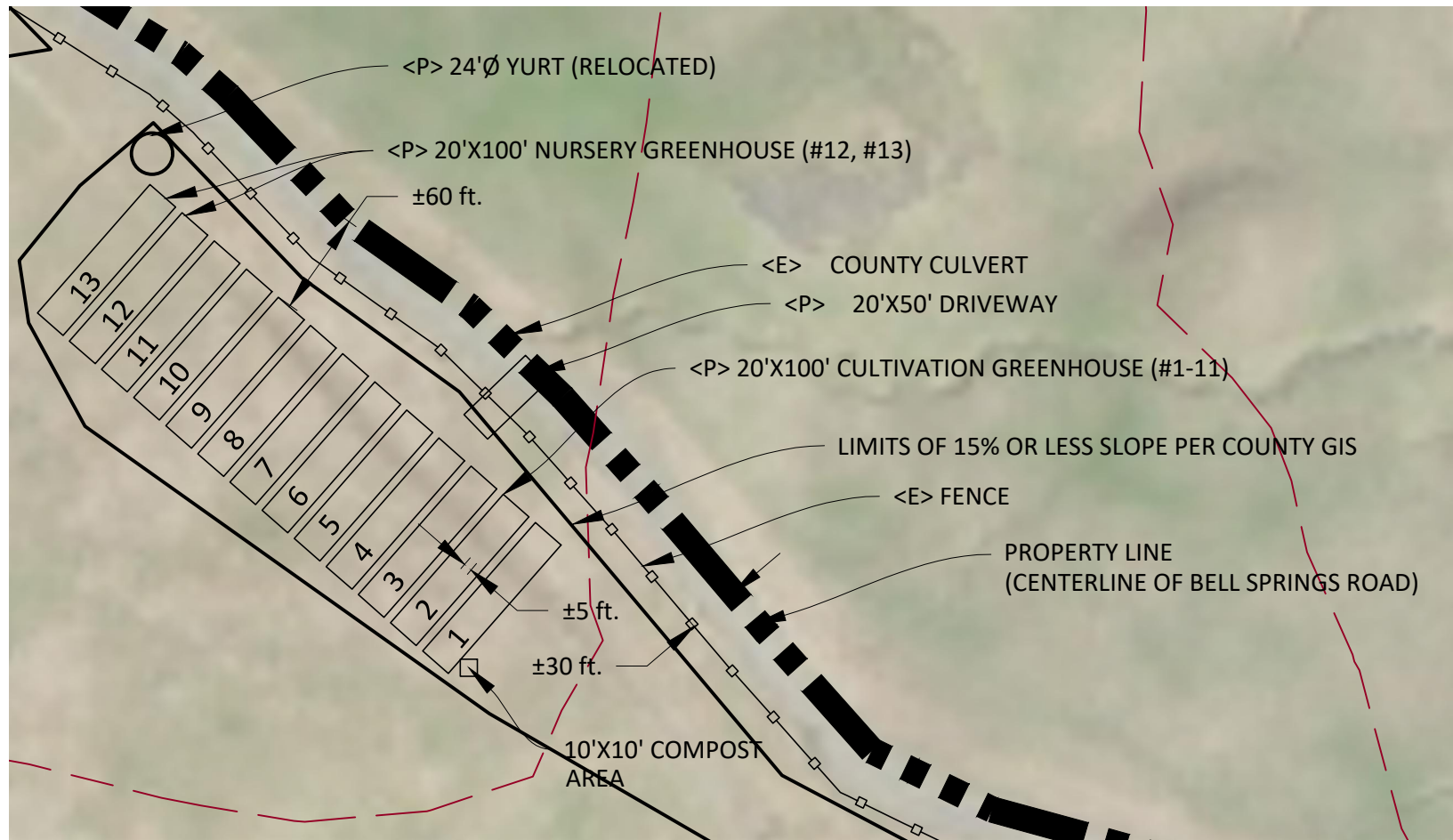
PROJECT INFORMATION
 APN: 216-134-011, 216-081-010, 2230-011-003, 223-012-010, 216-082-010
PROPERTY OWNER SHANON TALIAFERRO & CASANDRA TALIAFERRO
ADDRESS 1350 BELL SPRINGS ROAD, GARBERVILLE CA 95542
SHEET INFO PARCEL OVERVIEW

REVISIONS		
NO.	NOTES	DATE

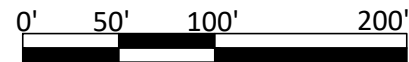
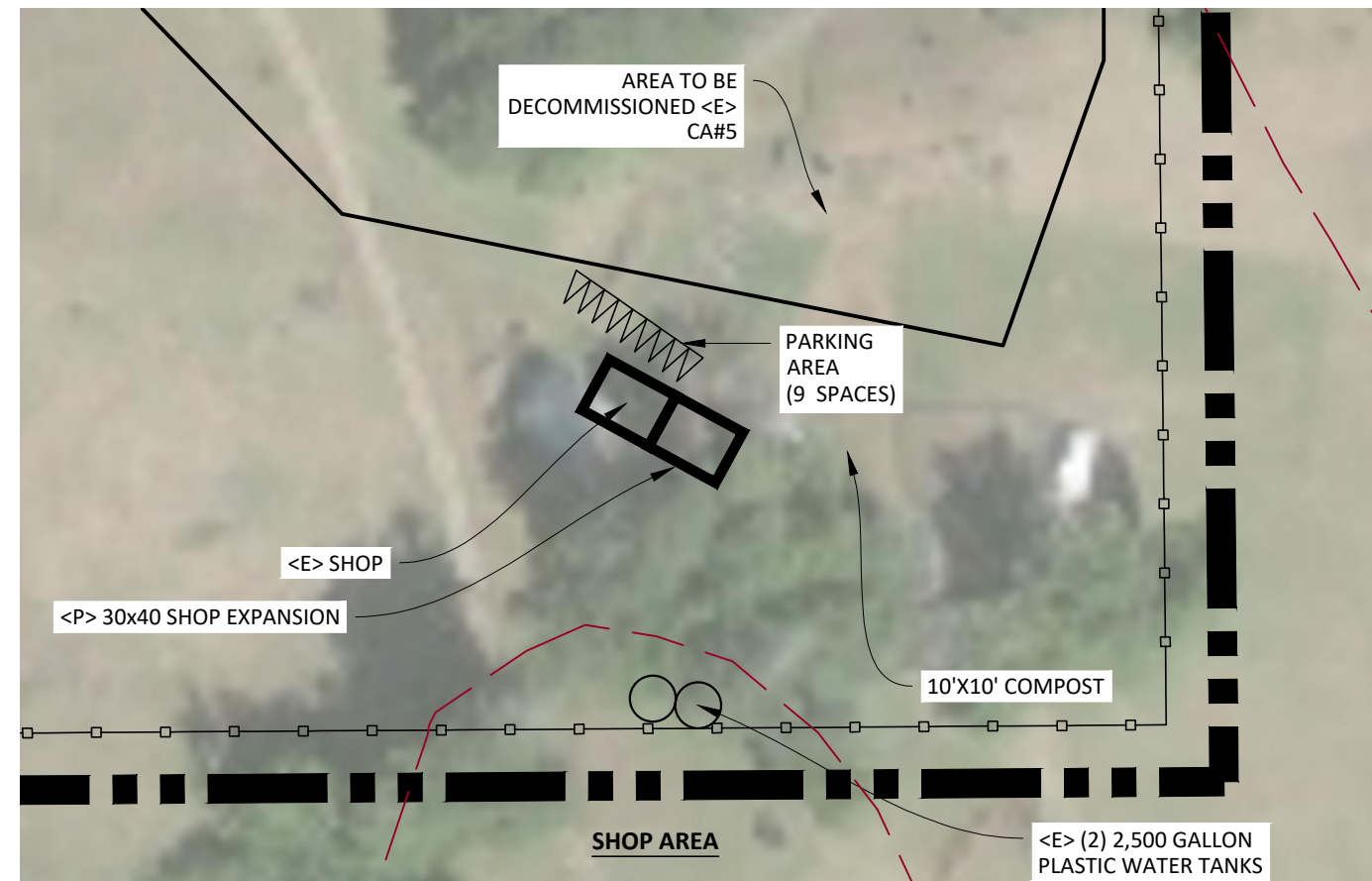
DATE 5/21/19
 DRAFTER X
 SCALE AS SHOWN

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5/21/2019 - G:\Team Drives\SL Consulting Team Drive\Taliaferro\SpruceGrove\COUNTY PERMIT APPLICATION 216-134-010 - Standard\Tentative Map.dwg - 5:49 PM - steve



GREENHOUSE AREA



PROJECT INFORMATION		
APN:	216-134-011, 216-081-010, 2230-011-003, 223-012-010, 216-082-010	
PROPERTY OWNER	SHANON TALIAFERRO & CASANDRA TALIAFERRO	
ADDRESS	1350 BELL SPRINGS ROAD, GARBerville CA 95542	
SHEET INFO	PROPOSED GREENHOUSE PLOT PLAN	

REVISIONS		
NO.	NOTES	DATE

DATE 5/21/19
 DRAFTER SL
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ATTACHMENT 1
Recommended Conditions of Approval

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

1. Within 60 days of the effective date of permit approval, 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 11 – 26. 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 60 days of the effective date of project approval, the applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
3. Within 60 days of the effective date of project approval, the applicant shall provide a review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00), to be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
4. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
 - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
 - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
 - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel.
 - d. Document review fees and assessor map revision fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$499.00 per parcel).
5. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.
6. The applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. *Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default*

and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

7. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
8. The applicant shall submit a completed Notice of Merger and Certificate of Subdivision Compliance document along with legal review fees, notary fees and recording fees, as applicable.
9. The applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Merger have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Merger to satisfy this condition.

Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property has delinquent taxes, the property cannot be combined for tax purposes. This means that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by merger but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

10. The applicant shall pay a map revision fee of \$300 as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$75.00 per parcel) as required by the County Assessor to the County Planning Division, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
11. The applicant shall provide evidence that they have submitted a Notification of Lake or Streambed Alteration for the entirety of the Parcel 1 to CDFW.
12. The applicant shall provide a copy of a Final Lake or Streambed Alteration Agreement for Parcel 1, if one is deemed necessary by CDFW.
13. The applicant shall submit design plans for the rainwater catchment pond with the following elements:
 - a) The pond shall be designed to hold only the quantity of water necessary to support cannabis cultivation on the parcel.

- b) The pond shall be designed with an overflow spillway that will withstand a 100-year flood event with a dispersal mechanism, or low-impact design that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the state. At a minimum, the spillway shall be designed for a minimum of two feet of freeboard.
 - c) The pond shall be designed with several wildlife exit ramps to prevent entrapment. Exit ramps shall be installed with no greater than a 2:1 slope, shall be securely fixed and shall be made of solid material (e.g. wood).
14. The applicant shall submit a restoration plan for those decommissioned cultivation areas for review and approval by planning department staff in consultation with the Bear River Band of the Rohnerville Rancheria to include, at a minimum, the removal of all cultivation materials, erosion control as applicable and replanting with native species, where appropriate.
 15. The applicant shall provide substantial evidence that they have completed all measures outlined in the restoration plan approved by Planning Division staff and the Bear River Band of the Rohnerville Rancheria.
 16. The applicant shall secure permits or agricultural exemptions for the hoop structures, the existing shop, the proposed shop, the yurts, the container, the cabin, and the proposed rainwater catchment pond. A copy of the receipt and finalized inspection record card(s) or equivalent shall satisfy this condition.
 17. The applicant shall provide substantial evidence that the proposed shop has been constructed to a commercial standard OR the applicant shall provide evidence that all processing occurs at a licensed third-party facility.
 18. The applicant shall provide substantial evidence that all corrective actions recommended in the Water Resource Protection Plan have been completed.
 19. The applicant shall provide the Planning Department of copy of the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed.
 20. The applicant shall provide a copy of the Notice of Applicability from the SWRCB.
 21. The applicant shall provide substantial evidence that the intersection of the driveway and Bell Springs Road has been improved by paving the driveway to a minimum of eighteen feet in width and fifty feet in length and bringing the intersection into conformity with the Sight Visibility Ordinance. A copy of the approved encroachment permit and photos of the improvements would satisfy this condition.
 22. The applicant shall provide substantial evidence that all gates and fences associated with the project occur outside of the County Right of Way.
 23. The applicant shall contact Alderpoint Volunteer Fire Company and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an

"ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.

24. The applicant shall provide substantial evidence that water meters have been installed to measure water usage for irrigation.
25. The applicant shall provide substantial evidence that all work recommended in the Cultural Resource Survey(s) Reports and Addenda have been completed as recommended.
26. The applicant shall provide substantial evidence that all work recommended in the January 8, 2020 response from the Bear River Band of the Rohnerville Rancheria (confidential) has been completed.

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, 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. The applicant shall follow all recommendations made in the Cultural Resource Survey Reports prepared for the site and all recommendations made by the Bear River Band of the Rohnerville Rancheria.
3. Monitoring of project implementation, to include the mitigation, capping and re-contouring of the impacted sites, by a professional archaeologist and/or tribal monitors shall occur during ground disturbing activities. The re-contouring and capping of the impacted archaeological sites shall be planned and coordinated with a county representative, a professional archaeologist, and tribal representative from Bear River Band of Rohnerville Rancheria in order to avoid further impacts during this phase of the project. There is always the possibility for buried archaeological deposits, if this or any other project conducted on these properties inadvertently discover cultural resources, all work should halt within 100 feet of the find and a qualified archaeologist and tribal representatives should be contacted immediately to evaluate the find.
4. The applicant shall retain snags within the Streamside Management Area unless felling is required by CAL-OSHA, or by the California Department of Forestry forest and fire protection regulations, or for public health and safety reasons, approved by the Planning and Building Director. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels.
5. The applicant shall retain live trees in the Streamside Management Area with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.
6. The applicant shall implement erosion control measures as needed in the Streamside Management Area consistent with Humboldt County Code §314-61.1.10.1.5.
7. The applicant shall implement measures consistent with the standard CDFW Bullfrog Management Plan.

8. When diverting from Rancheria Creek, the applicant shall not divert more than five gallons per minutes at any time, that the applicant shall pass 80% of the flow of the stream at all times, and that the applicant divert no more than 300 gallons per day during the low flow season from May 15 to November 15 of each year consistent with the 1600 agreement with CDFW (1600-2017-0288).
9. The applicant shall refrain from fish stocking in the pond unless and until they receive written permission from CDFW pursuant to Section 6400 of the Fish and Game Code.
10. A copy of the water meter records shall be kept on-site and made available to the Planning and Building Department as requested.
11. The access road shall be maintained to provide safe ingress and egress for the anticipated traffic and emergency response vehicles.
12. The noise produced by any generator, fan, dehumidifier, pump or any other noise producing element of the project shall not exceed 60 decibels at the property line.
13. The applicant shall contain the lights used in the ancillary nursery meeting the International Dark Sky Standard Lighting Zone 0.
14. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
15. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
16. The use of monofilament netting for all uses shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
17. A copy of the reporting form portion of the Monitoring and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
18. Logs of monthly water use shall be kept on site and made available during the annual inspection.
19. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
20. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort 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.

21. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
22. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
23. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to County Code Section 55.4.11(d).
24. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
25. 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).
26. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
27. Pay all applicable application and annual inspection fees.
28. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
29. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
30. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).

Performance Standards for Mixed-Light Cultivation

31. Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
32. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.

Performance Standards for Cultivation and Processing Operations

33. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall “provide a statement declaring the applicant is an ‘agricultural employer,’ as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.”
34. 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).
35. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
36. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - i. Emergency action response planning as necessary;
 - ii. Employee accident reporting and investigation policies;
 - iii. Fire prevention;
 - iv. Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - v. Materials handling policies;
 - vi. Job hazard analyses; and
 - vii. Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - i. Operation manager contacts;
 - ii. Emergency responder contacts;
 - iii. Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
37. All cultivators shall comply with the approved Processing Plan as to the following:
 - a. Processing Practices.
 - b. Location where processing will occur.

- c. Number of employees, if any.
 - d. Employee Safety Practices.
 - e. Toilet and handwashing facilities.
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - g. Drinking water for employees.
 - h. Plan to minimize impact from increased road use resulting from processing.
 - i. On-site housing, if any.
38. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO 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 and the permitted site have been found to comply with all conditions of approval.
39. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within 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 Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CMMLUO.
40. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #24 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.
41. 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.
42. Permittee further acknowledges and declares that:
- a. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
 - b. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medicinal and Adult-Use Cannabis Regulation and Safety Act.
43. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and

agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

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

44. 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 of 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. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #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 Conditions of Approval of the On-Going Requirements /Development Restrictions, above.
3. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey..."
4. Approval of this Lot Line Adjustment and Merger does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed.
5. The permit for Lot Line Adjustment shall expire and become null and void at the expiration of three (3) years after all appeal periods have lapsed (see "Effective Date"). This approval may be extended in accordance with the Humboldt County Code.
6. The Condition Use Permit shall expire and become null and void at the expiration of one year after all appeal periods have lapsed (see "Effective Date"). This approval may be extended in accordance with the Humboldt County Code.

7. To reduce costs the applicant is encouraged to bring in written evidence of compliance with items 4-8 listed as conditions of approval in this Exhibit that are administered by the Planning Division as a package at least four (4) weeks before the desired date for recordation. Please contact the Planning Division at (707) 445-7541 for copies of all required forms and written instructions.
8. There is always the possibility for buried archaeological deposits, if this or any other project conducted on these properties inadvertently discover cultural resources, all work should halt within 100 feet of the find and a qualified archaeologist and tribal representatives should be contacted immediately to evaluate the find.

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 Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

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

ATTACHMENT 2

Required Findings for Approval

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted 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, Special Permit, Lot Line Adjustment and Merger:

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

1. Findings for Voluntary Mergers:

Title III, Division 2, Section 327.5-18 of the Humboldt County Code (HCC) specifies the findings that must be made to approve the merger of contiguous parcels upon proper application by the legal owner(s) of such parcels. Basically, the advisory agency (i.e., the Planning Director) may approve the merger, if on the basis of the application, investigation, and submitted evidence, the following findings are made:

1. The parcel resulting from the merger meets applicable health, building and zoning requirements, and
2. Approving the merger would not create health or safety problems.

Findings for Voluntary Mergers: 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 Subdivision Regulations.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§327.5-18	Legal, Contiguous Parcels	Parcel 1 would consist of three legal parcels recorded in inst. 2017-005375. There is no evidence indicating there have been any subsequent acts to merge or divide these parcels since their legality was confirmed. Therefore, the subject parcels were lawfully created in their current configuration. These parcels are currently described as 223-012-010, 223-011-003, 216-164-011 (por.) and 216-134-013 (por.) The merger would result in one legal, continuous parcel.
§327.5-18	Parcels meet health, building, and zoning requirements.	The three parcels are zoned Agriculture Exclusive with combined building zone of 160 acres. The merger will not affect the ability of the parcel to be developed consistent with health, building and zoning requirements.
§327.5-18	Merged parcel will not create health or safety problems.	There is no evidence that the merger will create any health or safety problems. Any construction will be required to meet all prescribed development standards and all applicable requirements of the County Building Regulations. Merger is categorically exempt from State environmental review per Class 5, Section 15305(a). This merger enables an existing cannabis operation to come into compliance and is therefore consistent with the Mitigated Negative Declaration adopted for the Commercial Marijuana Land Use Ordinance.

2. Consistency with the Subdivision Map Act. The following table identifies the evidence which supports the finding that the parcels to be adjusted are found to be in compliance with the Subdivision Map Act which is required by Section 325.5-6(b) of the Humboldt County Code (See also Sections 4 and 5, General Plan Conformance per SB 497).

Parcel	APN	Creation Document	Legal Status
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1	223-012-010, 223-011-003, 216-134-011 (por.), 216- 082-010 (por.) and 216-134-013 (por.)	Parcel One, Parcel Two and Parcel Three of Inst. 2017-005375	Three separate legal parcels
2	216-082-002 and 216- 082-006	Inst. 2017-005372	One separate, legal parcel
3	216-081-010, 216-081-013 and 216- 135-015	Inst. 2019-008923 (J)	One separate, legal parcel
4	216-082-005, 216-135-015 (por.) and 216-134-013 (por.)	Inst. 2019-008924 (K)	One separate, legal parcel

Based upon requirements of the County Lot Line Adjustment Ordinance, and due to requirements in the Subdivision Map Act, a Notice of Lot Line Adjustment must be recorded for each resultant parcel.

3. 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 Humboldt County General Plan 2017 Open Space Plan, and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Agricultural Grazing (AG): This designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation, and other non-prime agricultural lands. Residential uses must support agricultural operation.</p> <p>Density range is 20 -160 acres/unit.</p>	<p>The project includes the continued operation of an existing commercial cannabis cultivation operation consisting of 22,000 square feet of existing outdoor cannabis cultivation and 4,000 square feet of ancillary nursery space. The project includes the use of one cabin and two yurts. All structures would support the agricultural operation.</p> <p>The project includes activity within the Streamside Management Area (SMA) consisting of the continued use of agricultural diversion infrastructure in an onsite spring.</p> <p>The project includes a Lot Line Adjustment (LLA) between six parcels resulting in four parcels of 399.6 acres, 358.1 acres, 220.2 acres and 198.3 acres. The purpose of the Merger and LLA is to consolidate parcels into more logical management units to be used for agricultural purposes including cannabis cultivation and cattle grazing.</p> <p>The project includes the Notice of Merger of three parcels resulting in one parcel of 399.6 acres.</p> <p>All proposed actions would occur on lands designated as Agricultural Grazing. All proposed actions serve the purpose of more logical management of agricultural operations on the parcels.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,CT-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G2 through C-G5).</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The parcel with proposed cannabis activities is accessed by Bell Springs Road which is county-maintained. Bell Springs Road is a category 4 road capable of providing safe and efficient access for the continued operation of the cultivation project. The project was referred to the County Public Works Department that recommended conditional approval. Conditions of approval include compliance with intersection visibility standards, improvement of the intersection of the driveway and Bell Springs Road and compliance with gate and fence setbacks from county right of way. Conditions of approval require the recommended improvements.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project includes the use of one cabin as a residence for a resident operator. The project site is not part of the Housing element Residential Land Inventory. The project would not preclude any future residential development on the parcel. The project would 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.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1,CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P8, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located within the Open Space Action Program because the parcels are planned Agricultural Grazing (AG) and are zoned Agriculture Exclusive (AE) with approximately six acres on Parcel 4 zoned Timber Production Zone (TPZ). The project can be found consistent with the Open Space Plan's Open Space Action Program because the proposed project is consistent with the permitted uses of the Land Use designations. The proposed cannabis cultivation, a permitted agricultural product, is within land planned for agricultural purposes, consistent with the type of use associated with Open Space lands for managed production of resources.</p>

<p>Conservation and Open Space Chapter 10 Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas (SMAs).</p>	<p>There are three intermittent streams on Parcel 1 for which the application for cannabis activities is considered in this report. None of the historic cultivation areas occurred within the SMAs of these streams. The proposed relocation site is outside of all SMAs as well.</p> <p>The applicant anticipates that the project would demand approximately 316,000 gallons of water annually. The water sources for the project are currently a permitted well and a spring diversion. The applicant seeks a Special permit for the continued use of the diversion infrastructure. Conditions of approval require that the applicant shall not divert more than five gallons per minutes at any time, that the applicant shall pass 80% of the flow of the stream at all times, and that the applicant divert no more than 300 gallons per day during the low flow season from May 15 to November 15 of each year. These conditions are consistent with the terms of the final Lake and Streambed Alteration Agreement with CDFW. The applicant possesses a Right to Divert and Use Water from the SWRCB. The applicant currently possesses 45,000 gallons in hard tank storage. The applicant proposes the construction of a 1,000,000-gallon pond in the direct vicinity of the cultivation area. Conditions of approval would require the implementation of a bullfrog management plan consistent with the recommendations of CDFW. The applicant prepared a WRPP pursuant to the NCRWQCB Order No. R1-2015-0023. Completion of the recommendations to address five existing features in need of improvement included in the report to bring the site into compliance with discharger requirements of the RWQCB and proof of successful enrollment in the SWRCB discharger program have been included as conditions of approval. Project design and conditions of approval protect aquatic habitat on the subject parcel.</p> <p>The primary power for the cultivation operation is currently supplied by two</p>
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		<p>solar panels and four generators. The applicant has applied for a PG&E power drop to be developed in the future. Ongoing conditions of project approval require that all project related noise sources produce no more than 60 dB at the property line. Project design and conditions of approval protect biological resources that are sensitive to noise.</p> <p>There is a documented Northern Spotted Owl (NSO) observation approximately 1.5 miles from the project site. The nearest activity center is approximately 3.5 miles from the project site. The project occurs in a large open field typical of the area near the intersection of Alderpoint Road and Bell Springs Road. This is not habitat for NSO and the project would not have a significant impact on that species.</p> <p>Ongoing conditions of approval require compliance with the International Dark Sky Association Standard Lighting Zone 0. Further, conditions of approval require that the applicant refrain from use of monofilament netting, that the applicant appropriately store and dispose of waste, and that the applicant leave any wildlife encountered on the site unharmed.</p> <p>One aspect of the project is the continued use of diversion infrastructure in Rancheria Creek. In accordance with the Streamside Management Area and Wetland Ordinance, ongoing conditions of approval require the applicant to retain snags within the Streamside Management Area unless felling is required by CAL-OSHA, or by the California Department of Forestry forest and fire protection regulations, or for public health and safety reasons, approved by the Planning and Building Director. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels. Conditions of approval require that the applicant retain live trees in the Streamside Management Area with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets. Ongoing conditions of approval require</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>the applicant to implement erosion control measures as needed in the Streamside Management Area consistent with Humboldt County Code §314-61.1.10.1.5.</p> <p>The Merger and Lot Line Adjustment allow for the relocation associated with the continued operation of a pre-existing cultivation site. It includes the construction of greenhouses and appurtenant structures such as the development of a rainwater catchment pond and the construction of yurts and the proposed shop for drying and processing. This development is for the continued operation of a pre-existing cultivation site. Any further development of the site and the potential biological impacts would be considered under a separate application.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>Archaeological Research and Supply Company prepared a Cultural Resource Survey report for the site, discovering cultural resources in proximity to several of the pre-2016 garden sites. The report was reviewed by county planning staff and by the Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria in whose traditional territory the parcel occurs. The cannabis cultivation project has been redesigned consistent with the findings and recommendations of the archaeologist and consistent with the recommendations of the tribe. The project will result in a benefit to the cultural resources by removing all cannabis activities and limiting the activity that can occur on the site.</p> <p>The Merger allows for the relocation of the cannabis cultivation and appurtenant uses away from cultural resources to an environmentally superior area on a flat adjacent to Bell Springs Road.</p> <p>Given that the purpose of the Lot Line Adjustment is for resource production</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>purposes and to allow for the relocation of cultivation away from cultural resources, the project can be viewed as having a beneficial effect of cultural resources. Conditions of approval require the completion of all recommended actions in the Cultural Resource Survey report and all recommendations made by the Bear River Band of the Rohnerville Rancheria in their responses on the project.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The applicant proposes the use of two 2,000-sf greenhouses and two 1,200-sf shop structures for ancillary nursery space, totaling 6,400 sf. Conditions of approval require that revised materials be submitted to include only the use of one 2,000-sf greenhouse structure and a 1,200-sf shop structure. No lights would be used in the hoops used for the cultivation activities. Conditions of approval require that all lighting associated with the project would be shielded from 30 minutes prior to sunset until 30 minutes after sunrise. This standard exceeds the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11 Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G10 and WR-G11); and</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P36, Erosion and Sediment Control Measures; WR-P40, Commercial and Industrial Activities; WR-P41, Oil/Water Separation; WR-P45, Reduce Toxic Runoff.</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 Green Road Consulting 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 WRPP makes recommendations for improvements to two roads, consolidation of the cultivation areas, improvements to two stock pond spillways. Remediation actions identified in the WRPP are included as conditions of approval.</p> <p>Conditions of approval for the activity within the SMA include retention of trees and erosion control measures.</p> <p>The LLA results in the creation of more logical management units and results in no risk of increased stormwater drainage. The merger allows for the relocation of cannabis to one flat, centralized location, farther from streams than any of the pre-2016 garden sites.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR-G10, and WR-G11)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The Division of Environmental Health (DEH) responded to Planning Division request for comment by confirming that the existing Onsite Wastewater Treatment System has a Tier 0 status. DEH recommends approval of the project.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The primary power for the cultivation operation is currently supplied by two solar panels and four generators. The applicant has applied for a PG&E power drop to the developed in the future. Ongoing conditions of project approval require that all project related noise sources produce no more than 60 dB at the property line. Project design and conditions of approval protect neighboring uses and biological resources that are sensitive to noise.</p> <p>There is a documented Northern Spotted Owl (NSO) observation approximately 1.5 miles from the project site. The nearest activity center is approximately 3.5 miles from the project site. The project occurs in a large open field typical of the area near the intersection of Alderpoint Road and Bell Springs Road. This is not habitat for NSO and the project would not have a significant impact on that species.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P6. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is it at risk liquefaction. The nearest mapped fault line occurs approximately 3.5 miles to the south-west of the project site. There are areas of historic landslides located on the parcel. The nearest is approximately 130 feet to the south of the site. The proposed garden site occurs on slopes of less than 15% and poses no significant risk of landslide.</p> <p>Structures involved in the cannabis operation require after-the-fact permitting. The proposed rainwater catchment pond would require permitting through the Building Division. Building Inspection Division permitting ensures that no structure or grading would occur in a high-risk area.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject parcel is outside of any mapped flood hazard areas. Due to the site's location along a ridge at an elevation of approximately 2,800 feet above mean sea level and its inland location, the project site is not subject to inundation from an upstream dam failure or tsunami.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14 Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL-FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>The subject parcel lies within the response area of Alderpoint Volunteer Fire Company.</p> <p>The subject property contains a 60,000-gallon stock pond, an 80,000-gallon stock pond, and this project proposes the construction of an approximately 1,000,000-gallon rainwater catchment pond which would provide fire protection in addition to cultivation needs.</p>
<p>Community Infrastructure and Services Element, Chapter 5 Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>To implement this policy, conditions of approval for the proposed project required the applicant to contact Alderpoint Volunteer Fire Company and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>This Chapter relates to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	Applications for any additional grading and or building permits shall be referred to the North Coast Unified Air Quality Management District (NCUAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCUAQMD fugitive dust emission standards.

4. Zoning Compliance and 4. 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
§314-7.1 Agriculture Exclusive (AE) §314-17 "B" Combining Zone for Special Building Site B- 5(160)	<p>AE: All general agricultural uses are principally allowed uses. Single family residential uses are compatible principal uses.</p> <p>To be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified. B-160 are specified on the zoning maps designating any such zone.</p>	<p>The applicant is seeking a Conditional Use Permit for an existing cannabis cultivation operation consisting of 22,000 sf of outdoor cultivation on property proposed to be approximately 400 acres in size and zoned AE-B-5(160). The proposed use is specifically allowed with a Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.</p> <p>A Special Permit for agricultural diversion from Rancheria Creek is consistent with allowable uses in the AE zone.</p> <p>The purpose of the Merger and LLA is to create more logical management units and to allow for the onsite relocation of cannabis away from sensitive receptors to an environmental superior location.</p>
Minimum Lot Area:	20 acres	Parcel 1: ~400 acres Parcel 2: ~385 acres

Zoning Section	Summary of Applicable Requirement	Evidence
		Parcel 3: ~220 acres Parcel 4: ~198 acres (16 acre LLA to Cushman property in progress)
Minimum Lot Width:	100 feet	Parcel 1: Over 1,000 feet Parcel 2: Over 1,000 feet Parcel 3: Over 1,000 feet Parcel 4: Over 1,000 feet
Max. Lot Coverage:	35%	Parcel 1: ~ 0.2% Parcel 2: ~0.1% Parcel 3: ~0.3% Parcel 4: undeveloped
Min. Yard Setbacks (through the SRA requirements):	Front: 30 feet Rear: 20 feet Side: 20 feet SRA: 30 feet, all sides	All setbacks are from the proposed lot lines after the merger and Lot Line Adjustment. Parcel 1: Front: 75 feet Rear: 160 feet Side: 350 feet Parcel 2: Front: 300 feet Rear: 700 feet Side: 300 feet Parcel 3: Front: 850 feet Rear: 1,100 Side: 250 Parcel 4: Undeveloped

Zoning Section	Summary of Applicable Requirement	Evidence
<p>§314-61.1 Streamside Management Area and Wetland Ordinance (SMAWO)</p>	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p>	<p>There are three intermittent streams on Parcel 1 for which the application for cannabis activities is considered in this report. None of the historic cultivation areas occurred within the SMAs of these streams. The proposed relocation site is outside of all SMAs as well.</p> <p>One aspect of the project is the continued use of diversion infrastructure in Rancheria Creek. In accordance with the Streamside Management Area and Wetland Ordinance, ongoing conditions of approval require the applicant to retain snags within the Streamside Management Area unless felling is required by CAL-OSHA, or by the California Department of Forestry forest and fire protection regulations, or for public health and safety reasons, approved by the Planning and Building Director. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels. Conditions of approval require that the applicant retain live trees in the Streamside Management Area with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets. Ongoing conditions of approval require the applicant to implement erosion control measures as needed in the Streamside Management Area consistent with Humboldt County Code §314-61.1.10.1.5.</p>
<p>§314-109.1 Off-Street Parking</p>	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>9 spaces</p>
<p>314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</p>		

Zoning Section	Summary of Applicable Requirement	Evidence
§314-55.4.8.2	Commercial cannabis cultivation is allowed on parcels zoned AE. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area.	Approximately 23,000 sf of outdoor cultivation area existed on the parcel prior to 2016. The parcel is a patchwork of fields and forested areas. No timberland conversion has occurred on the parcel.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning districts AE (no parcel size limitations), RA (on parcels five acres or larger), and TC and TPZ (on parcels one acre or larger), but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed light cultivation. No expansion of the existing cultivation area shall be permitted.	A review of TerraServer aerial imagery from November 4, 2015 confirms prior outdoor cannabis cultivation on the parcel of approximately 23,000 sf of outdoor cultivation on the parcel.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	This permit application is one of three applications under considered for the operators.
§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 applicant proposes that processing occur in the shop building onsite. Conditions of approval would require that the applicant improve the structure to meet a commercial standard including ADA compliance.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.

Zoning Section	Summary of Applicable Requirement	Evidence
§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.

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>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.</p>	<p>The applicant anticipates that the project would demand approximately 316,000 gallons of water annually. The water sources for the project are currently a permitted well and a spring diversion. The applicant seeks a Special permit for the continued use of the diversion infrastructure. Conditions of approval require that the applicant shall not divert more than five gallons per minutes at any time, that the applicant shall pass 80% of the flow of the stream at all times, and that the applicant divert no more than 300 gallons per day during the low flow season from May 15 to November 15 of each year. These conditions are consistent with the terms of the final Lake and Streambed Alteration Agreement with CDFW. The applicant possesses a Right to Divert and Use Water from the SWRCB. The applicant currently possesses 45,000 gallons in hard tank storage. The applicant proposes the construction of a 1,000,000-gallon pond in the direct vicinity of the cultivation area. Conditions of approval would require the implementation of a bullfrog management plan consistent with the recommendations of CDFW.</p> <p>One aspect of the project is the continued use of diversion infrastructure in Rancheria Creek. In accordance with the Streamside Management Area and Wetland Ordinance, ongoing conditions of approval require the applicant to retain snags within the Streamside Management Area unless felling is required by CAL-OSHA, or by the California Department of Forestry forest and fire protection regulations, or for public health and safety reasons, approved by the Planning and Building Director. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels. Conditions of approval require that the applicant retain live trees in the Streamside Management Area with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or</p>
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Zoning Section	Summary of Applicable Requirement	Evidence
		egrets. Ongoing conditions of approval require the applicant to implement erosion control measures as needed in the Streamside Management Area consistent with Humboldt County Code §314-61.1.10.1.5.
§314-55.4.11.d Performance Standards- Setbacks	The area of cannabis cultivation and on-site processing shall be setback 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 (TCRs).	There are no schools, bus stops, public parks, or churches or other places of religious worship within 600 feet of the cultivation site. Archaeological Research and Supply Company prepared a Cultural Resource Survey report for the site, discovering cultural resources in proximity to several of the pre-2016 garden sites. The report was reviewed by county planning staff and by the Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria in whose traditional territory the parcel occurs. The cannabis cultivation project has been redesigned consistent with the findings and recommendations of the archaeologist and consistent with the recommendations of the tribe. The project will result in a benefit to the cultural resources by removing all cannabis activities and limiting the activity that can occur on the site. All proposed cannabis activities meet the required setbacks.

Zoning Section	Summary of Applicable Requirement	Evidence
§314-55.4.11.o Performance Standards- Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, 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, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.	The primary power for the cultivation operation is currently supplied by two solar panels and four generators. The applicant has applied for a PG&E power drop to the developed in the future. Ongoing conditions of project approval require that all project related noise sources produce no more than 60 dB at the property line. Project design and conditions of approval protect neighboring uses and biological resources that are sensitive to noise. There is a documented Northern Spotted Owl (NSO) observation approximately 1.5 miles from the project site. The nearest activity center is approximately 3.5 miles from the project site. The project occurs in a large open field typical of the area near the intersection of Alderpoint Road and Bell Springs Road. This is not habitat for NSO and the project would not have a significant impact on that species.
§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 filed the application for the Conditional Use Permit and Special Permit on December 22, 2016.

5. Williamson Act Compliance and County Williamson Act Guidelines. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable state and county Williamson Act requirements.

Code Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
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County Williamson Act Guidelines Section 1.F.2	Lot line adjustments, trades, and purchases between one agricultural preserve and another are allowed subject to modification of contracts, provided that resulting parcels meet minimum size requirements and the adjustment, trade, or purchase complies with all applicable provisions of the Williamson Act (Government Code Section 51200 et seq.). Lot line adjustments, as permitted by Section 66412(d) of the Government Code, shall be subject to the provisions of Government Code Section 51257, including the specific findings for lands under contract within an agricultural preserve.	This provision of the county's Williamson Act Guidelines is intended to apply to adjustments between the exterior boundaries of Williamson Act contracted lands. Section 51257 of the California Government Code contains specific findings that apply to lot line adjustments that alter the boundaries of lands under contract. The proposed lot line adjustment is between lands that are all under two Williamson Act land conservation contracts, and the exterior boundaries of the contracts will not be altered due to the proposal. Accordingly, these sections are not applicable to the proposed lot line adjustment. Nonetheless, the proposed adjustment complies with all of the applicable provisions of the Williamson Act in that the adjustment creates more usable agricultural management units and does not significantly reduce the amount of land available for grazing.
County Williamson Act Guidelines Section 1.B.1	<u>Class B Minimum Preserve Area.</u> The preserve area shall contain not less than 600 acres of land, and no individual lot or parcel of land shall be less than 160 contiguous acres.	The preserve area is over 10,000 acres and is not proposed to be changed as a result of this adjustment. All of the proposed parcels are over 160 acres in size consisting of contiguous lands.

6. 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
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§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 would not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. 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.
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7. 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 Requirement	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.

8. Environmental Impact:

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, ancillary uses and for a Lot Line Adjustment. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

CEQA Addendum

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

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

APNs 216-081-010, 216-081-013, 216-082-002, 216-082-005, 216-082-006, 216-082-010, 216-134-011, 216-134-013, 216-135-015, 223-011-003 & 223-012-010, 1350 Bell Springs Rd, Harris, County of Humboldt

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

February 2020

Background

Modified Project Description and Project History - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting."

The modified project involves a Conditional Use Permit for an existing outdoor cultivation operation totaling 22,000 square feet (sf) in size. A Special Permit for the after-the-fact permitting of instream diversions for irrigation. The applicant proposes a Lot Line Adjustment and Merger between 6 legal parcels known as APNs 216-081-010, 216-081-013, 216-082-002, 216-082-005, 216-082-006, 216-082-010, 216-134-011, 216-134-013, 216-135-015, 223-011-003 & 223-012-010 to consolidate parcels into more logical management units following Bell Springs Road, and to facilitate onsite relocation across currently existing legal parcel boundaries. The result will be 4 parcels of approximately 400 acres, 385 acres, 220 acres, and 198 acres. There are five existing cultivation areas, which are proposed to be relocated to one outdoor garden to avoid impacts on historic resources, allow more efficient use of the land, reduce impacts to roads, increase water quality and simplify security. Water is provided from a permitted well and a spring diversion. The applicant will install a rainwater catchment pond in the future. The applicant uses solar power and several Honda generators for power, and they have applied for a PG&E power connection to be developed in the future. The project would require up to 9 trips per day during peak activities.

The parcel is a patchwork of grassy fields and forest lands, typical of south-eastern Humboldt County. The proposed cultivation area of the property occupies a ridgetop and is not proximate to any watercourses. The slope of the cultivation areas ranges from 0-15%. Relocation has occurred, consolidating pre-2016 cultivation areas that were close to sensitive receptors. The applicant has prepared a Water Resource Protection Plan pursuant to Northcoast Regional Water Quality Control Board Order No. R1-2015-0023 and must implement all corrective actions prescribed therein.

The Special Permit allows for the continued use of agricultural diversion infrastructure in Rancheria Creek. Ongoing conditions of approval require erosion control and the retention of trees within the Streamside Management Area. The LLA does not result in a change in land use or density and is intended to adjust the parcel lines to create more logical agricultural management units. The Merger allows for the onsite relocation to occur, avoiding impacts on sensitive receptors.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, relocation away from sites with cultural resources, limitations on the diversion of surface water consistent with a final LSAA, the construction of a rainwater catchment pond, the improvement of the processing facility to meet a commercial standard, and proper storage of fertilizers and soil amendments.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize an existing 22,000 sf outdoor cannabis cultivation commercial cannabis operation, to authorize development in the Streamside Management Area, to authorize a Lot Line Adjustment, to authorize the Merger of three parcels and to authorize minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Cultivation and Operations Manual prepared by the applicant, May 23, 2019.
- Streambed Alteration Agreement (1600-2017-0288-R1) prepared by CDFW, April 24, 2019.
- Water Resource Protection Plan prepared by Green Road Consulting, January 23, 2017.
- Right to Divert and Use Water prepared by the SWRCB – Division of Water Rights, June 21, 2018.
- Cultural Resource Investigation of the Harris Taliaferro Properties prepared by Archaeological Research and Supply Company, March 2018.
- Engineering-Geologic Prime Agricultural Soils Exploration Letter-Report prepared by Lindberg Geologic Consulting, February 14, 2018

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

Attachment 4 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 acknowledgment. (On-file)
3. A 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. The revised site plan shall show the proposed locations of the temporary hoophouse structures as well as the permanent nursery that is anticipated to be constructed in 2020. The revised site plan shall remove reference to any mixed light operations. (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. (Attached Separately 4.A)
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. (Attached Separately 4.B - Right to Divert and Use Water prepared by the SWRCB – Division of Water Rights, June 21, 2018)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached Separately 4.A – in operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached Separately 4.C - Water Resource Protection Plan prepared by Green Road Consulting, January 23, 2017; On-file enrollment documents)

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. (Attached Separately 4.D)
9. If the source of water is a well, a copy of the County well permit, if available. (Well log, attached separately 4.E)
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)
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)
15. Cultural Resource Investigation of the Harris Taliaferro Properties prepared by Archaeological Research and Supply Company, March 2018. (On file and confidential)
16. Engineering-Geologic Prime Agricultural Soils Exploration Letter-Report prepared by Lindberg Geologic Consulting, February 14, 2018. (Attached Separately 4.F)

17. Road Evaluation Report prepared by Spruce Grove Farms, LLC, May 17, 2018. (Attached Separately 4.G)
18. Preliminary Title Reports for 216-081-010, 216-081-013, 216-082-002, 216-082-005, 216-082-006, 216-082-010, 216-134-011, 216-134-013, 216-135-015, 223-011-003 & 223-012-010 prepared by Fidelity National Title Company, April 5, 2019. (On-file)

ATTACHMENT 5

Referral Agency Comments and Recommendations

The project was referred to the following referral agencies for review and comment. Recommendations received are summarized, and the locations of the recommendations are noted.

Referral Agency	Response PLN-12233-CUP	Response PLN-2019-15778	Recommendation	Location
Building Inspection Division	✓		Comments	Attached
Public Works Land Use Division	✓	✓	Conditional approval	Attached
Environmental Health Division	✓	✓	Conditional approval	Attached
CAL-FIRE	✓		Comments	Attached
California Department of Fish and Wildlife	✓		Comments	Attached
Northwest Information Center	✓	✓	Comments	On file with Planning
Bear River Band Rohnerville Rancheria	✓	✓	Conditional approval	On file with Planning
Regional Water Quality Control Board			No response	
CalTrans			No response	
District Attorney			No response	
County Counsel			No response	
NCUAQMD			No response	
Agricultural Commissioner			No response	
State Water Resource Control Board – Division of Water Rights			No response	
Sheriff			No response	
Alderpoint Volunteer Fire Company			No response	
Southern Humboldt Joint Unified School District			No response	
Intertribal Sinkyone Wilderness Council			No response	
Williamson Act Committee			No Response	
Assessor			No response	



HUMBOLDT COUNTY
 PLANNING AND BUILDING DEPARTMENT
 CURRENT PLANNING DIVISION
 3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



9/11/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, California Department of Transportation District #1, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Intertribal Sinkyone Wilderness Council, Sheriff's Department, Alderpoint Fire Protection District, Southern Humboldt Joint Unified School District

216-134-011

Applicant Name Spruce Grove Farms, LLC **Key Parcel Number** 216-134-011-000

Application (APPS#) 12233 **Assigned Planner () - Case Number(s)** CUP16-574

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than 9/26/2017

Planning Commission Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

Recommend Approval. The Department has no comment at this time.

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: See Referral comments

DATE: 10-23-17

PRINT NAME: P. H. B.



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H STREET EUREKA CA 95501
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Application No.: 44949
Parcel No.: 210-134-012-001
Case No.: COP-12-574

The following comments apply to the proposed project, (check all that apply).

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: _____

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: _____

Name: Patricia May

Date: 12-24-17

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects,(CUP, SP, ZCC) Case number.



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3599

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

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7368

AVIATION 839-5401

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 03-06-2018

RE:	Applicant Name	Spruce Grove Farms, LLC
	APN	216-134-011
	APPS#	12233 CUP16-574

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

surfacing of commercial driveways may include multiple parcels.

SITE PLAN DOES NOT SHOW ALL PARCELS LISTED IN PROJECT.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12233

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

Applies to 216-134-011, 216-081-010, & 216-082-010

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION:

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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


// END //



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

ON-LINE WEB: CO.HUMBOLDT.CA.US	ADMINISTRATION 445-7491 BUSINESS 445-7652 ENGINEERING 445-7377 FACILITY MANAGEMENT 445-7493	PUBLIC WORKS BUILDING SECOND & L ST., EUREKA FAX 445-7409	NATURAL RESOURCES 445-7741 NATURAL RESOURCES PLANNING 267-9540 PARKS 445-7651 ROADS 445-7421	CLARK COMPLEX HARRIS & H ST., EUREKA FAX 445-7388	LAND USE 445-7205
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LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Keenan Hilton, Planner, Planning & Building Department
 FROM: Kenneth M. Freed, Assistant Engineer 
 DATE: 12/16/2019

RE:	Applicant Name	SPRUCE GROVE FARMS LLC
	APN	216-134-011, 223-012-010, 223-011-003, 216-082-010, 216-081-010
	APPS#	PLN-12233 CUP

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Bellsprings Road fronting the subject parcels is a paved Category 4, County maintained road, with a painted centerline. All new approaches and surfacing of existing authorized approaches will require an encroachment permit prior to constructing, see Exhibit A.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS #

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
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This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //



**HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541**



DEH received
9-12-17

1718-0660

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, California Department of Transportation District #1, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Intertribal Sinkyone Wilderness Council, Sheriff's Department, Alderpoint Fire Protection District, Southern Humboldt Joint Unified School District, Williamson Act Committee

Applicant Name Spruce Grove Farms, LLC **Key Parcel Number** 216-134-011-000

Application (APPS#) 12233 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-574

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

Prior to renewal of permit the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite waste treatment system serving the onsite dwellings. DEH requires the operator to provide an approved means of sewage disposal for all structures serving as living space to cultivation/processing staff.

*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

DISTRIBUTED

3-28-17

2746



From: [Whittlesey, Joseph](#)
To: [Planning Clerk](#)
Subject: APPS 12233: DEH Conditions Met
Date: Monday, July 16, 2018 11:29:24 AM
Attachments: [image001.png](#)

Dear Planning,

The following message is regarding the current planning project:

APPS#: 12233

Owner: Shannon & Cassandra Taliaferro/Trent

Slate

APN: 216-134-011

Applicant: Spruce Grove Farms, LLC

Conditions required for DEH approval as detailed in the returned Planning referral (APPS 12233) have been satisfied. The condition of confirming the existing Onsite Wastewater Treatment System (OWTS) as having tier 0 status has been met by permitting the existing OWTS.

Sincerely,

Joey Whittlesey

EHS I - Land Use Program

[DHHS Public Health](#)

[Division of Environmental Health](#)

100 H Street, Suite 100

Eureka, CA 95501

(707) 268-2240





**COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245**

11/13/2019

Project Referred To The Following Agencies:

Cal Fish & Wildlife, **Environmental Health**, County Counsel, CalTrans Dist 1, RWQCB, NCUAQMD, District Attorney, AG Commissioner, Division of Water Resources, Intertribal Sinkyone Wilderness Council, Sheriff, FPD: Alderpoint, School District: Southern Humboldt JUSD, Williamson Act, CalFire, NWIC, Bear River Band, Building Inspections, PW Land Use, Assessor

Applicant Name Spruce Grove Farms, LLC **Key Parcel Number** 216-081-010-000

Application (APPS#) PLN-12233-CUP **Assigned Planner** Keenan Hilton 707-268-3722

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than: 11/28/2019

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

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

- Recommend Approval. The department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: 11/15/2019

PRINT NAME: Ben Dolf

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272

RECEIVED
SEP 21 2017
Humboldt County
Planning Division



Ref: 7100 Planning
Date: September 21, 2017

John Ford, Director
Humboldt County Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501

Attention: Cannabis Planner (CPOD)
Applicant: Spruce Grove Farms, LLC
APN: 216-134-011-000
Area: Alderpoint
Case Numbers: CUP16-574

Humboldt County Application #: 12233
Type of Application: Conditional Use Permit
Date Received: 9/13/2017
Due Date: 9/26/2017

Project Description: A Conditional Use Permit for an existing outdoor cultivation operation totaling 43,500 square feet (SF) in size. The Applicant is proposing to merge five (5) parcels (APN 216-134-011, 216-081-010, 223-011-003, 223-012-010, and 216-082-010) to create a parcel of 320 acres. There are five (5) existing cultivation areas, which are proposed to be relocated to one (1) 43,560 SF outdoor garden to allow more efficient use of the land, reduce impacts to roads, increase water quality and simplify security. Water is provided from an existing surface water diversion from a spring, in addition to two (2) spring fed ponds. The Applicants are planning on installing a rainwater catchment pond. Total water storage on-site is 177,500 gallons. Projected water use is estimated at 810,000 gallons. Harvested cannabis is dried, cured, and processed on-site by collective members. The Applicant uses solar for water pumps and a 2 KW Honda generator, stored in the Dry Storage building.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

CANNABIS PROJECTS

Local Responsibility Areas:

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CAL FIRE's minimum input.

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

General Recommendations:

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



From: [Lake, M. Isaac@CALFIRE](mailto:Lake.M.Isaac@CALFIRE)
To: [Planning Clerk; HUU.CEOA@CALFIRE](mailto:Planning.Clerk:HUU.CEOA@CALFIRE)
Subject: APN: 216-134-011-000 Spruce Grove Farms, LLC
Date: Saturday, October 07, 2017 5:00:12 PM

No additional comments from B-1211

M. Isaac Lake
Battalion Chief
CAL FIRE
HUMBOLDT-DEL NORTE UNIT
Battalion 1
Alderpoint~Garberville~Thorn
Cell (707) 499-2249
Office (707) 923-3446
Schedule Thrs, Fri, Sat
MLake@fire.ca.gov



Applicant: Spruce Grove Farms		Date: 6/6/2019	
APPS No.: 12233	APN: 216-134-011 + 4 more	DFW CEQA No.: 2017-0750	Case No.: CUP16-574
<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 43,560		

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- The Department has no comment at this time.
- Applicant needs to submit additional information. Please see the list of items below.
- Recommend Denial. See comments below.

Please provide the following information prior to Project Approval: *(All supplemental information requested shall be provided to the Department concurrently)*

- CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date.
- Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- In order to identify and prevent impacts to rare species and sensitive natural communities, a qualified biologist should develop a nine-quad search and conduct appropriate surveys in all areas that have the potential to be directly and indirectly impacted by the project. This includes but is not limited to ground disturbing activities (e.g. relocation of facilities, etc.). CDFW databases such as the California Natural Diversity Database (CNDDDB) can be accessed for minimum baseline information regarding biological resources within the 7.5-minute quadrangle and all adjoining quadrangles. Special attention should be focused on rare plants, Species of Special Concern, and State- and federally listed species. Once preliminary surveys are complete, additional focused surveys may be needed to assess potential Project effects on rare, declining, or listed species. A qualified biologist or botanist should conduct all biological/botanical surveys, and/or wetland delineations. A report of findings should be provided to the County and CDFW for Staff Review. After review of the report, CDFW will be able to provide site-specific recommendations to avoid, minimize, or mitigate project impacts. See:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>

2. BOTANICAL FIELD SURVEYS

Evaluate the need for botanical field surveys prior to the commencement of any activities that may modify vegetation, such as clearing, mowing, or ground-breaking activities. It is appropriate to conduct a botanical field survey when:

- Natural (or naturalized) vegetation occurs in an area that may be directly or indirectly affected by a project (project area), and it is unknown whether or not special status plants or sensitive natural communities occur in the project area;
- Special status plants or sensitive natural communities have historically been identified in a project area; or
- Special status plants or sensitive natural communities occur in areas with similar physical and biological properties as a project area.

Scoping is part of preparation for survey:

context. Consult the CNDDDB⁹ and BIOS¹⁰ for known occurrences of special status plants and sensitive natural communities in the project area prior to botanical field surveys. Generally, identify vegetation and habitat types potentially occurring in the project area based on biological and physical properties (e.g. soils) of the project area and surrounding ecoregion¹¹. Then, develop a list of special status plants and sensitive natural communities with the potential to occur within the vegetation and habitat types identified. The list of special status plants with the potential to occur in the project area can be created with the help of the CNDDDB QuickView Tool¹² which allows the user to generate lists of CNDDDB-tracked elements that occur within a particular U.S. Geological Survey 7.5' topographic quad, surrounding quads, and counties within California. Resulting lists should only be used as a tool to facilitate the use of reference sites, with the understanding that special status plants and sensitive natural communities in a project area may not be limited to those on the list. Botanical field surveys and subsequent reporting should be comprehensive and floristic in nature and not restricted to or focused only on a list. Include in the botanical survey report the list of potential special status plants and sensitive natural communities that was created, and the list of references used to compile the background botanical information for the project area.

- If the project is within two miles of a mapped polygon for a California Rare Plant Ranked Species, include protocol level surveys for that species by a qualified botanist. See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>
- If the project proposes to remove vegetation, include a description of the type of vegetation, amount (in square feet), and location.
- If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.

Please note the following information and/or requested conditions of Project approval:

- A Final Lake or Streambed Alteration (LSA) Agreement (1600-2017-0288-R1) has been issued to the applicant for only one of the five parcels listed in the Project Transmittal. The other four parcels are not covered in the LSA.
- All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation and cultivation within ancillary nurseries, shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-

Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

- ☒ The referral materials state that there is a plan to construct a rainwater catchment pond(s) onsite. CDFW requests:
 - That the pond be designed to hold no more than the necessary volume of water needed for the project, with consideration to evaporative loss and designed in such a way to accommodate annual pond dewatering. The volume of water contained within the pond should be based on the square footage and method of cultivation in use prior to January 1, 2016.
 - That the applicant install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends the spillway be designed and placed to allow for a minimum of two-feet of freeboard.
 - That the applicant install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed, and made of solid material (e.g. wood).
 - That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
 - That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 60 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Golden Eagle (*Aquila chrysaetos*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal

Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to david.manthorne@wildlife.ca.gov .

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501